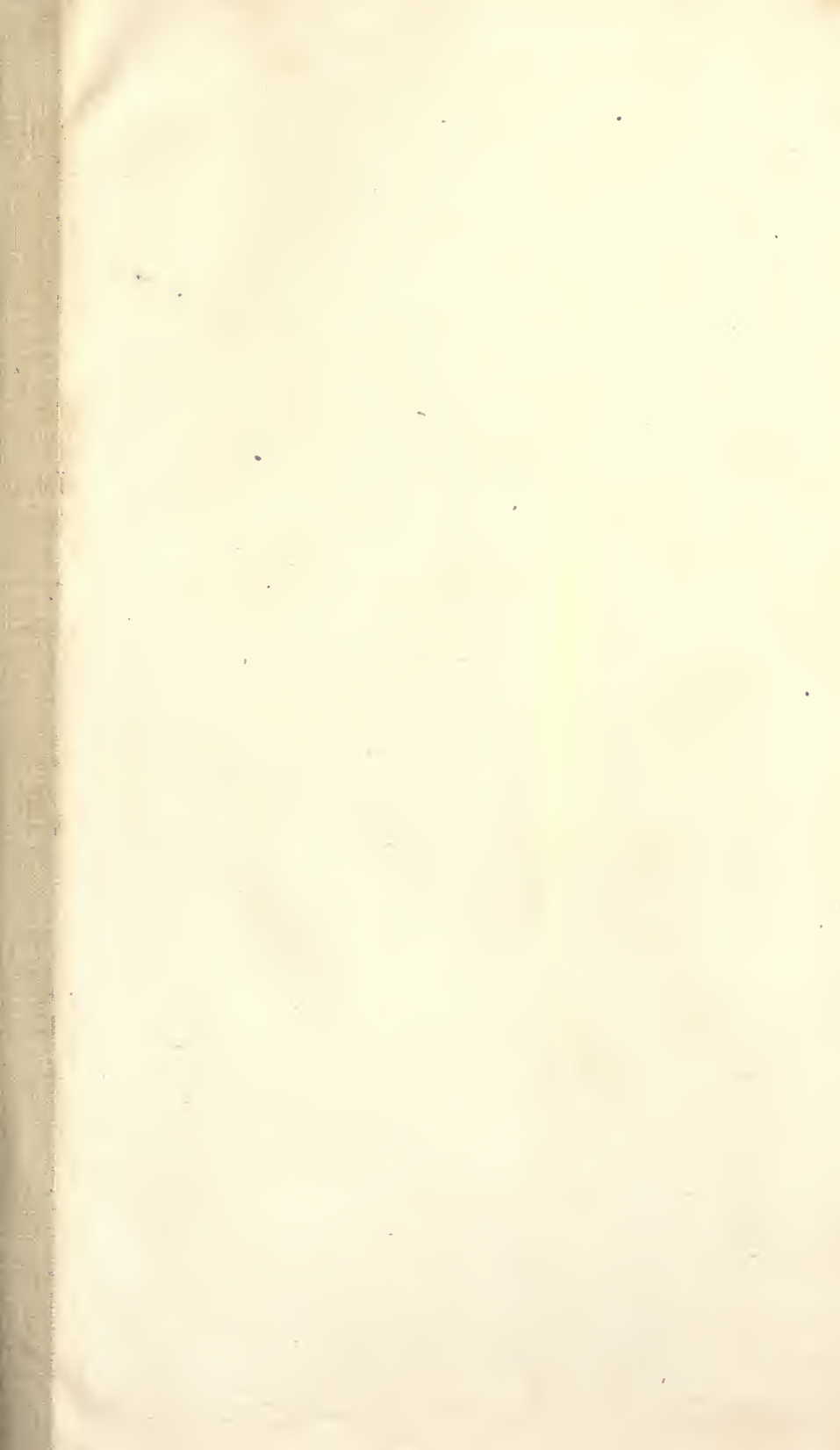




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REPORT

OF THE

*U.S. Commission to Investigate the Affairs  
of the Red Cloud Indian Agency*

SPECIAL COMMISSION

APPOINTED TO INVESTIGATE THE AFFAIRS

OF THE

RED CLOUD INDIAN AGENCY,

JULY, 1875;

TOGETHER WITH

THE TESTIMONY AND ACCOMPANYING DOCUMENTS.



WASHINGTON:  
GOVERNMENT PRINTING OFFICE.  
1875.





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## ORGANIZATION OF THE COMMISSION.

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### LETTERS OF APPOINTMENT AND INSTRUCTION.

*Secretary Delano to Hon. Clinton B. Fisk.*

DEPARTMENT OF THE INTERIOR,  
Washington, D. C., May 10, 1875.

SIR: I am desirous of appointing a commission from the members of your Board to investigate certain reports put in circulation by a Mr. Marsh relative to the Indian service at the Red Cloud agency, and I write to you to request that you will consult with your Board and name to me such members of it as may be designated to make the investigation.

It would be well to have the commission consist of three members. Should you be unable to designate them from your Board, will you do me the favor to recommend some other suitable persons as commissioners? I desire to have the commission named by yourself, or the Board of which you are president.

Very respectfully, your obedient servant,

C. DELANO,  
*Secretary.*

Hon. CLINTON B. FISK,  
*President Board Indian Commissioners, Saint Louis, Mo.*

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*Agent Saville to Commissioner Smith.*

WASHINGTON CITY, June 5, 1875.

SIR: My attention has been called to statements of Professor Marsh, regarding qualities of supplies furnished and management of affairs at Red Cloud agency, which reflect both on my ability as an agent and honor as a man, and also involve others, both in and out of the Department. I have awaited a time, thinking this to be one of the usual effervescences of the moment, but it is pushed with a persistence and malignance that calls for an official notice from me. I have not seen the statement of Professor Marsh as first published, but know of it only from extracts that I have in the papers and have derived from personal conversation with him.

In the month of November, 1874, Professor Marsh visited Red Cloud agency on a scientific mission; while there, it appears from his statement, he received from Red Cloud and Red Dog, two chiefs at the agency, certain samples of unmerchantable provisions, which the chiefs claimed were procured at the Indian lodges, and were fair samples of the provisions issued to the Indians at the agency, and desired him to deliver the same to the President on his return; that four months later he delivered the samples to the Board of Indian Commissioners at New York.

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I have the honor to inform the Commissioner that when I took charge of the agency there was some damaged flour on hand, and the Indians may have taken their sample from this; that the other supplies were pronounced of a better quality than were ordinarily furnished; that the flour issued at the time of the Professor's visit was of good quality; and it would have been only justice to the agent for the Professor to have compared his samples with the goods in the warehouse for issue, and either corroborate the statement of the Indians or vindicate the agent. This he had ample opportunity to do had he so desired, and at the time of his visit two other gentlemen went through the warehouse with Red Cloud and examined all the stores, which Red Cloud pronounced better than they had ever had before. I positively affirm that, with the exception of the damaged flour at the agency when I took charge, I have never received or issued any unmerchantable supplies. The flour furnished by the Department, though not as light as ordinary flour, is sweet, and no cause of complaint among the Indians. The inferior cattle shown to Professor Marsh and General Bradley were, two of them, rejected; the balance were left from the receipts of several hundred, and were run down from some cause, and left to recruit on the range.

I have the honor to request the Commissioner to investigate the charges of Professor Marsh against me, and will furnish any information in my power. I expect to be able to fully vindicate my official conduct and honor as a man, and, if successful, propose to retire from the service.

Very respectfully, your obedient servant,

J. J. SAVILLE,  
*United States Indian Agent.*

Hon. E. P. SMITH,  
*Commissioner of Indian Affairs.*

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*F. H. Smith to the Secretary of the Interior.*

BOARD OF INDIAN COMMISSIONERS,  
*Washington, D. C., June 22, 1875.*

SIR: I am in receipt of a telegram from Hon. Clinton B. Fisk, chairman of this Board, requesting a statement of the charges made against the administration of the Red Cloud agency by Professor Marsh.

If not already in writing, General Fisk desires me to request you to obtain specific written charges from Professor Marsh, to enable the commission to be appointed to enter upon an intelligent investigation of the same.

Your early attention is respectfully requested.

Very respectfully, your obedient servant,

F. H. SMITH,  
*Secretary.*

Hon. SECRETARY OF THE INTERIOR.

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*F. H. Smith to Secretary Delano.*

BOARD OF INDIAN COMMISSIONERS,  
*Washington, D. C., June 24, 1875.*

SIR: I am in receipt of a telegram and letter from Hon. U. B. Fisk, of the 23d instant, designating, in accordance with your request, as

members of a commission to investigate certain charges of a Mr. Marsh, relative to the character of supplies at the Red Cloud agency, Hon. A. H. Bullock, of Worcester, Mass.; Hon. Thos. C. Fletcher, Saint Louis, Mo.; and Hon. George W. Lane, of New York City, and to request their appointment by you as members of such commission.

I have also the honor, by request of General Fisk, to renew that application, that you cause formal written charges, covering the proposed matters of investigation, to be made.

Very respectfully, your obedient servant,

F. H. SMITH,  
*Secretary.*

Hon. C. DELANO,  
*Secretary of the Interior.*

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*Secretary Delano to Commissioner Smith.*

DEPARTMENT OF THE INTERIOR,  
*Washington, June 24, 1875.*

SIR: On the 10th ultimo, I addressed a letter to Hon. Clinton B. Fisk, chairman Board of Indian Commissioners, requesting that he would name the persons who should constitute a commission to investigate the administration of Indian affairs at the Red Cloud agency.

A copy of said letter is herewith inclosed.

I am advised by letter, of this date, from F. H. Smith, secretary of the Board of Indian Commissioners, (copy inclosed,) that the following-named persons have been designated by the chairman of the Board to make said investigation:

Hon. A. H. Bullock, Worcester, Mass.; Hon. Thos. C. Fletcher, Saint Louis, Mo.; and Hon. Geo. W. Lane, New York City; and they are hereby appointed special commissioners for the purpose named.

You are requested to prepare, and submit for approval, the instructions necessary for their guidance.

Their compensation will be eight dollars per day, each, in addition to their actual expenses.

Very respectfully, &c.,

C. DELANO,  
*Secretary.*

The COMMISSIONER OF INDIAN AFFAIRS.

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*Commissioner Smith to Hon. A. H. Bullock and other Commissioners.*

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
*Washington, D. C., July 1, 1875.*

GENTLEMEN: On the nomination of the chairman of the Board of Indian Commissioners, at the request of the Secretary of the Interior, you have been appointed by him a commission to investigate the affairs of the Red Cloud agency.

The occasion for such investigation has mainly originated in statements made by Mr. O. C. Marsh, professor in Sheffield Scientific School, Yale College, concerning matters which he observed while at the agency

during November last. As yet these statements have no definite form known to the Office, other than as they have appeared in the public press, and as made verbally by Mr. Marsh to myself.

In the latter part of March last Professor Marsh brought to me certain samples of tobacco, and flour, and sugar, which he said he did in accordance with a promise made to Red Cloud, in consideration of a promise by Red Cloud to procure an entrance for him into the Black Hills country for scientific purposes. He stated that, in a private interview with Red Cloud, that Indian chief complained very bitterly of his agent in many respects, and earnestly desired a change, and that he had given him these as samples of the supplies which he was receiving from Government. He also stated that the beef-cattle issued to the Indians were small in size, and otherwise of inferior character; and that there was much confusion in agency matters, especially in the issuing of a large amount of goods in a single day. Professor Marsh expressed his belief that there might have been an exchange of articles purchased for the Indians for others of inferior quality while en route between Cheyenne and the agency. He also stated that his views as to agency affairs were confirmed by conversations with other persons around the agency.

Professor Marsh stated that he had not taken any measures to satisfy himself that the samples given to him by Red Cloud were fair samples of the supplies which were, then being issued, and could not say, from his own observation, that they were fair samples; but that, on one occasion, when a sack of flour had fallen from an Indian woman's arms and broken open, he saw the color of the flour as it lay upon the ground, and thought it not much different from the sample furnished by Red Cloud, but, not being a judge of flour, he could not make the comparison with any degree of accuracy. The samples referred to Professor Marsh did not leave with me, and it is presumed that he has them still in his possession.

His other statements in regard to agency affairs are of a still more indefinite character.

In an interview subsequently held with the honorable Secretary of the Interior, Professor Marsh was invited by him to reduce his statements of frauds or irregularities in the Indian service to writing, in such form as would best aid in their investigation. To this request Professor Marsh has not yet responded, nor has he declined it. I have this day notified him of your appointment, and again requested him to furnish such statements or suggestions as may aid in finding the facts as to the administration of Red Cloud agency.

If, however, Professor Marsh should still decline to furnish such assistance, it is the desire of the honorable Secretary that you proceed in the investigation and avail yourselves of all the means that can be found, after arriving upon the ground, or before, to learn the state of affairs; and that you will, without fear or favor, investigate all matters pertaining to that agency so thoroughly as to satisfy yourselves beyond a doubt as to facts, upon which you will make a clear report relative to its past and present condition and management, with such recommendations as will enable the Department to take proper action in the premises.

You will undoubtedly meet with persons of strong partisan feelings enlisted both for and against the administration of the present agent; and as you proceed you will become fully aware of the misrepresentations which such partisanship naturally produces, and the extreme dif-

faculty of discovering the truth amid the conflicting statements and allegations.

While guarding against giving undue weight to accusations which originate in malice and suspicion only, you will not hesitate to probe all questions to the bottom, and bring to light any official neglect or fraudulent or unfair transactions of any kind or degree, by whomsoever committed. A copy of Agent Saville's letter requesting such investigation is herewith furnished for your information [page iii;] also a full report of the councils held with Red Cloud and a delegation of the chiefs and headmen of Red Cloud agency at the Department of the Interior, May 28 and June 5. [Appendix.]

At Cheyenne you will find C. H. Bostwick, the store-keeper of the Government warehouse; also Mr. Long, the inspector of the flour and the supplies which have been shipped from Cheyenne to Red Cloud agency during the year. You are also requested while in the Indian country to make such observations pertaining to Indian affairs generally at Red Cloud agency as will be of assistance to the administration of the Indian Bureau.

Of this commission the Hon. A. H. Bullock, of Worcester, Mass., is the chairman, from whom you will receive notice of the time of proceeding to Cheyenne. Your compensation, while actually engaged in this service, will be at the rate of \$8 per day, in addition to your necessary and actual traveling expenses. One of the inclosed requisitions for transportation will be honored by the ticket-agent of the Union Pacific Railroad at Omaha, and the other on your return at Cheyenne. The weekly stage at Laramie *en route* to Red Cloud, leaves Cheyenne on Monday, early in the day.

Your attention is called to the circular-letter of the honorable Second Comptroller of February 26, 1875, and to Department circular of July 1, 1874, for information as to requirements in settling your accounts for expenses.

Very respectfully, your obedient servant,

EDW. P. SMITH.

To the Hon. A. H. BULLOCK, Worcester, Mass.; GEO. W. LANE, New York City; THOMAS C. FLETCHER, Saint Louis, Mo.

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*Commissioner Smith to Professor Marsh.*

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, D. C., July 1, 1875.

SIR: At the request of the honorable Secretary of the Interior, the Board of Indian Commissioners have nominated as a committee to investigate affairs at Red Cloud agency Hon. A. H. Bullock, of Worcester, Mass., Hon. Thomas C. Fletcher, of Saint Louis, Mo., and Hon. G. W. Lane, of the Chamber of Commerce in New York City, and it is understood that these gentlemen have accepted the service to which they have been invited.

In preparing instructions for their guidance I have not been able to furnish them your complaints against the Red Cloud agency administration except in a general way as detailed to me by yourself at several interviews, but I have informed them of the request of the Secretary that you will reduce these complaints to a written statement, to be ac-

compnied with such proofs and suggestions as to reliable sources of evidence as will aid in securing a thorough investigation.

I have also informed them of the appointment and purpose of this commission and of my intention to renew the request, heretofore made by the honorable Secretary, that you will now furnish the said written statement making the charges as specific and furnishing evidence as much in detail as possible; or, if you are not prepared to do this, that you will, in any way most agreeable to yourself, make known in a definite form your impressions and views respecting Indian affairs as resulting from your personal observation while in the Indian country. I make this request of you in the belief that you can have no other desire in this matter than that the interests and rights both of the Indians and of the Government may be protected, and I desire to renew the assurance heretofore given you that it is the sincere wish and purpose of the Department to prevent frauds as far as possible and to omit no effort to discover them when perpetrated, and in all respects to bring the Indian service to the highest possible standard of humanity and strict integrity.

Very respectfully,

EDWD. P. SMITH,  
*Commissioner.*

Prof. O. C. MARSH,  
*Yale Scientific School, New Haven, Conn.*

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*Commissioner Smith to Hon. T. C. Fletcher.*

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
*Washington, D. C., July 14, 1875.*

DEAR SIR: Referring to my communication furnishing instructions to the commission appointed by the Hon. Secretary of the Interior to investigate affairs at Red Cloud agency, I have further to advise you that, owing to the declinature of Hon. A. H. Bullock, of Massachusetts, and George W. Lane, of New York, to serve upon this commission, Hon. B. W. Harris, of East Bridgewater, Mass., and C. J. Faulkner, of Martinsburgh, W. Va., have been appointed in their stead upon this commission, and you are named as the chairman by the Hon. Secretary of the Interior. I understand from General Fisk, chairman of the Board of Indian Commissioners, upon whose nomination this commission has been made up, that it is arranged for the preliminary meeting of the commission to be held at the Fifth Avenue Hotel, New York City, on the evening of the 19th instant, and it is to be hoped that the commission will start West immediately to enter upon the discharge of their duties. The other members of the commission have been notified today of their appointment and of this preliminary meeting to be held on the 19th instant.

Very respectfully, your obedient servant,

EDWD. P. SMITH,  
*Commissioner.*

Hon. T. C. FLETCHER,  
*Saint Louis, Mo.*

*Secretary Delano to Hon. T. C. Fletcher and other Commissioners.*

DEPARTMENT OF THE INTERIOR,  
Washington, D. C., July 20, 1875.

GENTLEMEN: I have just received a pamphlet indorsed "A statement of affairs at Red Cloud agency, made to the President of the United States by Prof. O. C. Marsh," on the outside of which is an indorsement in writing as follows: "To the Hon. Columbus Delano, *with kind regards of the author.*" I inclose this communication for your use and consideration during the discharge of your duties, with the following observations.

My attention having been directed to some newspaper articles reflecting upon the management of affairs at the Red Cloud agency, and basing such reflections upon reports from Professor Marsh, I addressed a communication to the Board of Indian Commissioners, copy of which is here inclosed, marked "A," [page iii.] on the 10th day of May last, requesting them to select suitable persons to investigate such charges and complaints.

As soon as I received information from the Board of Indian Commissioners that they had selected the persons to make such examination, I caused the persons so selected to be appointed, and directed the Commissioner of Indian Affairs to make out instructions for their guidance, and to inform Professor Marsh of their appointment, and request from him such information and facts within his knowledge as it might be desirable or necessary that the commission should possess, together with such detailed statements of complaints as he felt authorized to make against the agent at the Red Cloud agency, and such proofs as it might be in his power to furnish in support of such complaints. On the 1st day of July the Commissioner of Indian Affairs addressed Professor Marsh a letter, of which I inclose a copy, marked "B," [page vii.] Professor Marsh has made no communication to the Commissioner of Indian Affairs in reply to this letter. He has never made any communication to me, and I have never received anything from him to my knowledge, except the statement which I now inclose, and which I received this morning.

You will observe that there are two letters in the pamphlet, both addressed to the President of the United States, and both dated "Yale College, July 10, 1875." Both of these appeared in the columns of the New York Tribune, as I am informed, before they were received by the President.

The first time that I met Professor Marsh was during the council of the Sioux Indians in this city, in May last, and after much had been said in the public prints in reference to his complaints regarding the Red Cloud agency, when, being informed that he was in the room at one of these meetings, and being desirous to learn from him what he knew on the subject referred to, I made myself known to him and requested him to call upon me. Subsequently he came to my office, and during that interview I *earnestly requested him* to furnish me with such information as he had, and with all the proofs that he could refer to, against the agent at Red Cloud; which he declined to do. General Eaton, Commissioner of Education, was present during this interview, and I shall endeavor to obtain from him a letter referring to it. I have now stated, I think correctly, my entire intercourse with Professor Marsh, and have referred to all that has ever transpired between us, either orally or in writing.

I need not express to your commission my desire for a full and candid

examination and report in regard to affairs at Red Cloud agency; but as Professor Marsh has seen fit to make insinuations, if not charges, against me, and certainly against my sincerity in reference to my desire to have this investigation made, and as he has also seen fit to prefer charges against the Commissioner of Indian Affairs, may I not beg of your commission, while in the discharge of its other duties, a careful examination of these charges and insinuations, so far as they affect the Commissioner or myself, and may I express my desire that your report will be clear and explicit on these subjects, and such as the evidence and the facts, after full investigation, may require.

I have the honor to be, very respectfully, your obedient servant,

C. DELANO,

*Secretary.*

Hons. TH. C. FLETCHER,

BENJ. W. HARRIS, and

CHARLES J. FAULKNER,

*Commissioners to Examine Affairs at Red Cloud Agency.*

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*Secretary Delano to Hon. T. C. Fletcher and other Commissioners.*

DEPARTMENT OF THE INTERIOR,

*Washington, D C., July 28, 1875.*

GENTLEMEN: A communication which I had the honor to address to you on the 20th instant contains the following paragraph, wherein Professor Marsh is alluded to, viz: "Subsequently he came to my office, and during that interview I *earnestly requested him* to furnish me with such information as he had, and with all the proofs that he could refer to, against the agent at Red Cloud; which he declined to do. General Eaton, Commissioner of Education, was present during this interview, and I shall endeavor to obtain from him a letter referring to it."

I have this day received a letter, dated the 22d instant, from General Eaton, in response to a letter of inquiry addressed to him on the 19th instant in relation to the subject, which is herewith communicated for your information. It is as follows, viz:

DEPARTMENT OF THE INTERIOR,

BUREAU OF EDUCATION,

*Washington, D. C., July 22, 1875.*

DEAR SIR: Yours of the 19th instart is received. I have only seen the telegraphic report of Professor Marsh's charges, and was very much surprised at them, especially in view of what I witnessed during the conversation which occurred in my presence in your room as I happened there on business. You called his attention to the fact that he did not give you his statement when he first saw the Commissioner and the President; and that he had been in town again so long at the time of this talk and passed you by without giving them to you, or putting them before you in form for investigation. He replied that he only intended to keep his promise to Red Cloud; that he was not familiar with the forms of Government business, and that if he had committed an error in this respect he begged your pardon. In reply to your reminder that he had not furnished them to you during the days he had been in town immediately preceding this interview, he stated that he had been overpressed with scientific work. You assured him that, so far as you were personally concerned, you only wished to be treated as he would wish to be himself under similar circumstances, and earnestly desired him to make full and explicit statements of his charges to you and to cite all the proofs of which he was informed, that they might be laid before the commission to investigate the Red Cloud agency. He said he had not put them in shape, but would do it, and should want full opportunity to present them before the commission and to be present as the testimony was taken. He referred to some of the particulars connected with his observations, and said that the evidence was abundant to substantiate all that he had said. You still urged that he should furnish his statements to you in form for use before the commission of inves-



tigation. He hesitated, and you assured him that every opportunity should be afforded him to testify, or to call witnesses or examine them ; that you wanted to know the truth, and that only as you knew the truth could you administer the difficult service justly and honestly as you desired ; that you was the one specially charged with this responsibility ; and that if information went everywhere else, and not to you, you could not discharge your duty as you sought to do. To enforce your idea, I recollect that you supposed a case of irregularity in college, and called his attention to the fact that the information upon which correction should be based must be made known to the responsible officer or head ; so in Indian affairs, information of irregularities should be brought to you.

You stated to him emphatically that no one could be more interested than you were in enforcing honesty and justice in the Indian service, and urged him to assist you, and see if this was not done. He in no way intimated, as he now does in these charges, that you were disinclined to punish frauds when they became known to you.

Very respectfully, your obedient servant,

JOHN EATON.

Hon. C. DELANO,  
*Secretary of Interior, Washington, D. C.*

I have the honor to be, very respectfully, your obedient servant,  
C. DELANO,  
*Secretary.*

Hons. T. C. FLETCHER,  
BENJ. W. HARRIS, and  
CHAS. J. FAULKNER,  
*Commissioners to Examine Indian Affairs at the Red Cloud Agency.*

Be pleased to acknowledge the receipt of this communication by telegraph and by mail.

C. D.

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*Secretary Delano to Senator Howe and Professor Atherton.*

DEPARTMENT OF THE INTERIOR,  
*Washington, D. C., July 30, 1875.*

GENTLEMEN: I am directed by the President to inform you that in consequence of various reports, indefinite in their character, of irregularity in the administration of Indian affairs at the Red Cloud agency, published in the public prints on information furnished by Prof. O. C. Marsh, the Secretary of the Interior, by letter, dated the 10th May last, addressed to the Hon. Clinton B. Fisk, chairman of the Board of Indian Commissioners, requested that Board to designate suitable persons as commissioners to investigate the reports referred to. A copy of said letter is herewith, marked "A," [page iii.]

On the 24th June, ultimo, the Board, through its secretary, in a letter addressed to this Department, communicated the names of the persons designated as commissioners to make the investigation, and requested that the Department cause formal written charges embracing proposed matters to be investigated. Copy of letter herewith, marked "B," [page iv.]

On the same day, 24th June, a copy of the letter of the Board of that date was transmitted to the Commissioner of Indian Affairs, with directions to prepare the necessary instructions for the guidance of the commissioners. Copy herewith, marked "C," [page v.]

On the 1st instant, the Commissioner of Indian Affairs submitted letters of instructions for the guidance of the commission, which were, on the same day, approved and returned to that officer. Copy of letter and instructions herewith, marked "D," [page v.]

As the Department had not received any definite information as to the nature of the complaints referred to, the Commissioner of Indian Affairs was instructed to request Professor Marsh to state, in writing,

any charges that the evidence in his possession might justify, with a view to their thorough investigation.

A copy of the letter of the Commissioner of Indian Affairs to Professor Marsh, asking for a written statement, making specific charges and furnishing evidence in detail, is herewith enclosed, dated July 1, and marked "E," [page vii.]

Never having seen Professor Marsh, and learning that he was in the city, in May last, and was frequently present at councils held with the Sioux Indians, I took occasion, upon his being pointed out to me, to introduce myself to him and to request that he would call upon me at my office. A few days later he called on me and I earnestly requested that he would submit his charges to me in writing. He positively declined to comply with my request. General John Eaton, Commissioner of Education, was present at this interview, and his recollections of the conversation with Professor Marsh are contained in a letter, copy herewith, dated the 22d July, marked "F," [page x.]

After the instructions, prepared for the commissioners to investigate affairs at the Red Cloud agency, had been forwarded to them, I received from the President a letter covering a pamphlet embodying two letters from Professor Marsh to him, which contain the only charges known to have been made against the agency by that gentleman. The contents of the pamphlet appeared first in the columns of the New York Tribune; then were presented to the President by Professor Marsh. All this occurred after the appointment of the commissioners and the giving of their instructions. A copy of the pamphlet is herewith, marked "G," [page 1.]

As in the pamphlet insinuations are made against the sincerity of the Secretary of the Interior in regard to the investigation, and direct charges against the Commissioner of Indian Affairs, the President determined to increase, by his own appointment, the number of members of the commission, and you have been selected accordingly. His reason for doing this is, that it may not be justly said that the Secretary of the Interior appointed a commission to investigate himself and the Commissioner of Indian Affairs. It must, therefore, be distinctly understood that your appointment is not on account of any want of confidence in your colleagues of the commission.

With this letter of explanation, which you are at liberty to present to your colleagues, you are requested to join and act with them under the instructions they have received, a copy of which is herewith enclosed, as before stated.

Very respectfully, your obedient servant,

C. DELANO,  
*Secretary.*

Hon. TIMOTHY O. HOWE,  
Professor G. W. ATHERTON,  
*Commissioners.*

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*Secretary Delano to Hon. T. C. Fletcher.*

DEPARTMENT OF THE INTERIOR,  
*August 2, 1875.*

SIR: Following closely after the publication of the Marsh charges in the New York papers, appeared the report of Samuel Walker, in regard

to affairs at the Red Cloud and Spotted Tail agencies, dated December 6, 1873, and in the same connection it is charged that inasmuch as the statements in the Walker report never received the attention of the Interior Department, therefore the Secretary of the Interior was not desirous of correcting the evils complained of by Mr. Walker.

Inasmuch as the Walker report contained very grave charges against the agents at the Red Cloud and Spotted Tail agencies, the allegation that those charges were disregarded or ignored by this Department is a very serious one, and the following statement of the action of the Department, in regard to said report, is respectfully submitted for your information.

On the 4th of February, 1874, I learned, for the first time, through an outside or unofficial source, that Mr. Samuel Walker, a clerk in the office of the Board of Indian Commissioners, had made a report to the board of an investigation made by him into affairs at the Red Cloud and Spotted Tail agencies. On receipt of this information I at once wrote the chairman of the board, (Mr. Brunot,) informing him of the fact that it had been communicated to me through an unofficial channel that Samuel Walker had made such a report, and requesting him to inform me whether my information was correct, and by what authority Walker had been sent out, and also requesting to be furnished with a copy of the report, if one had been made. A copy of my letter is transmitted herewith, marked A, [page 799.]

February 6, 1874, a reply was received from Mr. Brunot, apologizing for the omission to send the report, and stating that it was his neglect, but that he had now directed that a copy of the Walker report be sent to the Department. Copy of Mr. Brunot's letter is sent herewith, marked B, [page 800.]

February 11, 1874, a copy of Walker's report was received at the Department from the secretary of the board, Mr. Cree. A copy of Mr. Cree's letter is herewith, marked C, [p. 800,] and a copy of Walker's report is also submitted, marked D, [page 801.]

It will be observed that Mr. Walker was appointed to make the investigation at the Red Cloud and Spotted Tail agencies October 28, 1873; that his report to the board is dated December 6, 1873, and that the Department was without any information in regard to the appointment, the investigation, and the report until the 4th of February, 1874, two months after the report was made, and more than three months after Walker was appointed to make the investigation, and a copy of the report was not furnished until a week latter; and furthermore, that the information, even at that late day, was not voluntarily furnished by the board, but elicited only after a request had been made for it.

Owing to the extraordinary nature of the proceedings detailed above and the character of the statements contained in the report, immediate steps were taken to cause a thorough and complete investigation of the matters complained of in the Walker report. For this purpose, on the 23d of February, 1874, I appointed a commission, consisting of Bishop Hare, Rev. S. D. Hinman, of the Protestant Episcopal Church, F. H. Smith, and Inspector Bevier, with instructions to make a thorough investigation of affairs at the Red Cloud and Spotted Tail agencies, and especially of those matters complained of in Walker's report. The selection of Messrs. Hare and Hinman was made because of the fact that the agents in charge of the two agencies were appointed on the recommendation of the missionary authorities of that church and they were in a measure responsible for their good conduct. Copy of the instructions to the commissioners is herewith, marked E.

Said commission made a full report, April 22, 1874, which was published in the official reports for that year, and a copy is submitted herewith, marked F, [page 807.]

That investigation was evidently made in a thorough and impartial manner. The report is full and frank in all its conclusions, and was regarded by the Department as conclusive of the matters complained of. That any of the charges in the Walker report were ignored or sought to be covered up by the Indian Office is clearly shown to be an error by the foregoing statement.

Your attention is respectfully invited to the report of the commission of Bishop Hare, especially to the reference therein made to Mr. Walker's method of investigation, to the character of his principal witness, and the disproof of his most serious charges.

I will thank you to acknowledge the receipt of this communication by telegraph.

Very respectfully, your obedient servant,

C. DELANO, *Secretary.*

Hon. T. C. FLETCHER,

*Chairman Red Cloud Commission, Red Cloud Agency.*

## THE REPORT.

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To the HON. CLINTON B. FISK,  
*President of the Board of Indian Commissioners :*

The commission appointed to investigate the charges made by Professor O. C. Marsh, in his letter to the President of the United States of July the 10th, 1875, touching the administration of affairs at the Red Cloud agency, and also to report such observations pertaining to Indian affairs as might suggest themselves in the progress of that investigation, submit the following report :

Professor O. C. Marsh, of Yale College, a gentleman of high reputation in the scientific world, while upon a geological expedition to explore the Bad Lands south of the Black Hills, in November, 1874, was detained by Indian opposition several days at the Red Cloud agency. While he was there an issue of cattle and annuity-goods came incidentally under his notice, and some samples of very inferior flour, coffee, sugar, and tobacco were placed in his hands by the chief of the Ogallalla band of Sioux Indians, with the request that he would lay these samples before the President of the United States, from which he could see how imperfectly the benign purposes of the Government were carried out in the quality of the goods and provisions issued to that agency. That gentleman, at all times alive to whatever might affect the interests and good faith of the Government, having some leisure at command to look into the administration of affairs at that point, and, besides, having a strong motive to conciliate the good-will of the Indian chiefs in furtherance of his scientific expedition by exhibiting a just sympathy in their complaints, promised to make a due presentation in person of their grievances to the President. This he did in a personal interview, and more fully in his letter of the 10th of July. In this communication to the President he gives expression to some unfavorable impressions which he had derived from his interview with the Secretary of the Interior and Commissioner of Indian Affairs, in connection with the alleged abuses at the Red Cloud agency.

A letter of this character from so eminent and public-spirited a citizen as Professor Marsh—a gentleman in no wise connected with the active politics of the day—very naturally awakened the interest and attracted the attention of the country. His letter was widely circulated and its statements largely discussed in our leading public journals; and although the complaints against that particular agency had been the subject of formal inquiry by a most respectable commission within the preceding year, and many of the points here involved had been the subject of congressional inquiry at its last session, yet a decent respect for public opinion demanded that a further examination should be made into the specific charges of abuse so vigorously presented by Professor Marsh. As these charges might in the investigation involve the integrity or official diligence of the Secretary of the Interior and the Commissioner of Indian Affairs, it would have been manifestly improper for them, or either of them, to have nominated or selected the persons who were to compose that commission of investigation. The Secretary of the Interior accord-

ingly, in a letter of the 10th of May, 1875, addressed to the Board of Indian Commissioners, delegated to that body the exclusive selection of three persons to form the commission. This duty was accepted by that Board, and Thomas C. Fletcher, of Missouri, Benjamin W. Harris, of Massachusetts, and Charles J. Faulkner, of West Virginia, were nominated and selected to perform that duty. At a subsequent period, and when this board was in the performance of its duties, the President added the names of Timothy O. Howe, of Wisconsin, and George W. Atherton, of New Jersey, to this commission.

The Board of Indian Commissioners, to whose nomination a majority of this commission trace their connection with the present inquiry, was a body created by an act of Congress, passed in 1869. It cannot exceed ten in number. Its members serve without pay. In its selection the wishes of the various religious denominations of the country have been largely deferred to. It has been ordinarily composed of leading merchants and manufacturers of the eastern and western cities, with a fair representation of the agricultural interest. It has usually embraced a body of men who, from their eminent success in trade, are presumed to be above the temptations of bribery, and from their well-established reputations for patriotism, public spirit, and philanthropy are supposed to have an interest in the purity of the Government, and in the welfare and civilization of the Indian race upon this continent.

The existence of this very unusual and anomalous feature in our administrative system is to be traced to a belief that then pervaded the public mind that the administration of our Indian affairs had become so corrupt in all its ramifications that it could no longer be trusted without some effectual check upon its acts. It was believed that the disease had become so deep-seated, the poison of corruption so extensively diffused through its system, the "Indian Ring" so powerful in its combinations, that no mere change in the *personnel* of that Department could accomplish the needful reform. This Board was therefore created as a check upon the administration of the Indian Department. All contracts for supplies have to be submitted for its approval; all accounts before payment have to be submitted to its scrutiny and examination.

No one who will look back to our history for the last ten years can entertain a moment's doubt that the existence of this board of eminent private citizens has exercised a wholesome and purifying influence upon that branch of the Interior Department. The interposition of this body may be slow, cumbrous, and at times somewhat inconvenient. It is brought occasionally into embarrassing collision with the Interior Department; but none can deny that it is well calculated to discourage corruption and to frustrate fraud. It could not well be otherwise. Any contractor, or agent, or Commissioner of Indian Affairs, or Secretary of the Interior, would at least pause in the perpetration of any fraudulent or improper act, when he knew that his conduct must undergo the scrutiny and revision of a body of citizens who, forming no part of the administration proper, yet are taken from the great mass of their fellow-citizens, to keep a vigilant eye upon the acts of the administration in that particular branch of the public service.

The members of this commission accepted the duties imposed upon them, and adopted the letter of Professor Marsh to the President as the starting-point of their inquiries, he was requested to appear before them to furnish any additional information of which he might be in possession, to give a list of all documents and papers copies of which he wished from the Department at Washington, and also the names of all persons upon whose testimony he relied to establish the statements

contained in his letter. We desire to state that every witness whose name has been furnished by the Professor has been examined in all cases where that witness was at all within our reach. We also examined every other person whose relation or proximity to the affairs of the agency gave us reason to suppose that he possessed any information on the subject. Every document asked for from the Interior Department was ordered and promptly furnished. The body of testimony accompanying this report, and extended to upward of eight hundred pages of printed matter, will show that we sought every source of information that was at all accessible to us.

Recurring, then, to the letter of Professor Marsh of the 10th of July, and taking up his charges in the order in which they are presented, we find the first headed as follows :

#### THE INDIAN AGENT AT RED CLOUD AGENCY.

It is charged that the "agent, Saville, is incompetent, weak, and vacillating, unfit for the responsible position he occupies," and "especially that he is in league with the contractor to defraud the Indians of the food and clothing sent them by the Government."

The results of our investigation fully sustain the allegation of Professor Marsh that the agent is incompetent and unfit for the position which he occupies; that he should be removed without delay, and a competent successor appointed. His striking deficiencies are a nervous and irritable temperament, inordinate loquacity, undignified bearing and manners, a want of coolness and collectedness of mind, and of firmness and decision of character. With these defects he combines some very excellent qualities of head and heart. There is no proof, however, to sustain the averment that he was in league with the contractors to defraud the Indians of the food and clothing sent them by the Government. Not a fact has been elicited to sustain this allegation. We see nothing in the evidence to satisfy us that Dr. Saville is either a grasping, covetous, or corrupt man. His tastes are rather literary and scientific, and the love of money seems to form no part of his character. There are two acts referred to in the evidence—the Appleton contract, (pages 794, 795 of evidence.) and his certificate to J. D. McCann of the 20th of January, 1874, (page 628,)—which exhibit an unpardonable disregard of the moneyed interests of the Government, and which of themselves ought to have caused his immediate removal from office; but, as it does not appear that he was to derive any personal benefit from these transactions, his errors may be explained by that want of firmness, which caused him to yield to the importunities of the selfish and unprincipled. All the testimony sufficiently repels the idea that he had any participation in the profits of any of the contractors for the supply of provisions, or in the business of the traders around the agency; and it equally shows that he has added nothing to his means or resources since he has been in office, and that his financial condition has been rather impaired than improved. He may certainly be referred to as an example of at least one Indian agent who goes out of office a poorer man than when he entered it.

The general condition of affairs about the Red Cloud agency produced upon us a very unfavorable impression. The low and inferior character of the employés, one of whom was found intoxicated upon our arrival there, the want of order and neatness in the arrangement of the Government stores, and the habitual lounging of Indian women and children around the stockade, all indicating a looseness of management and a lack of administrative capacity which were in keeping with the charac-

teristics of the agent to which we have already referred. The clerk is utterly incompetent for the position he occupies. We were the more impressed with this condition of things after our visit to the Spotted Tail agency, which, in all the particulars we have indicated, furnished a striking contrast to that at Red Cloud. It should in justice be said, however, that the difficulties of Agent Saville's position have been very great, growing out of the establishment and organization of a new agency in the midst of turbulent and hostile surroundings, and there is no doubt that the condition of affairs is far better than it was two years ago.

#### NUMBER OF INDIANS AT THE AGENCY OVERESTIMATED.

Professor Marsh expresses the opinion that the number of Indians supplied with provisions at Red Cloud agency has been overestimated. In making this averment the Professor states that this overestimate has been made "for purposes which can only contemplate fraud;" but he is vague in this accusation, and does not suggest the mode in which such fraud might be perpetrated, nor does he point to any incident or occasion upon which it has been practiced. It is difficult to see any point or force in this suggestion, unless it were accompanied with the charge that this overestimate has been made for the purpose of procuring larger supplies from the Government than are necessary, and of dishonestly appropriating all such supplies to the uses of the agent himself. But no such specific charge is made by Professor Marsh; no such surplus has ever been known to exist; and the constant clamor of the Indian is that he is stinted in his supply of food. We apprehend that if the wild and ferocious tribes that surround the Red Cloud agency could be made for one moment really to believe that the agent had dishonestly withheld from them any provisions or supplies to which they were justly entitled his life would not be safe an instant.

In the absence, then, of any specific charge of fraud based upon this supposed overestimate of numbers, it may be regarded as simply a question of accuracy of enumeration as between the Professor and the agent, Saville. It is well known that there has always been great difficulty in reaching any accurate census of our wild Indian population. Their nomadic habits, their frequent changes of encampment, their superstitions or pretended superstitions, aversion to being counted, have constantly thrown difficulties in the way of a reliable enumeration. Under our system of Government supplies we can easily perceive additional motives which may have actuated them in opposition to a census of their numbers. In the absence of any such enumeration, they were able to practice great imposition and fraud upon the agent by exaggerating their number, and receiving supplies far beyond those to which they were entitled. It thus became a very severe struggle between the agent endeavoring to enforce an enumeration on one hand and the Indians resisting that enumeration on the other. All persuasive efforts upon the part of the agent to induce them to submit to a count proved fruitless. When he, upon one occasion, sought to make it without their consent, he was forcibly arrested by them and his life seriously imperiled. He had no course left open to him but to starve them into submission, and he accordingly announced to them in very decisive terms that he would make no further issue of goods or provisions until they consented to be counted. Perceiving that he was acting up to the declaration so announced and withholding their supplies, they yielded a reluctant consent to his terms. But even then the experiment was not without danger, and the agent was forced to employ such men as Janis, Reshaw,



Rowland, some half-breeds, and others who had married Indian women, called "squaw-men," to go into their tepees for that purpose. These were, it is true, not the most reliable men for the performance of that duty, but they were the only ones who would undertake the task or could have performed it with safety. They had sufficient education and clerical skill to enable them to take the census. Whether they performed their duty honestly and faithfully to the Government may be a question in the minds of some. By their report, the enumeration stood as follows:

Arapahoes .....	1, 821
Cheyennes .....	394
Sioux .....	9, 339
To this were afterward added Kiocsies, a band of the Sioux, hunting at the time of registration.....	700
Arapahoes and Cheyennes subsequently registered .....	629
	<hr/>
Making in all.....	13, 423

Whether this enumeration be strictly accurate, or has been exaggerated by the dishonesty of the "squaw-men" who took it, it is difficult to determine; but it is the only approximation to an authentic census which has been taken, and has formed the basis upon which the agent has made his returns to the Indian Bureau, and upon which he has made his distribution of supplies to the various heads of bands around the agency. It is true that General Bradley and other highly intelligent and well-informed men concur with Professor Marsh in estimating their numbers at a much lower figure, and strong facts are adduced by them in support of their opinions; but they are at best but mere estimates, without any of the aids of an actual enumeration. The point is without practical importance, except so far as it may determine the appropriations of Congress for supplies at that agency, and we believe that Congress has not yet erred in granting supplies in excess of the needs of the Indians at that point.

It is not to be questioned that the Red Cloud agency is liable to the irruption of what are called "Northern Indians," who, forming part of the Sioux Nation, when pinched by hunger and the deficiency of game, resort to the agency and demand their supplies of food and other stores. This devolves upon the agent a delicate, responsible, and sometimes hazardous duty. Whatever is given to these savage visitors is so much taken from those who have been registered and live around the agencies, and yet their demands cannot always be refused with safety. It is very clearly in evidence that there was a large body of these Northern Indians on a visit to this agency in October, 1874, and if Professor Marsh did not meet with them in the November following, when he crossed the White River, his failure to see them cannot overrule the concurring evidence which shows that they had been there.

This Commission is by no means satisfied that the enumeration made by the half-breeds and "squaw-men," by the direction of Dr Saville, and in the circumstances under which it was made, can be relied upon for strict accuracy; and as the hostility of the Indians to a count has to a great extent subsided, they would recommend that one of the first duties that the new agent shall undertake shall be to procure a more reliable census of the number of those encamped around the agency, and, when any of the "Northern Indians" who are not registered shall visit there and receive supplies, that he make a separate and accurate account of their number and of the supplies issued to them.

## ISSUE OF ANNUITY-GOODS.

We found the system of keeping accounts at the Red Cloud agency exceedingly loose and defective, and for much of this the Indian Office is justly censurable. It is only within the last few weeks that the Government has supplied the books to the agent and required the adoption of a system calculated to exhibit clearly the state of his accounts. Prior to that time the agent furnished his own books, and made all his accounts in a loose and irregular manner; and when his agency expired, carried off all the books and papers as his private property. Again, by the provision of the Treaty of 1868, article 10, it was expressly stipulated that an officer of the Army shall annually be detailed by the President to be present, and attest the delivery of the annuity-goods to the Indians, and to inspect and report on the quantity and quality of the goods, and the manner of their delivery. This wise and important provision of law—for such under the Constitution it is—has been utterly disregarded; and when interrogated upon the subject, the Commissioner of Indian Affairs avowed his entire ignorance that any such provision was contained in the treaty. It is easy to perceive that if this requirement of law had been faithfully complied with, many of the irregularities which have been the subject of complaint could not have had any existence. Again, among the admirable recommendations addressed to the Interior Department by the commission of which Bishop Hare was chairman, in April, 1874, was the following: "That all beef and other provisions be issued by orders on the issue-clerk, which orders should pass through the office in order to their appearance on the books; that these orders be filed away for safe-keeping, and the books and papers of the agency be the property of the Government and not of the agent." With the exception of a recent order of the Department, asserting the right of the Government to the books kept by the agent, and forbidding him to carry them off as private property, no attempt has been made to prescribe and enforce this valuable recommendation; so that the books kept at the Red Cloud agency, even up to the period of our visit there, throw but a very imperfect light upon its transactions.

While it is true that there was this general looseness in the system of distribution, they cannot concur in the justice of the particular statements of fact that Professor Marsh makes as evidence of irregularity and fraud. He states that when the issue of blankets took place on the 12th November, 1874, not more than twenty, certainly not more than twenty-five, bales of blankets were distributed to the Indians. This statement he bases in part upon his own passing observation, made without a count, but also upon a certificate of a half-breed by the name of Louis Reshaw. Then, referring to the official returns of the agent, which shows a distribution of thirty-seven bales, he jumps to the conclusion that a gross fraud has been practiced both upon the Government and the Indians. Now, if there is one fact which beyond any other the evidence renders perfectly clear and indisputable in this case, it is that those thirty-seven bales of blankets were honestly and fairly distributed to the Indians. This is shown by the voluntary declaration made by Red Cloud in his first speech to the commission, when no inquiry was addressed to him on the subject. It is established by the testimony of Sitting Bull, one of the most honest and faithful of the Ogallalla headmen, who had been deputed to count them, and who had actually counted them. It is proven by the receipt of Louis Reshaw, given on the day of delivery, and by the clerks and employés who were present, to say nothing of the positive statement of the agent himself. Louis Reshaw was examined as a witness before

the commission, and his testimony as there given repudiates the certificate given to Professor Marsh, with all the conclusions which he draws from that supposed fact.

The commission do not concur in the censure which the Professor has passed upon the agent's late distribution of blankets that fall. It was an essential part of his policy to enforce an enumeration of the Indians around the agency. The blankets had been delivered some weeks previous to that day, but they were withheld from issue until consent was obtained to a count of the numbers entitled to distribution. So soon as the census was allowed to be taken and the returns ascertained, the issue took place. Neither can they see in the fact that the issue of annuity-goods and provisions took place in a single day, and with great rapidity and dispatch, any cause for condemnation. The day was cold and wintry; the snow was falling rapidly. The Indians had assembled there with their wives and children, many of them from a distance of fifteen and twenty miles; their supplies had been withheld from them for about two weeks to enforce a count; they were hungry and destitute of the necessary protection against the weather, and it was rather a merit than a ground for censure that such extraordinary dispatch was resorted to to make the distribution on that day. It is nowhere asserted that the distribution as among the Indians themselves was not fair and equal; and if the issue on that day did not assume that precise business character which would have comported with the Professor's ideas of mercantile system, it at least filled many an empty stomach, and clothed many a naked body.

#### BEEF-CATTLE.

Professor Marsh, in his letter to the President, charges fraud in the matter of furnishing beef to the Indians at Red Cloud agency.

The fourth and ninth specifications of fraud are as follows:

Fourth. "The beef-cattle given to the Indians have been very inferior, owing to systematic frauds practiced by the agent and beef-contractors."

Ninth. "In consequence of fraud and mismanagement, the Indians suffered greatly during the past winter for food and clothing."

He also says that "Agent Saville was placed in his position to guard the interests of the Indians and of the Government, and it appears that he betrayed both alike. He defrauded the Indians by withholding from them provisions which he charged against the Government as issued to them."

Also, that "the frauds perpetrated in supplying the Red Cloud agency with beef-cattle have been so gigantic, and so long and systematically continued, that it is well worth while to show how they are accomplished, and who is responsible for the outrage."

Also, that "these frauds in weight, which are consummated by direct collusion between the agent and contractor, and through which both the Indians and the Government are so greatly defrauded, form only a part of the general system of theft. I have reason to believe that equal rascality is practiced in regard to the number of cattle."

Also, that "another fruitful source of fraud in cattle at the Red Cloud agency is the system of stampeding which appears to have been practiced there, at least since the present agent took charge;" and that "from such stampedes, and the fraudulent results following, both the Indians and the Government have suffered great loss."

The substance of these several forms of statements may be embraced under the following heads:

1. That Dr. J. J. Saville, Indian agent at the Red Cloud agency, and James W. Bosler and his associates, who furnished the beef for the use of the Indians at the agency, combined together in a design to defraud the United States Government and the Indians.

2. That in pursuance of that design, Bosler delivered to Saville cattle unfit for beef, which Saville knowingly accepted and gave receipts for.

3. That Saville gave Bosler receipts knowingly for greater numbers of cattle than were delivered, and that the weight of cattle actually delivered was greatly overstated in said receipts.

4. That Saville knowingly allowed cattle, which he had received and receipted for, to return to the herds of Bosler, to be again delivered to him by Bosler and again receipted for; and that this kind of fraud was systematic.

5. That during the winter of 1874-'75 the Indians suffered greatly for food, as the direct result of the dishonesty of Saville, Bosler, and others, in these respects.

The duty before us is to ascertain the truth of these charges and declare it. The great magnitude of the frauds alleged to have been committed has excited much public discussion, and has received at our hands thorough and searching investigation; and we have omitted no opportunity to gain information, and failed to call no person before us from whom there seemed to be reasonable probability that any fact bearing upon the subject, however slight, could be elicited. The evidence submitted herewith comes from a great number of witnesses, widely scattered over the country, many of whom testified from actual observation and personal knowledge, and many—possibly the greater number—from hearsay and public rumor. Much of it, we are aware, would have been at once rejected in any court of law; but we preferred to hear it, trusting to be able to give it its just and true weight in drawing our conclusions. It is necessary to review this testimony to some extent, that the correctness of our conclusions may the more readily appear.

The charges submitted to us for our consideration are contained in the letters of Professor Marsh to the President, which are presented together in pamphlet form. It is apparent upon inspection that much of this pamphlet is in the nature of argument upon assumed facts, rather than a statement of facts within the writer's personal knowledge.

While in the pamphlet he states his conclusions and opinions as facts, it is manifest that he relies for the reasons and grounds thereof less upon his own observation and knowledge than upon the opinions and conclusions of others. While we receive the statements of Professor Marsh upon all matters within his own personal knowledge as evidence of the highest character, and entitled to the utmost confidence, yet it will not, we think, be claimed by him or any other intelligent person that we can with safety to the public, or justice to the individuals implicated, adopt his conclusions or accept the results of his argument, unless they are found upon full inquiry to be sustained by the facts. The Professor, in the opening statement of the evidence relied upon by him upon the subject of frauds in beef-cattle, makes the following abstract of the contract for beef for the last fiscal year:

The contract for furnishing cattle to this and other Sioux agencies for the last fiscal year was given to J. K. Foreman, of Omaha, and was signed by Indian Commissioner Smith, July 14, 1874. The cattle delivered were required to average 850 pounds for the first six months, and 1,000 pounds for the last six months, and the price was \$2.30<sup>1</sup>/<sub>30</sub> per 100 pounds gross weight, on the hoof. It was expressly stipulated that all the beef offered for accept-

ance under this contract shall be subject to a thorough inspection, and if, on such inspection, any of it fails to conform to the requirements of this contract, the same shall be rejected by the parties making the inspection. The inspectors were authorized, in such a case, to require the contractor to replace the rejected cattle within five days by proper beef. If not, the right was reserved to purchase the cattle required at the expense of the contractor. A bond of \$150,000, with two good and sufficient sureties, was required to be given to insure the faithful fulfillment of the contract.

He then proceeds to charge that this contract was tainted with fraud from its inception, and states the facts on which the charge rests in the following language :

There is abundant evidence that this contract was not made in good faith. The contract was not filled by the party to whom it was given, but (like too many Indian contracts) was transferred for "a valuable consideration," a few days after it was signed, to W. A. Paxton, of Omaha. As this assignment could not take place by the terms of the contract without the written consent of the Secretary of the Interior, the full responsibility of this transfer rests with him. This contract was nominally in force at the time of my visit to Red Cloud agency. The real beef-contractor, however, whom I found supplying this agency, was the well-known Bosler, notorious for frauds in previous contracts, and for this reason excluded by the published regulations from any participation in future contracts. This second virtual transfer of the contract to him was well known to every one at the agency and in that region, and must have been equally well known to the Interior Department.

We find the facts to be that Mr. J. K. Foreman was the lowest bidder for beef for the Sioux agencies; that the contract was awarded to him; that he complied with the requirements of the published advertisement inviting bids, and entered into bonds in the required sum, one hundred and fifty thousand dollars, (\$150,000,) giving as his bondsmen James W. Bosler and Joseph Bosler, of Carlisle, Pennsylvania. It is not contended, nor does it appear, that the principal or his bondsmen were not amply able to respond to all the requirements of the contract. Thus far, and upon the face of it, the contract is free from any appearance of fraud, and we cannot assume that the parties to it were not acting in entire good faith. The contract was assigned on the 30th day of July, 1874, to William A. Paxton, in whose name it was filled. This contract called for the delivery of 22,500,000 pounds of beef-cattle, which, at the contract price of  $\$2.30\frac{1}{30}$  per 100 pounds, amounts to more than \$500,000. To execute such a contract at so low a rate successfully and profitably required capital, experience, skill, and business capacity; and it may well be that a combination of capital and experience was indispensably necessary for the execution of the contract; and such a combination might properly be made without raising any presumptions of fraud or fraudulent purposes. At any rate, we find the facts to be that the assignment of the contract from Foreman to Paxton was made for business reasons, and not for any full cash-consideration paid at the time; that Foreman still retained an interest in the contract, and that W. A. Paxton, J. T. Baldwin, A. H. Wilder, D. W. C. Wheeler, and James W. Bosler became associated with him; that the business of making the purchases and delivering the cattle was assigned to and undertaken by Bosler; that all deliveries of cattle under the contract were made by Bosler, in the name of William A. Paxton, to whom all vouchers were made payable; that Bosler, in consideration of his services, and for the large share of the necessary capital furnished by him, became entitled to and received a greater share of the profits than either of his associates.

We fail to discover in the above facts, about which there is no dispute, any evidence of fraud in the making or in the assignment of the contract, or in the combinations for its execution. They seem to be quite as consistent with an intention faithfully to carry out the contract on the part of Mr. Paxton and his associates as with any purpose to defraud the Government; and it would be a violation of every rule of morals, as well as of law, to draw from these circumstances inferences

of fraud or of fraudulent intent, when the opposite conclusion is equally consistent with the facts, and natural.

The Professor, in the same paragraph of his pamphlet, speaks of Mr. Bosler as "notorious for frauds in previous contracts, and for this reason excluded by the published regulations from any participation in future contracts."

We find the facts to be that Mr. Bosler has at various times had contracts with the War and Indian Departments, and that he never was refused a contract when his bid entitled him to it, but has always been awarded the contract when he has been the lowest bidder. It has not been shown or attempted to be shown that he had violated any previous contract or been a party to any previous frauds upon the Government. He has had a contract directly and in his own name with the Indian Department every year except one for many years, and then he failed to be the lowest bidder. He has such a contract this year. We find that this charge is wholly unsupported, and we find nowhere in the evidence anything to warrant us in saying that Mr. Bosler is not properly regarded as an honest man in all his business transactions.

We may as well here state the relation of J. W. Bosler with the contract for supplying the Sioux agencies with beef for the current year, which we find to be as follows:

This contract was awarded to Seth Mabry, of the firm of Mabry & Millett, Texas cattle-dealers. They, with other firms associated with them, having sent forward from Texas numerous herds of cattle, and among them 25,000 head of cows and heaves for which they desired to secure a market at an advance over last year's rates, Mr. Mabry went to New York and there put in a bid to supply all the Sioux agencies for the current year at \$2.46½ per 100 pounds, and, his being the lowest bid, he was awarded the contract. His object, however, was to force a market for cattle then on the way, and not to engage in the business of delivering the cattle to the agencies. He, therefore, immediately made an arrangement with Mr. Bosler, by which Bosler should pay him for all his cows \$12 per head, and for heaves four years old and upward \$20 per head, advance him \$30,000 cash, and furnish the required security for the fulfillment of the contract.

Under this arrangement, Mr. Bosler has purchased for cash over 33,000 head of beef cattle, which have been and were at the time of our visit being delivered on the Platte River and at other points convenient to the several agencies. On delivering the cattle he receives vouchers in Mr. Mabry's name and as his agent.

Professor Marsh charges that Saville claimed credit as for the 8th day of November, 1874, for the issue of "271,248 pounds of beef," or over 260 head of cattle, according to the average weight which he allowed the contractor on the last herd received, and adds: "The truth is, that he issued no beef whatever to the Indians on that day, nor for several days afterward, as I understand from the agent and others at the agency." "I arrived at the agency November 9, and was informed by the agent that he had been for some time withholding rations from the Indians until they would consent to be counted," &c. Recurring to the same subject, on page 14, he says:

For example, there is conclusive evidence that the only cattle at the agency November 11, 1874, were the seven head of puny animals examined by General Bradley; yet, according to the provision-returns of Agent Saville for the fourth quarter of 1874, now on file in the Interior Department, he should have had 184,905 pounds, or, according to his official receipts, 179 head. It has been shown above, however, that the beef-issue which he claimed to have made November 8 did not take place; hence he should have had on November 11 at least 446,427 pounds of beef, or about 430 head of cattle when he actually had only seven.

This charge has been made not only by Professor Marsh, but by other persons through the press and otherwise, and merits full consideration. The facts which we have upon the subject are as follows:

It is true that no beef was issued to the Indians on November 8, 1874, nor afterward until November 14, when Professor Marsh was present. It is claimed by Dr. Saville, however, that issues of beef did take place between the 1st and 8th of November as follows:

November 2 issued .....	377
November 2, to Big Horn and Small Horse.....	1
November 2, to Scraper.....	1
November 2, to White Thunder .....	2
November 2, to Keeps the Battle .....	1
November 2, to Big Hawk and Woman's Dress.....	1
November 2, to soldiers.....	1
November 2, to Spotted Elk and Little Star .....	1
November 7, butchered .....	2
<b>Total .....</b>	<b>387</b>

And that the date "November 8" was intended to cover all issues from the 1st to the 8th. If the issue claimed by Dr. Saville actually took place, not on the 8th, but from the 1st to the 7th inclusive, it is of but little consequence as to the precise date of the issue. Professor Marsh offers the admissions and statements of Dr. Saville, made to him at Red Cloud and at Washington, to prove that no issue took place on the 8th, and claims that having proved that fact the inference necessarily follows that Dr. Saville is guilty of having defrauded the Indians of that amount of beef, and the Government of the contract price, or the sum of about \$6,247. The fact being admitted that no issue was made November 8, as claimed by Professor Marsh, the question arises, "Was that amount of beef issued at all?" Upon this subject we state the fact that we find upon the book of beef receipts and issues claimed by Dr. Saville and his clerk to have been kept at the time, and to be the book of original entries, an account of the issue of 377 head as one item under date of November 2, and of eight cattle issued to individual Indians by name, on the same day, and of two butchered on the 7th of November, as above stated.

Dr. Saville also, in his reply to Professor Marsh's charges, printed herewith on page 380, says:

Upon referring to my abstracts of issues I find what Professor Marsh characterizes as fraud is a clerical error in the clerk placing the figures opposite the date of the 8th instead of the 1st of November, as it should be. Furthermore, that the forms upon which these abstracts are made do not and cannot represent all the facts connected with the issue of provisions, and, as a matter of fact, that all the issues are not made upon the first dates, but, as it will be observed, they are to date from the 8th to the 14th, and from the 15th to the 22d, and so on; and that the issues are made on either of the days between these two dates; that the issues of beef are always made on different days from the issue of other rations, and that these dates represent the number of days for which the amount of rations set opposite these days are given, and that they foot up an aggregate of the correct amount of provisions that are issued during the quarter, each month's issue being divided into four parts and thus entered on the abstracts.

He also, at page 382, says:

The issue represented on the abstract opposite the date of the 8th to the 15th should be opposite to the dates of the 1st to the 7th.

It appears by the returns of Dr. Saville that he had on the 1st of October, 1874, issued to the Indians all the cattle he had received and receipted for up to that date, except 278 head, which he carried on his books as on hand, as of the weight of 288,804 pounds. These cattle, however, were not on hand, but represented the number which had stampeded from the agency to the contractor's herd, as was supposed,

on the night of the 7th of September, and of which no portion had at that date, October 1, been returned to the agency. The circumstances attending that stampede will be stated hereafter in considering another charge of Professor Marsh.

On the 1st of October the contractor delivered, as appears by the returns, 663 head, weighing 691,509 pounds, for which he gave receipts, and, as we believe, 150 more, which were not receipted for, but returned as part of those stampeded, making a total of 813. There were issued to the Indians on that day, as appears by the books of the agent, 366 head, and on the 5th, 8 head, making a total of 374, and leaving on hand 439. There were issued October 11th, 380; on the 16th, 2; on the 19th, 1; a total of 383, leaving on hand October 19th, 56. On the 30th of October there were received 758 head, making the total on hand that day of 814. On the 21st of October there were issued 392 head, and between the 21st and 31st, 23; a total of 415, and leaving on hand, November 1st, 399. The books show that on the 2d of November the agent issued 377 head, and to individual Indians 8; and that on the 7th 2 were butchered, leaving a balance on hand of 12.

If his accounts are correct he could have on hand for which receipts had been given but twelve cattle.

In stating this account, we have placed 150 head of stampeded cattle as having been delivered with the 663 on October 1, and for this reason: It does not appear that the agent received any cattle between the 1st and 20th of that month. He claims to have issued between the 1st and the 19th 757 cattle, which are more than he could possibly have had on hand, unless some portions of the stampeded cattle had been received by him between the 1st and 19th, and more than he had receipted for. He claims to have received from Bosler 150 of the stampeded cattle before the 14th of November, when Professor Marsh was there; for he says in his testimony, (p. 385,) "On the 2d of November I made the last issue before we counted the Indians. Mr. Bosler had brought here 150 of those cattle which had escaped." On page 386 he says, "Mr. Bosler returned the 150 in November." And on page 391, in answer to the question, "How many cattle did Mr. Bosler return to you on account of the stampede?" he says: "On the settlement with him, in the middle of November, he returned 150 head." He also says: "I took them, calling them the same average weights of those of September 7, *the last received*, the average being 1,038 pounds each."

As to the time when the 150 stampeded cattle were returned, Dr. Saville seems to be in some confusion of memory; but, as no record was made of it, and he simply received at some delivery at about that time 150 head more than he gave a receipt for, it may not be strange that he should not now remember, or be able to testify, with entire accuracy. From these facts it seems conclusive that he must have received 150 head more on the 1st of October than he receipted for. This view of the matter is strengthened by the testimony of G. M. Bosler, who says, in speaking of the stampede of September 7, 1874: "I know that at the next delivery an equal number of cattle was stricken off to make up the number."

It is proper to state in this connection that Mr. Bosler claimed, and still claims, that of the 278 head lost only 150 head returned to his herd, which explains what G. M. Bosler, the chief herder, means by saying that "an equal number of cattle were taken off."

While we cannot too strongly condemn a system of book-keeping which would leave an item so large in amount as this one is in doubt, either as to the time or the fact of the return, we cannot but believe the fact, as Dr. Saville states it to be, that of the 278 head of cattle lost he



had obtained from Bosler before the 2d of November 150 head of cattle of substantially equal size and value. The correspondence and affidavits printed on pages 443-6 show that the matter of the stampede, the recovery of 150 head, and the possible loss of 128 head, was fully communicated to the Department as early as December 21, 1874, at a time when no frauds, so far as appears, had been imputed to Dr. Saville or the contractor. As the statements then made are in substance the same as those now made, we incline, and, indeed, feel compelled, to accept this as true. This disposes of the statement of Professor Marsh that Dr. Saville should have had on hand, November 11th, 430 head, weighing 246,427 pounds, for it conclusively shows that he could have had on hand but twelve head. We are, therefore, of the opinion that the charge that Dr. Saville cheated the Indians out of the issue claimed by him to have been made November 8, 1874, and the Government of their price, is without foundation.

It is claimed of the seven head of cattle which were in the agency herd, and which were all that remained on hand November 9 :

1. That they were small, inferior cattle, unfit for beef, and weighing, gross, only 358 pounds each.
2. That they had been receipted for to the contractor and accepted by the agent; and,
3. That they were not smaller than those turned over for slaughter on any ordinary issue-day.

That these cattle were poor, small, and unfit for beef, is established not only by the certificate of Gen. L. P. Bradley, Capt. John Mix, and Lieutenant Hay, published in the pamphlet, but by the testimony of all the other witnesses who saw them, and by the admission of Dr. Saville himself. But that they had ever been receipted for to the contractor, or issued to the Indians at all, as stated by Red Cloud, is by no means established. There is much testimony to the effect that Dr. Saville refused to receipt for 13 to 15 head of cattle because they were small and unfit for issue, and that, in fact, they were never issued to the Indians at all, but were taken off and killed by them without any authority from the agent and without payment to the contractor.

It will be noticed that from the certificate of General Bradley and others, the statement of Red Cloud to the effect that these cattle had been issued to his people, and that they were not smaller than those turned over for slaughter on an ordinary issue-day, is left to stand without any indorsement from these officers, upon the evidence of Red Cloud and two other Indians. It may, therefore, be doubted whether the officers themselves placed much confidence in the statement of the Indians. It is much to be regretted that General Bradley and his associates, if they desired to ascertain the probable facts concerning the weight and quality of the cattle issued to the Indians, did not, instead of visiting the remainder of a herd of seven poor cattle without the knowledge of the agent or contractor, visit the agency corral when 701 head of cattle were being weighed and issued within a mile and a half of their camp. Had they done so, they would have been able to furnish us with important aid in settling the vexed question of frauds in beef-contracts.

It cannot be seriously claimed even by Professor Marsh that the weight of cattle delivered at Red Cloud agency at that time was only 358 pounds gross, for the average of yearlings would be as great as or even greater than that; and there is overwhelming evidence that the great bulk of the cattle were full-grown cows and oxen, and that few young cattle were delivered.

Professor Marsh claims that Dr. Saville admitted to the Rev. S. D. Hinman and himself that "these seven cattle had all been receipted for to the contractor, received by him, and were in his charge;" and that "all, or nearly all, of them were subsequently issued to the Indians." Saville denies this in the following words, viz: "I told him that I did not remember distinctly the facts about the cattle; that my impression was that there were six instead of eight, and two of them at least were yearlings, and had not been received from the contractor; and this indefinite statement Professor Marsh tortures into his positive statement, which I corrected twice—once in the presence of Bishop Hare, when I accused him of perverting my words. Yet after this correction he publishes this incorrect statement as quoted from me. On my return to the agency I found the facts as follows; Two of the eight cattle referred to by Professor Marsh were milch-cows—one of them belonging to Mr. Reed, living near Cheyenne, the other a cow which the herders had milked all summer, and the remaining six were a part of the thirteen head which I had rejected, and which, instead of being taken as usual out of the corral by the Indians, had gone to the range with the herd. Some of these cattle were killed on the range, as was the case with the milch-cows, but none of them were issued to the Indians as beef." Bishop Hare is here called in to settle the point in dispute, who says, in answer to the question: "What is your recollection as to that conversation?"

I understood the point Professor Marsh made was that Dr. Saville had said that he receipted for those seven head of cattle, and thereby made the Government responsible for them, while I understood Dr. Saville to say that he did not receipt for them, but simply received them. He made a distinction between the two words. He (Saville) represented that they were driven up with the rest of the cattle, and he had permitted them to be driven into the corral, and afterward they were issued to the Indians; that he did not receipt for them, although he received them. There is a distinction plainly implied between the two words. That is to say, if he had receipted for them the Government would be responsible and had to pay for them, while if he merely allowed them to be driven in and did not receipt for them, the Government was not responsible for them, \* \* \* The difference was in the two words "receipted" and "received," Professor Marsh understanding that it was "receipted," and Dr. Saville that it was "received." It was in regard to that that the feeling was displayed. As to what Saville had previously said I do not know.

The testimony of Bishop Hare corroborates Saville's statement, and leads us to the conclusion that Professor Marsh misunderstood Dr. Saville. The statement of Dr. Saville is further confirmed by J. H. Bosler, the brother of J. W. Bosler, the superintendent for the contractors, who testifies (p. 165) as follows:

Q. Do you remember anything of a time when there were only seven head of cattle at Red Cloud agency?

A. Yes, sir; I cannot tell the number, but I remember the time that there was a small bunch of cattle there.

Q. What kind of cattle were they?

A. Poor cattle, and such cattle as Dr. Saville rejected and never receipted to me for. I was in the East, and I returned some time in December—I think it was the latter part of December—and there were cattle unreceipted for for some time back, and Dr. Saville told me that there had been a lot of cattle received in November that he thought he would have to reject, and it strikes me it was fifteen head that he just struck off the average and did not receipt for. I had the privilege of taking them out of the herd, but they were killed by the Indians, so that I never got them out and never got any pay for them.

From all the evidence we are satisfied that the cattle were never receipted for or issued by the agent, and that they were not a fair sample of the cattle usually issued to the agency.

Before passing from this subject, however, it may be well to note how General Bradley, Captain Mix, and Lieutenant Hay arrived at the average gross weight of these cattle. In their certificate they say that "Each

of us, unknown to the other, marked at that time his estimate of the gross weight of these cattle, and remember the average thereof to be 358 pounds." Certainly one would understand, from the above, that 358 pounds was the *gross* weight. The testimony of General Bradley conveyed the idea that the 358 pounds were gross weight, though not distinctly so stated by him. Lieut. Leonard Hay, in describing the cattle, says: "There were seven head of cattle there, and there were two cows out of the seven. There was only one which might be called a steer, but it was not full grown at all, and the others were undersized and meager in flesh. \* \* \* My estimate was 450 pounds gross, just as they stood. The estimate of the other gentlemen was smaller, and the total added up and divided by the number was, I think, some 358 pounds gross." It turns out after all, notwithstanding the testimony of these gentlemen and their certificate, that the 358 pounds represented the net weight and not the gross. Captain Mix, who also signed the certificate, says, in his testimony, (p. 512:)

I should explain to the commission that the estimate which we made there of the weight of the cattle was an estimate of their net weight. But Mr. Hay thought we were estimating on the gross weight, and his figures were not changed, because we thought the matter might be inquired into, and it would not look well to change the figures. For this reason the average net weight was increased about thirty pounds, I think; and therefore this average we made of 358 pounds was the net weight, and not the gross weight.

If we correct the error which Captain Mix says arose from Lieutenant Hay's mode of estimating, and deduct thirty pounds, which is manifestly too great an amount, from the 358 pounds net, we have 328 pounds net, or 656 pounds gross, for these very poor cattle, the remainder of a herd.

We think the certificate of the Army officers suffers much by the correction of Captain Mix. We can hardly conceive of a less reliable mode of ascertaining either the net or gross weight of any herd of cattle than that adopted by these gentlemen. That out of several hundred delivered, seven cattle might be found which would not average more than 650 to 700 pounds, is a fact which we think may have existed, and yet the whole average for six months be as great as the receipts of Dr. Saville show. The fact that cattle of the description of these seven head will average in the neighborhood of 700 pounds per head, may serve to assist us in determining what herds of full-grown cows and steers, four years old and upward, in fair condition, ought to average.

The following affidavit is in point:

STATE OF IOWA,

*Woodbury County, ss:*

I, Cornelius McNamara, of Woodbury County, Iowa, being duly sworn according to law, declare and say that, in the month of November, 1874, I was employed at Red Cloud agency as chief herder, under J. J. Saville, United States Indian agent; that after the issue of beef-cattle, of November 2, 1874, there remained on the range two milch-cows, two yearling calves, and four head of poor cattle, which the agent, J. J. Saville, told me not to issue to the Indians, as he intended to reject them from the receipts of the contractor; that one of said cows was afterward killed by a bank falling upon her; that two of said four cattle were crippled in some manner before being turned over to me, supposed to have been crippled in weighing; that both of said cattle (steers) afterward died, one from its injuries and the other from some other cause; that I killed one of the calves and used the meat for the herders at the herding camp; that the remaining cow was killed by the Indians, and the remaining calf and two poor steers I gave to the Indians, making no count or charge for them.

CORNELIUS McNAMARA.

Subscribed and sworn to before me and in my presence by Cornelius McNamara, at Sioux City, Iowa, this 23d day of August, A. D. 1875.

E. B. SPALDING,

*Clerk District Court in and for Woodbury County, Iowa.*

Professor Marsh makes the charge that on the 4th day of November Dr. Saville received and receipted for several hundred head of Texas cattle, at an average weight of 1,043 pounds, and issued them to the Indians, while the true weight did not exceed, in his judgment, 750 pounds, which he considered a liberal estimate. He says that all the cattle of this herd "were wretchedly gaunt and thin, and a majority of them were small, many of them being yearlings. A large number of them were of the kind known among cattle men as 'scalawags,' and not a few of them were weak and decrepit."

The testimony on this subject is very voluminous, and involves the general question of the weight of Texas cattle when weighed directly off the range, as is the present and in fact the only possible system with the facilities now at the command of the Indian agents in that country. In Army contracts it is usual to require that cattle shall be "lotted," that is, kept from food and water twelve hours before weighing, and yards or corrals for that purpose are provided. A similar rule governs the delivery of beef at the great beef-markets of the country, but at the Indian agencies no such rule has ever been adopted, nor can it be until the Government shall erect corrals of sufficient capacity to hold the large herds which are required to supply the Indians.

The Department, contractors, and all persons concerned understand that beef for the Sioux Indians is to be delivered on the hoof directly "off grass and water." The difference in weight of an ox "off grass and water" and one which has been lotted twelve hours is differently estimated at from 50 to 100 pounds. An ox which would weigh 1,050 pounds "off grass and water," would weigh from 950 to 1,000 pounds if lotted twelve hours; and if shipped a long way by rail, the shrinkage would be much greater. This difference is well understood by men who take Indian contracts, and they are thereby enabled to put their price so much under that at which lotted cattle are furnished, as to lead men not familiar with the subject to think and say that such a contract cannot be honestly filled without loss. The practice of receiving and weighing beef cattle at the Indian agencies without a previous "lotting" has probably resulted in little if any real loss to the Government, since contracts have been made with a full understanding that the price must be put low enough to cover the difference of weight. But the practice admits into every contract for beef too large an element of uncertainty to be consistent with sound business methods. Taking 50 pounds as a fair average of the amount added to the weight of an animal that is weighed directly "off grass and water," the Government pays annually, on the 30,000 cattle required to supply the Sioux agencies, for 1,500,000 pounds of grass and water, trusting to procure the whole supply at a rate sufficiently low to balance the loss. At \$2.46½ per 100 pounds this amounts to \$36,975, which is plainly too large an element of uncertainty. We think that if it should be stipulated in all future contracts that all beef-cattle received at the agency shall be "lotted," or, where this is impossible for the want of the necessary inclosures, that some fixed amount be deducted from the gross weight of each animal, bidders would be placed upon fairer terms of equality, and increased competition would result. We think it proper here to state that we entered into this investigation with the idea strongly impressed on our minds that no ordinary herd of Texas cattle could average anything like a thousand pounds. On our way from Cheyenne to Red Cloud we saw cattle of this class, and their weight was a matter of discussion among some of the members of the commission, and they were of the opinion that from 750 to 850 pounds would be a good average. We were none of us prepared for

the actual demonstration which we witnessed. We arrived at Red Cloud on the 8th of August; the 9th and 10th were spent in investigations and in witnessing issues of provisions. On the 11th, a herd of 377 cattle was driven up to the agency for issue. They arrived at about 9 o'clock a. m., and the commission repaired to the corral to witness the process of weighing and issuing. The scales were examined by the commission, and balanced by one of the number before the work began. All the 377 cattle were weighed, except three powerful and wild steers, the last of the herd, which jumped from one division of the corral to the other, breaking, as they passed, large rails which formed a part of the partition. The whole were weighed in one hour and twenty minutes, or at the rate of about four and a half per minute. One of the commissioners took the weight of each draught from the scale-beam, the other members being present and carefully watching the proceedings. A complete copy of the record made on the spot will be found in the appendix.

The average of the herd was 1,053 pounds, and it will be seen that many of them weighed more than 1,200 pounds, and a few probably more than 1,300 pounds. They were all driven from Texas during the last spring, and arrived on the Platte during June and July. With this evidence the question of the *possibility* of a contractor being able to deliver cattle of the weight of 1,000 pounds and upward would seem to be settled. But that we might be certain that this herd had not been selected for the occasion, three days later, on our way to Spotted Tail, we made a detour of about thirty-five miles and visited the contractor's herd on the Niobrara River. That herd contained about 5,500 head, and they were of the same class and of about the same average size and weight as those we had seen delivered on the 11th. We caused them all to be driven before us, and two of the commissioners also rode through them, as they were scattered over the plain, carefully noticing many hundreds; and we became fully satisfied that the 377 delivered at the agency were no more than a fair sample of the larger herd. A few of the cattle were small; but they were generally mature and of a full age. An occasional calf by the side of its mother was seen, and a few yearlings; but we should say of the whole number, there were altogether less than fifty that could be classed as "scalawags," or inferior, or of light weight, and we suppose that no herd so large would be without as many. If the cattle which we saw were a fair sample of the cattle which have been delivered to the Indians of Red Cloud and Spotted Tail agencies during the last three years, the Indian and his friends have little cause to complain; and we earnestly wish that all the laboring people of the country could be as well and as liberally supplied.

The Foreman contract for 1874-'75 covers six agencies as before stated, and it appears that there were delivered the following cattle:

Agency.	Number of head.	Pounds gross.	Amount.	General average.
Yankton .....	1, 120	1, 021 208	\$23, 491 41	911 $\frac{888}{1170}$
Crow Creek.....	1, 935	1, 737 600	39, 956 79	897 $\frac{1336}{1336}$
Standing Rock.....	5, 041	4, 911, 630	112, 983 38	974 $\frac{1316}{1316}$
Cheyenne .....	3, 959	4, 008, 545	92, 209 90	1012 $\frac{3057}{3057}$
Spotted Tail.....	7, 387	7, 350, 786	182, 683 59	995
Red Cloud .....	9, 423	9, 576, 983	249, 529 41	1016 $\frac{3213}{3213}$
Total .....	28, 865	28, 606, 152	\$700, 854 48	

The average weight on whole contract being 911,937  $\frac{28}{865}$ .

At the request of the commissioners, Mr. Bosler presented for their

private use an abstract from his books for that year. The commissioners feel themselves justified in extracting from it so much as shows his purchases of cattle. The total number was, of beeves, 22,225; and of cows, 7,665; making a total of 29,890.

There can be little doubt that Mr. Bosler bought for filling this contract the large number of 29,880 head, of which he delivered 28,885 head; showing a loss of 995 head.

This abstract furnishes us with the exact cost of every animal, the cost of herding, and all incidental expenses, including interest on the capital invested, and the net receipts on the contract. We find from the testimony of numerous witnesses familiar with the subject, that the prices shown by said abstract to have been paid for these cattle were the ruling prices in that country during that year. It appears from all sources, and there is no dispute upon the point, that during the spring and summer of 1874 the market-price of through Texas cattle delivered on the Platte was, for cows, from \$10.50 to \$12 per head; and for beeves, from \$16 to \$18 per head. It should also be stated here that the first contract was for 22,500,000 pounds of beef, at \$2.30 $\frac{1}{3}$  per hundred pounds, and that after that amount had been furnished the contractor was called upon to furnish 25 per cent. in excess of that amount, as his contract provided he should do upon proper notice. But the notice was not given, as it should have been, in season to enable the contractor to purchase the required amount at the ordinary market-rates, but at a time when, his own stock having been exhausted, he would be obliged to go into the market and obtain the required supply at very much advanced rates. He claimed that the notice was not given in season, and refused to comply with the request. His position was deemed to be tenable and legal. Under the stress of these circumstances a new contract was entered into March 17, 1875, with the approval of the Board of Indian Commissioners, by which he agreed to furnish the additional amount required at \$3 per hundred pounds. Under these two contracts 28,865 head of cattle were furnished, weighing 28,606,152 pounds. It has been shown heretofore that the average weight for the year was 991 pounds. It would require, therefore, to fill the first contract, 22,704 cattle or thereabouts, disregarding fractions, and 6,161 to fill the second contract. If we assume that the cattle furnished were one-fourth cows and three-fourths beeves, and that the price for cows and beeves furnished under the first contract was—cows, \$12, and beeves, \$18, and that for all cattle furnished under the second contract the contractor paid an average of \$20 per head, which from evidence in our possession is probably nearly correct, we have the means of determining the probable cost of the cattle to the contractor. If, as seems to be true, the cost of herding is \$2 per head, allowing the contractor interest on his investment for one-half the year at ten per cent., we have all the means necessary to determine the probable net profits on the contract, and the account may be stated as follows, viz:

5,676 cows, at \$12 .....	\$68, 112 00
17,028 beeves, at \$18.....	306, 504 00
6,161 cattle, at \$20 .....	123, 220 00
Cost of herding, at \$2 per head.....	57, 730 00
Total investment.....	555, 566 00
Interest on investment, six months, at ten per cent .....	27, 778 30
Total cost .....	583, 344 30
Net profits .....	117, 510 18
Total cost to the Government .....	700, 854 48

With full compliance with the contracts of 1874-'75, we are satisfied, from all the evidence, that the above sum of \$117,510.18, at least, was possible as net profit to the contractor, assuming that he lost by accident, disease, and Indian raids 995 head, which is the number purchased by him in excess of what he turned over and was paid for, and which were lost by him. This would seem to dispose of the question as to the number of cattle delivered by the contractor. When we come to consider the weight of the cattle delivered, we are met with the remarkable fact that the average weight for the year at each of the six agencies is very nearly the same, or that the difference is but slight and accounted for. The average for the year at Red Cloud was 1,017 pounds; at Cheyenne River, 1,013—a difference of four pounds. At Spotted Tail, 995, a difference of 22 pounds. At Yankton, 912 pounds, a difference of 105 pounds. At Standing Rock, 974 pounds, a difference of 43 pounds. At Crow Creek, 898, a difference of 119 pounds. At the Crow Creek agency, December 23, 1874, as appears on page 374, 770 head of cattle, averaging 777 pounds, were delivered. It is in evidence that these were small cattle, intended for grazing, and constituted the largest herd delivered there during the year, and greatly reduced the average at that agency—the other four averages for that year at that agency being, respectively, 1,045, 930, 960, and 1,005 pounds. It is also in evidence that at the Yankton and Standing Rock agencies, smaller cattle were generally preferred by the agent. It is also in evidence that the best feeding-ground for cattle is on the Platte River, which accounts, in a measure, for the difference in the weight of herds delivered at Red Cloud and Spotted Tail, as compared with those delivered at Yankton, Crow Creek, and Standing Rock.

It is apparent from these facts that if great frauds in weight have been perpetrated at Red Cloud, similar frauds must have been perpetrated at all the other agencies; and to assume this requires that we should find as a fact that all these six agents, their clerks and assistants, the contractor and his associates, assistants, and herders were combined and confederated and actuated by a common purpose to cheat both the Indians and the Government, and all shared directly or indirectly in the benefits of the fraud. It may be in accordance with the current of present popular feeling to adopt this conclusion, but dealing, as we are, with proofs, we are forced to say that the facts do not support it.

It has been asserted by witnesses of much intelligence and undoubted honesty, that the presumption of fraud was justified by the very low price at which the contract was taken this year—\$2.46½ per 100 pounds—and that no man could honestly fill the contract without loss; but we think the evidence printed herewith demonstrates that the contrary is true, and that a very large profit may be legitimately realized.

We have previously seen that a herd of nearly 6,000 cattle is being this year delivered to the agencies, which actually average more than 1,000 pounds each. These cattle were bargained for in April last, while on their way to the Platte River, at \$12 per head for cows and \$20 per head for beeves. Not more than one-fourth of them were cows. The contract for this year is for 32,500,000 pounds of beef for the Sioux agencies. If we assume that 32,500 head of cattle will be required to fill the contract, we have the following result:

8,125 cows, at \$12.....	\$97,500
24,375 beeves, at \$20.....	487,500

Cost of herding 32,500 head of cattle, at \$2.....	\$65, 000
Total investment.....	\$650, 000
Interest on one-half amount at 10 per cent.....	\$32, 500
Total cost .....	\$682, 500

Thirty-two million five hundred thousand pounds of beef at \$2.46 $\frac{1}{2}$  per 100 pounds, amounts to \$801,125. The difference is a net profit of \$118,625.

Under the contract of A. H. Wilder, G. M. Dodge, and J. W. L. Slavens for furnishing beef for the Sioux agencies, for 1873-'75, there were furnished to the several agencies the number of animals of the total weight and at the prices herewith named:

Agency.	Number of head.	Weight, in pounds.	Average lbs.	Amount paid.
Red Cloud.....	11, 713	11, 843, 635	1, 011	\$322, 649 03
Whetstone.....	8, 058	8, 129, 433	1, 009	221, 527 03
Yankton.....	2, 299	2, 203, 416	958	60, 592 06
Santee .....	627	544, 185	867	15, 033 09
Cheyenne River.....	4, 678	4, 578, 495	979	126, 478 81
Crow Creek and Grand River.....	9, 314	9, 172, 766	984	250, 414 43
	36, 689	36, 471, 930	994	\$996, 694 45

The price for cows that year was about \$15, and for beeves \$21. Making use of the rule adopted for the foregoing calculations, we have the following results:

One-fourth, or 9,172 cows, at \$15.....	\$137, 580 00
Three-fourths, or 27,517 beeves, at \$21.....	577, 857 00
Herding, at \$2 per head.....	73, 378 00
Total investment.....	788, 815 00
Interest six months on investment, at 10 per cent.....	39, 440 75
Total cost.....	828, 255 75
Net profits .....	168, 438 70
Total .....	996, 694 45

This sum being paid to the contractors.

It will be seen from the foregoing that with a faithful compliance with the terms of the contract it is not only possible, but practicable, to realize profits which of themselves, and without the hope or expectation of any illicit or fraudulent gains, are sufficient to satisfy the cupidity of any ordinary man, and to justify the risk and labor of the enterprise. And it will assist this view if we recall the fact that herders in that country have free and unrestricted use of unexcelled and almost boundless grazing lands.

It is conclusively shown by the printed testimony that the ordinary price for thorough Texas cattle at the present time is as follows: Full-grown cows are \$12, and oxen and steers, four years and upward, are \$20. It is shown that for cattle one, two, and three years old the



market is found among the stock-raisers of Kansas and Nebraska, who hold them in the country until they are full grown, thereby getting their increase in growth and flesh. The cows are kept for breeding, and the steers and oxen, when fully grown and fattened, are shipped to Chicago and the eastern markets as fat beef.

In passing it will be proper to say that it is clearly for the interest of a contractor furnishing beef for the Indians to purchase the largest cattle the market affords, since he buys by the head, without reference to size, and sells wholly by weight. He could ill afford to turn in young cattle, costing as above, if the larger cattle were accessible. As Mr. Bosler is represented as a very shrewd and accomplished business man, it can hardly be supposed that he fails to seek the cattle which will yield to him the largest profit.

In addition to the foregoing evidence upon the subject of weights, the agent and his clerk, and all persons familiar with the facts, declare that during the years in question all cattle have been received and receipted for at their actual weights and numbers. Upon this subject, also, we have the testimony of cattle-dealers and men of experience in the trade. Among them is James F. Ellison, of Texas, one of the largest cattle-dealers in the country. He testifies as follows, (pages 521, 522, and 523:)

I sold cattle to Mr. Bosler last year. I sold him about seven thousand head last year. They were for the Indian contract. I delivered part of them on the Platte and part of them on the Missouri River for the Indian contract. They were Texas cattle, cows and beeves; mostly beeves. By beeves I mean four years old and upward. Anything under that would be considered stock-cattle in the beef-market. \* \* \* I have seen a good many cattle weighed, and I would estimate those cattle which I delivered to Mr. Boswell last year from 950 to 1,050 pounds, making a full average of 1,000 pounds. \* \* \* I never sold any young cattle to him, because I had contracts for young cattle with other parties, and I never delivered him anything but cows and beeves.

Mr. D. H. Snyder, of Texas, also a heavy cattle-dealer, testifies as follows, (pages 577 and 579:)

Q. Did you ever sell Mr. Bosler any cattle?

A. I never sold him many. I sold him about 1,500 in the spring of 1873, and I sold him 750 last year. Most of the stock which I have driven here has been the class of stock which was better for grazing than that which he could pay for, and was younger stock than he wanted. The class of cattle I sold him in 1873 were beeves and cows, three years old, and in 1874 they were all cows.

Q. Were there among those cattle any yearlings or two-year-olds?

A. No, sir. In the fall of 1873 I drove the cattle on the range and wintered them; they were beeves, cows, and two-year-olds, and held them until the next season. He refused to take the two-year-olds. We had at that time 4,000 cattle in Idaho, and I was trying to close them out to go out there.

Q. Could you form an estimate of the weight of the cattle you sold him in 1873, and of the cows in 1874?

A. I could not form an estimate, because I did not see the cattle at all. I got here about the middle of January, and George Bosler came on after that; but I was taken sick. After I began to get well George Bosler came in, and I sold him the cattle while sick in bed. The cattle were in good condition, but I could form no estimate of their weight. I saw some of the cattle which were left, and they were in good condition. The cattle which were left were young cattle. My men told me that the cattle which George Bosler got would make good beef. It was the first year which we had wintered cattle here, and we were struck with the fact that the cattle had done so well here in the winter—better than we had anticipated. The cows I sold him in 1874 were a good square lot of cows. I had bought a lot of cattle and sold the cows, and kept the younger cattle. I suppose the cows should weigh about 850 pounds. When I sold them they were just off the trail. They were a superior lot of cows, because they were old cows. I sold them in August or September. \* \* \*

Q. What would be your estimate of the average weight of beeves, four years old, and upward, driven from Texas here and delivered on the Platte, and weighed from the range?

A. That would vary in the way the cattle were delivered. In other words, you take a lot of cattle, handled well, and they would average better than others. An average drove would average from 1,000 to 1,050, and that depends, too, somewhat upon the part of country they come from. If they came from Western Texas they would run from 1,000 to 1,050. Get them from the extreme eastern part of Texas they would not weigh more than 900 pounds. But there are no cattle driven from there now.

Mr. J. W. Iliff, of Denver, a stock-raiser and dealer in cattle, also testifies, (page 582:)

Q. Have you ever seen any cattle sold to Mr. Bosler for the Indian agencies?

A. None at all this year. I saw some this year which had not been turned over yet, but they were intended for him. They were Mabry's and Littlefield's. I saw them at Ogalalla on the South Platte. I saw Mr. Littlefield's as they were said to be turned over. They were coming on the road to be turned over to Bosler's herd on the way to the agency. I should judge there were in that herd from fifteen hundred to two thousand. They were all steers, I think. I don't remember seeing any cows. I thought the general appearance of that herd was very good. They were in a good condition to have come through from Texas. I remarked at the time that those cattle were in a better condition than cattle are generally coming through from Texas. From what I saw of that herd I would put them above the average, and think they would go from 950 to 1,000 pounds. I give this as my general opinion, without having examined them so carefully as if I was going to purchase, and, therefore, hesitate somewhat in giving this opinion. I bought of Mabry & Millett six thousand young cattle out of their herds, one, two, and three years old steers. The larger cattle or steers I understood would go to Bosler.

Mr. Seth Mabry, the person in whose name this year's contract was taken, and one of the largest cattle-dealers in Texas, who, with his associates, drove to that market 60,000 head of cattle this year, testifies as follows, (pages 527 and 528:)

Q. Did your firm sell to Bosler some cattle last season?

A. Yes, sir. We sold him, I think, about five or six thousand cattle—the firm of Mabry & Millett. They were every one beeves but three hundred, and I sold him three hundred cows. They were every one four-year-old cattle that I sold him last season. I have been weighing cattle ever since I have been here, pretty much every season. Since 1866 I have been buying and selling cattle. The weight of what we term fresh cattle depends upon the way you weigh them. The rule in buying here is to lot them for twelve hours before weighing them, then they would weigh considerably less than if weighed right off the ranch. If they were to be weighed that way, I should estimate the cattle to weigh from nine hundred and fifty pounds to ten hundred and fifty, just owing to where those cattle came from in Texas. When you get west of the San Antonio River, and go into the mountain region, the cattle are very large—from nine hundred and fifty to ten hundred and fifty, weighed right off the ranch. I have no hesitancy in saying so, for the reason that I filled those contracts in 1871 on the Missouri, and I had a hard time. The weight of my beef-cattle averaged a good deal more than a thousand pounds all the way through. In the fall—in September, October, and November—there were a good many of these cattle that weighed as high as thirteen hundred pounds, and in the spring they ran down to seven or eight hundred; that is, the cattle furnished for the Yankton and Santee Indians. I have no hesitancy in saying that in this country, in ordinary seasons, the same grade of cattle would weigh from nine hundred and fifty to ten hundred and fifty pounds. I think the difference between lotting them for twelve hours and weighing them off grass and water would be seventy-five pounds.

\* \* \* \* \*

Q. Where did you deliver the cattle you sold last year to Bosler?

A. I delivered most of them up here for Red Cloud agency. I think I delivered three thousand here and three thousand on the Missouri River, on what is called "Sugar Creek," on the west side, for all those agencies on the Missouri River. We sold the Boslers this year about twenty-four thousand. I delivered the biggest portion of them here on the Platte for these two agencies, Spotted Tail and Red Cloud; about twelve thousand here and the rest at the other agencies.

As further evidence bearing upon the question of the actual weight of the cattle delivered during these years it may be well to refer to the reports of the several investigators who have preceded us. Mr. Samuel Walker, who in a manner investigated the affairs of Red Cloud agency within ninety days after Dr. Saville took possession, before any buildings had been completed, and when the Government property and Indian supplies were piled up on the prairies, covered only with 'paulius, states in his report that "on the 18th of November, 1873, 410 beeves, averaging 967 pounds, were received and issued." As he states that he was present and assisted in the weighing of this herd, we may receive this as a fact proved by his testimony.

The report of the commission of which Bishop Hare was chairman, made to the Secretary of the Interior in April, 1874, which will be found

printed at page 807, says, in reference to the subject of beef, (page 816 :) "The commission took particular pains to inquire into the quality and weight of the beef furnished by the contractor during the current fiscal year. The testimony of many witnesses and the personal observation of the members of the commission convince them that the cattle have been remarkably excellent in quality, size, and condition, and that their average weight has been on the whole considerably above that required by the contract." The high character of the gentlemen who composed that commission renders their testimony of great value and importance.

In the September following, Indian Inspector J. D. Bevier made a thorough inspection of affairs at the Red Cloud agency. His report is printed in full at page 819. In that report he says, (page 820:)

In this connection it is but fair to say that the herd, spoken of as the best ever brought into the State of Nebraska, I found, as far as I could judge, as good as could be, nearly uniform in size, steers said to be from four to eight years of age, all in good condition. There were a few cows, but as they are sold by weight, and always preferred by the Indians, I know of no objection to them.

Dr. Bevier came before the commissioners, and upon this point declared his report to be "strictly true." To the charges made by Mr. Walker replies were made in writing by Agents J. J. Saville and E. A. Howard, which are printed on pages 822 and 844.

We have thus far called attention to the testimony going to sustain the theory that all the beef received for was actually received by the agent. The testimony tending to sustain an opposite theory and the charges of Professor Marsh, though of a different character, merits careful attention. Professor Marsh says, in stating his own personal knowledge, (page 12:)

On the morning of November 14, while I was at the Red Cloud agency, Mr. Bosler, one of the contractors, brought to the agency a herd of several hundred head of Texas cattle, the first that had been received for some weeks previous. This lot was accepted by the agent and receipted for, but he only weighed a portion of the herd. These cattle I saw and carefully examined. Maj. A. S. Burt, of the Ninth Infantry, who commanded the escort to my expedition, was with me at the time and also examined them with care. They were the poorest lot of Texas cattle I have ever seen during all my experience in the West, where I have seen many hundreds of herds, at various points between this agency and Southern Kansas, and have myself purchased many animals for the use of my expeditions. All the cattle in this herd were wretchedly gaunt and thin, and the majority of them were small, many being yearlings. A large number were of the kind known among cattle-men as "scalawags," and not a few were weak and decrepit. I noticed the character of these cattle particularly, because the beef issued at this agency had been the subject of several conversations between Red Cloud, General Bradley, and myself, and I was desirous of knowing with certainty whether the statements of the chief on this point were true. In the afternoon of the same day that the cattle were received, November 14, I witnessed, in company with Maj. A. S. Burt, the issue of beef, when a large portion of these cattle were delivered to the Indians. This delivery was made from the agency corral, and the cattle were turned out, a small number at a time, to the chiefs or headmen, who were waiting with their mounted young warriors to pursue and kill them. I watched this issue with much interest from first to last, and saw every one of the cattle that were turned over to the Indians, as well as the remainder of the herd retained for a subsequent issue. I am confident that the average weight of this herd was not more than 750 pounds, and this I regard as a liberal estimate.

The same statement in substance was made by him in various parts of his testimony, which accompanies this report. Had the Professor been present at the corral an hour or two earlier on the day of the issue and observed the actual weight of the cattle, he would have escaped the possibility of error, and we should now have the means of settling this question without the liability of mistake. As it is, we must determine it upon the preponderance of testimony. We present, also, the testimony of the different persons who saw the herd which was delivered on the 14th November, who may be supposed to have no personal interest in the subject; and it will be interesting to notice how differ-

ently different persons, who were present at the time, with equal opportunities for observation, viewed the matter. Mr. I. W. French, of Cheyenne, who saw the cattle weighed, and watched the issue to the Indians, testifies as follows, (page 161:)

A. \* \* \* I was there, (it was on the 14th of November, the same time that Professor Marsh was there,) sitting in a buggy.

Q. Did you see the cattle?

A. I did, sir; I saw them in the corral, and as they left the corral, and saw some of them shot.

Q. What could you say of them?

A. I could only say I was a good deal surprised at the report in the New York papers, and the report that Professor Marsh made of the cattle being poor, a scrubby lot of cattle. They did look to me at that time, while in the corral, a little ragged, from the fact that it was a stormy day. There was a good deal of rain and snow on them, and the hair was wet, and their frames were more prominent than they would have otherwise looked, and they did look a little gaunt; but I didn't consider that as anything particular; they had not had any water, probably, for some hours, but the average condition I thought was—

Q. What as to weight or size? Do you know anything about the weight of cattle?

A. I am not a judge, particularly, not sufficient to average a herd of cattle within fifty or a hundred pounds in each head of cattle.

Q. You say to "average" them; do you understand that to be the system—that the cattle are averaged?

A. No, sir; you speak of the whole as a unit, as I understand you.

Q. Yes; I had asked you what their size was. What was the heaviest ox you saw there, according to your best judgment?

A. Twelve hundred pounds.

Q. And what the lightest?

A. I should not like to put my opinion against anything of that sort; I didn't give it special attention; they were large Texas cattle; had very large horns, and I regarded them as an average lot of Texas cattle.

Q. Do you know whether they were fat cattle or lean?

A. I regarded them as an average lot of cattle. I did not look upon them as stall-fed cattle or very poor—a good average lot of cattle for that time of year; they naturally would be good at that time of year. I did not regard them at all as an especially poor lot of cattle, that is, poor in flesh.

Q. Did you have any conversation with Professor Marsh on that day?

A. Yes, sir; considerable.

Q. Upon the subject of these supplies?

A. No, sir; not on that subject. We were talking bones at that time; he was a bone sharp, and I was interested particularly with him in getting bones for him.

Q. But in reference to the distribution of supplies or annuity goods, or anything else upon the subject, did you have any conversation with him?

A. I don't know that I did, any more than he was expressing himself with a degree of surprise; it was the first time he had ever seen anything so wonderful as what he was looking at at that time there.

Q. Did he comment upon any part of the distribution as wrong or irregular?

A. No, sir; not to me at that time. He didn't seem to express himself that he was discovering any frauds or anything of that sort at all.

Jules Ecoffee, whom Professor Marsh referred us to as a reliable man, testifies as follows, (page 215:)

Q. Do you remember Professor Marsh; did you ever see him?

A. Yes, sir.

Q. Did you meet him there?

A. Yes, sir.

Q. Did you see any cattle issued at the time he was there?

A. Yes, sir.

Q. What kind of cattle were they?

A. They were over the usual average.

Q. Would those cattle you saw issued on that occasion average 1,000 pounds all round?

A. Well, they might, but I don't believe they would. They were larger than those they generally issued.

William Rowland, an interpreter for the Cheyenne Indians, testifies, (page 244:)

Q. Were you here in November, 1874; the time that Professor Marsh was here?

A. Yes, sir.

Q. Were you present at the issue of beef, about the 8th or 14th of November, 1874?

A. Yes, sir; I have been at every beef issue; I guess I have not missed one since I have been here. It is part of my business to be here to interpret for the Indians in receiving their beef.

Q. As you have seen all these issues of beef, generally, were the cattle issued at that time of similar quality to those issued before and since?

A. Well, yes; I don't think, the way the beef has run, as a general thing, (except about two issues last winter, during that cold weather, when it was a little thin and poor,) that they have been any different. Most of the time we have what we call good beef here.

Louis Reshaw, the half-breed, testifies as follows, (page 467:)

Q. Were you out at the corral?

A. I was not at the scales; they were weighed when I got there, I guess; I guess they must have been, for they issued them right out.

Q. Mr. Reshaw, what kind of cattle were those that were issued on that occasion?

A. They were small cattle; the most of them were not fit for beef.

Q. Have you had experience in the weighing of cattle, so that you could give an estimate of the average weight of those cattle?

A. I could not do it, because I have not been around when the cattle have been weighed.

Q. But have you seen other cattle weighed?

A. I have seen big beef-cattle weighed.

Q. Well, has your observation among cattle been such that you could state something near what would be the probable average weight of those cattle?

A. It would be pretty hard for me to say that; I could not very well tell. I would have to guess at it; but they were mighty small cattle.

Q. And are you not sufficiently acquainted with the average weight of such cattle as to be able to say what those would probably weigh—to hazard an opinion on the subject?

A. No, sir.

Major A. S. Burt, of the Ninth Infantry, stationed at Fort Laramie, testifies, (page 517:)

Q. You belong to the Ninth Infantry, I believe?

A. Yes, sir.

Q. Major, were you present at the issue of cattle by the Indian agent at Red Cloud agency on the 14th of November last?

A. I don't know the date, sir; but I was present at an issue of cattle by Dr. Saville, in November last. Professor Marsh was with me. He rode down there with me.

Q. There is a certificate made by you, in which you state that the cattle you saw at that time were Texas cattle, miserably poor, some of them so weak the Indians could not goad them out of a walk, and the cattle were, as a rule, small in size.

A. Yes, sir; I remember such a certificate as that.

Q. Can you form any estimate of the number of cattle in the herd?

A. No, sir; the corral was full; there was barely room for a man to go round and drive them out when they issued them. I don't know how many, but enough to make an issue at that agency. I don't know anything about the number so as to fix it in my mind. I was not there as an investigating committee, but simply went with Professor Marsh to see the issue, as to how it was done. I did not fix in my mind any number, but remember the condition of the cattle was poor.

Q. What do you mean by saying that they were in miserable condition?

A. I mean that they were walking skin and bones. This observation applies to them generally. I could not say that every one was skin and bones; but my general observation of the cattle was that they were mere skin and bones; that is, very poor.

Q. Do you remember whether the majority were steers or cows?

A. No, sir, I could not tell whether they were or not.

Q. You spoke of some of them being so weak that the Indians could not run them. About how many did you observe in that condition?

A. I could not say; but that fact impressed itself upon my mind, because, as you remember, the Indians slaughter most of their cattle on the ground, and they drive them out; and in order to get them to run they would start them with their goads; and in several cases they could not make the cattle go out of a walk, and the impression on my mind was that it was because they were so poor. I could not say how many cases of this kind there were. I could not fix any number.

Q. Do you know how far these cattle had been driven the day before the issue?

A. No, sir; I don't know anything about these cattle, except that I went there with Professor Marsh, simply to see them. I did not know how long they had been without food and water. The weather was not very severe; that is, if you mean for the cattle. There was no snow on the ground that day. There might have been snow in the gullies.

Q. Had it not been snowing or raining for one or two days before?

A. It could not have been bad weather, or I would have noticed it, as I was in tents. I did not see these cattle weighed; I don't know whether they were weighed; I noticed no scales at the corral for weighing cattle.

Q. Are you able to form any estimate of the average weight of the cattle you saw there that day?

A. No, sir; I cannot. Nobody can do that unless he weighed the cattle. I did not do that.

Major T. H. Stanton, who was also present, testifies as follows, (pages 553 and 557:)

Q. You are paymaster in the Army, I believe?

A. Yes, sir.

Q. Major, were you at Red Cloud agency last November?

A. Yes, sir.

Q. Did you see the issue of beef made there about the middle of November?

A. No, sir.

Q. Well, did you see the beef-cattle that were received there last November?

A. I saw some cattle that were there. I saw the herd which came up to be issued in November.

Q. Well, did you observe that herd of cattle?

A. Not specially or particularly; no.

Q. Could you say of the beef-cattle that in any way they were poor and thin?

A. Well, they looked, some of them, thin, but in a fair condition.

Q. What kind of weather was it at that time?

A. Very severe cold weather. They had a severe snow-storm while I was there.

Q. Did you see the cattle weighed, or any of them?

A. No, sir.

Q. Could you be able to say whether those cattle were of average size or not?

A. They were small, thin cattle, that were issued to the tribes there, I remember.

Q. Were they as large as those of the ordinary herds of Texas beef-cattle which they have in this country?

A. Yes, sir; I should say they were.

Q. Was Major Burt present with you at the time you saw the herd of cattle driven in?

A. I think he was. There was Major Burt, General Bradley, some officers from the post, and Professor Marsh.

Q. You described some of these cattle as thin in flesh, but on the whole as fair, in a fair condition?

A. Yes, sir.

Q. Did you see any cattle in that herd which could be designated properly as walking skeletons?

A. No, sir.

As against the testimony of the Fairbanks scales, used to weigh the cattle on that day, the conflicting testimony of these gentlemen—few, if any, of whom ever saw a herd of cattle weighed, and all of whom are now giving opinions formed casually and incidentally, and with no anticipation of ever making them public—should manifestly be received with some grains of allowance. It is well established that that herd was delivered at a season of the year, of all others, when through Texas cattle are usually in the best condition, and no reason appears why that particular herd should be walking “skin and bone.” There is, however, the circumstance that the weather was at the time very cold, that it had been snowing for two days and one night, and that the cattle had been deprived of food and water during that time, which may account for their appearance and excuse some of the extravagant statements of the witnesses above quoted, and which receive no countenance from the great mass of the evidence.

The testimony of Mr. G. M. Bosler, the chief herder, on this point, confirmed by many other witnesses, is as follows, (page 485:)

Q. Mr. Bosler, were you present at the delivery of cattle at Red Cloud agency November 14, 1874?

A. Yes, sir.

Q. Did you see Professor Marsh at or about that time?

A. I did not see the Professor at the delivery of the cattle. I saw him afterward at the agency.

Q. Did you have any conversation with him about the cattle?

A. No, sir.

Q. Was it on the same day as the delivery of the cattle that you saw him at the agency ?

A. I could not say.

Q. Did he make any remark to you or in your hearing as to the condition of the cattle ?

A. No, sir.

Q. Were you the only person named Bosler who was present at this delivery ?

A. Yes, sir.

Q. I call your attention to the statement, on page 25 of Professor Marsh's pamphlet : "The cattle of this herd were so wretchedly poor that even the contractor, Mr. Bosler, deemed it necessary to apologize for them." I want to ask you, did you, to any person, make any statement respecting the condition of the cattle in the nature of an apology, or explanation, or excuse ?

A. Major Burt came to me and asked me what made the cattle look so gaunt. I told him we had driven the cattle in a storm for two days and one night ; that they had neither grass nor water during that time.

Q. Was that statement to Major Burt a correct statement of the fact in the case ?

A. Yes, sir ; I was merely answering the question.

Q. What was in other respects the condition of those cattle ?

A. They were good cattle, out of a herd of 3,000 head like those you have seen this morning.

Q. Were they as good as those we have seen this morning ?

A. Yes, sir ; they were fatter cattle, only we had driven them for two days and a night in a storm, and of course, snowing all the time, as it was, it made them look rough. They had no food or water during the time.

Q. How far had you driven them ?

A. I had started them from about five miles below here, where we now are on the Niobrara ; that is, about thirty-five miles from the agency.

Q. How happened you to be so long driving them thirty miles ?

A. It commenced snowing on the morning we started driving the cattle, and kept snowing all that day and all that night, and the next morning we got lost, and did not get into the agency until night.

It is apparent that the cattle were seen by Professor Marsh, Major Burt, Major Stanton, and the others, under most disadvantageous circumstances ; and it is more charitable to all concerned, and more consistent with the facts, to conclude that they were misled by the rough, gaunt appearance of the cattle, arising from these causes, rather than they had misrepresented what they saw, or that the cattle were really "walking skin and bone." But Professor Marsh asserts that Dr. Saville admitted to him that the cattle received on the 14th of November did not average more than 850 pounds, and that this admission, in connection with the undisputed fact that Dr. Saville receipted for them at an average of 1,043 pounds, is conclusive against Dr. Saville and fully establishes the alleged fraud. This admission, fatal to the reputation of Dr. Saville for honesty and integrity if true, is said to have been made in Washington in May last. Professor Marsh states the admission of Dr. Saville in these words : "Agent Saville was confident that these cattle, thin as they were, would weigh 850 pounds on an average. On my questioning this, he insisted that 'those he weighed came up to that average, and that those estimated were fully as large. He himself weighed all of the herd that were weighed in the morning they arrived.' Memoranda of these statements of Agent Saville were taken down at the time by both Bishop Hare and myself, and at a subsequent conference were found to agree ?"

The attention of Dr. Saville was called to this statement of Professor Marsh, and he testified as follows, (page 394 :

Q. In the same connection, Professor Marsh says that "Agent Saville was confident that these cattle, thin as they were, would weigh 850 pounds on an average." Did you make that statement to him ?

A. I shall have to explain that in the same way, by recalling what was said. Bishop Hare asked me if these cattle would weigh, every one, 1,000 pounds, and I said, "No : they would not," and then remarked that the contract did not require them to be 1,000 pounds in weight ; and he asked me how much it was, and I told him 850 pounds ; and he turned to me and said : "Did these cattle average 850 pounds ?" asking a general explanation—

if they came up to the contract. I answered him in three words: "Yes, and more." Those, I think, were the exact words I used

Q. Did you at any time claim, in that conversation or any other, that they weighed 850 pounds?

A. No, sir, not fixing the amount; only that they filled the contract.

Professor Marsh having appealed to Bishop Hare to corroborate his version of that conversation, we examined the Bishop fully upon the subject, with the following result.

The foregoing extract of the testimony of Dr. Saville was read to him, and then the question was put to him, (page 606 :)

Q. I ask you now if that statement accords with your recollection?

A. I would omit the words, "and more;" but if I was put on my oath to deny that he said "and more," I should prefer not saying it, because it is merely a matter of memory, and a man's character is at stake.

Q. Then, Bishop, how, in other respects, does the statement agree with your recollection?

A. Exactly.

By Mr. MARSH:

Q. Do you remember his speaking of the "thousand pounds" and "the contract"?

A. I do.

After Bishop Hare had testified in the presence of Professor Marsh, and had been cross-examined by him, and after Dr. Saville's statements and testimony were known to Professor Marsh, he, upon his re-examination, testified as follows, (page 97 :)

Q. Do you say, Professor, when Saville said those cattle would weigh 850 pounds, that he did not say "and more"?

A. I am perfectly confident that he did not say anything of that kind, and that he did not imply it in anything that he said.

\* \* \* \* \*

Q. Do you remember whether, during the conversation which has been referred to, anything was said about the cattle coming up to the contract weight?

A. I won't be positive on that point.

Q. Or whether the fact of their weighing a thousand pounds was mentioned?

A. I feel sure that was not mentioned.

Q. Was there any reference made to the contract weights of 850 pounds in the summer and 1,000 in the winter? Do you differ with the Bishop on that subject?

A. Since the Bishop's statement I have thought that over, and don't recall any reference to that; but yet it may have been said.

Here are three persons endeavoring to detail a particular conversation. Bishop Hare and Professor Marsh, to whom no suspicion of improper motives can be imputed, do not remember it alike. Bishop Hare corroborates Dr. Saville in important particulars, and in those same particulars differs from Professor Marsh. He can hardly be said to contradict Saville at all. In this confusion we can only determine the truth by looking at the probabilities. Dr. Saville had already given a receipt to the contractor for these cattle at an average of 1,043 pounds, which had been paid, and which he knew could be found on file in an hour by going to the Auditor's Office. If he had been guilty of defrauding the Government to the extent claimed he was then conscious of it, and we can hardly conceive that he should, under such circumstances, be weak enough to make the statement ascribed to him by Professor Marsh, which is in the nature of an admission of his own guilt. If, as he claims, he was refuting the charge of Professor Marsh as to the cattle being small and poor, and was claiming that they were fully up to the contract requirements, he not having then before him and not remembering the weights, his statement of the conversation, in part corroborated by Bishop Hare, seems entirely consistent and natural, and



it should be remembered in this connection that Professor Marsh was at the time assailing the reputation of Dr. Saville for integrity; that the interview became angry, Saville accusing Marsh on the spot "of seeking to make a case of fraud against him, whether true or not." It is not impossible that, in his desire to bring to light and just condemnation supposed frauds, he may have unintentionally given a construction to the language of Dr. Saville which was not intended. The result is, we are obliged to say, that the evidence fails to show that any admission was made or intended by Dr. Saville to the effect that the cattle delivered on the 14th of November would weigh 850 pounds per head and no more. And we think that if Bishop Hare and Professor Marsh so understood him they must have been mistaken.

Professor Marsh calls attention to the statements of Lieut. W. L. Carpenter, contained in his letter to the Professor of June 22, 1875, concerning an issue of beef at Red Cloud agency, May 4, 1875, in which he says "that the cattle then issued were wretchedly poor and about half of them ridiculously small; that out of about 200 head which I saw killed at the time, there were but three *oxen* which would be accepted by an Army commissary for issue to troops; there were many yearlings in the herd which would not net 200 pounds of beef; and, to the best of my knowledge and belief, the entire herd would not average seven hundred and fifty pounds gross weight."

This statement is followed by the certificate of Louis Reshaw, but we think his corroboration weakens rather than strengthens the statements of Lieutenant Carpenter. We have seen Mr. Reshaw, and are satisfied that he is capable of gross misrepresentation and falsehood. Lieutenant Carpenter gives it as his opinion only, and as we have not been able to see him, or ascertain the extent of his experience, we are not able to determine the value of that opinion. From the favorable terms in which he is spoken of, we should be inclined to give great weight to any statements that he might make concerning matters within his own knowledge or experience. But it has been demonstrated over and over again in this investigation that the estimate of men not thoroughly familiar with the subject concerning the average weights of miscellaneous herds of cattle are very unreliable. We have noticed that most of the Army officers estimate gross weights lower than any other class of witnesses, and yet it appears that the Army system seldom deals with gross weights, but with net beef on the block, and the Army mode of determining net weight is different from that usually practiced. The Army contracts require that the slaughtered animal, excluding kidney, tallow, shank, and brisket, be weighed to ascertain net beef, and to determine net weight for cattle on the hoof for the supply of a moving army. The system is to kill a few average cattle, and to obtain the net weight by the above rule. By this process of excluding tallow, kidney, shanks, and brisket, from fifty to seventy-five pounds per head is lost from the net weight, as usually understood. The experience of Army officers, therefore, would incline them to estimate cattle on the hoof at less than their real weight. The fact that the price paid under Army contracts for beef in that neighborhood is much higher than that paid for the Indian supply is in part attributable, doubtless, to the circumstance that, according to Army practice, the net beef bears a smaller proportion to the gross than elsewhere.

The following is a table kindly furnished us by Maj. John P. Hawkins, commissary of subsistence, U. S. A. :

Abstract of contract-prices of fresh beef and beef-cattle furnished the Subsistence Department, United States Army, in the Department of the Platte, during the fiscal years ending June 30, '74, '75, and '76.

Posts.	1873-'74.		1874-'75.		1875-'76.	
	Fresh beef per lb., net.	Beef cattle per lb., net.	Fresh beef per lb., net.	Beef cattle per lb., net.	Fresh beef per lb., et.	Beef cattle per lb., net.
Bridger, Fort, W. T. ....	10½	10½	10½	9½	12½	
Brown, Camp, W. T. ....	9½	8	10½	8	9	7
Cameron, Fort, U. T. ....	7½		6½	6½	5.65	5
Cheyenne, W. T. ....	7.12	5 gross	6	5	6	5
Douglas, Camp, U. T. ....	7½		6	6	4.4	5
Fetterman, Fort, W. T. ....	7.12	5 gross	8	8	7.9	7.9
Laramie, Fort, W. T. ....	7.12	5 gross	6.89	6.3	6.34	6
McPherson, Fort, Nebr. ....	5.94	5.75 net	4.89	4.89	5.73	6
North Platte, Nebr. ....	5.88	5.75 net	4.84	4.84	5½	
Omaha, Nebr. ....	8½/16		7.9		7½	
Omaha Barracks, Nebr. ....	8½/16		7.9		7½	
Robinson, Camp, Nebr. ....			9½	9½	8	6
Russell, Fort D. A., W. T. ....	7.12	5 gross	6.25	5.25	6	5
Sanders, Fort, W. T. ....	7.12	5 gross	5.72	5½	5.85	5.85
Sheridan, Camp, Nebr. ....			9½	9½	8	6
Sidney Barracks, Nebr. ....	7.4	7 net	6.5	4	6	3½
Stambaugh, Camp W. T. ....	10½	9 net	15½	8	14	8
Steele, Fort Fred., W. T. ....	7.12	5 gross	6.95	6½	6.8	5

I certify that the above abstract is correct.

(Signed)

JOHN P. HAWKINS,  
Major C. S., U. S. A.

It appears by the foregoing abstract that the price for beef at Camp Robinson, one and one-half miles only from Red Cloud, is eight cents per pound for fresh beef, net, on the block, and for beef-cattle per pound, net, six cents.

That the Government is getting its supply of beef for the Indians at a rate much below that for the Army sufficiently appears, and yet, even from the herds furnished at Red Cloud, some beef has been delivered good enough for Army use.

Julius A. Green, the post-butcher at Camp Robinson, testifies that the herds of cattle delivered at Red Cloud were mostly steers, but very few cows among them, and that take them all through they weigh more than the cattle received at the post, and gives as the reason for the fact that he killed a good many two-year old cows for the use of the post. He also says, speaking of the herds coming to the agency :

Last winter the cattle in this country, the Texas cattle, fell away a great deal. Last spring they got thin. I only saw one herd here which was thin. That was last spring. The rest were all good.

Possibly the herd here referred to was the one seen by Major Stanton.

Mr. Green also says :

Q. You remember an occasion when eleven cattle were killed by the Cheyennes ?

A. Yes, sir.

Q. In what herd were they killed ?

A. In the post-herd. They were taken from the post-herd and dressed at the Cheyenne camp. Dr. Saville made them good afterward, and allowed me to select eleven from the agency herd. I selected eleven of the fattest, but not the largest, which netted 450 pounds each without the shanks, tallow, kidney, or brisket, but with those they would net about 500.

As this testimony comes from a practical butcher, connected with the Army, it is significant and of great weight. The cattle delivered in May last were, doubtless, smaller than those usually delivered, and

considerably below the average. They were receipted for at 965 pounds each. These cattle were turned in under the new contract made necessary by the short supply, and were wintered in the country of the Platte; were purchased by the contractor at a relatively high price, many of them as high as \$25 per head, and had, doubtless, suffered from the rigors of the winter.

While Lieutenant Carpenter's statement is probably generally correct as to the condition of the cattle which he saw, we find in it no evidence of fraud either upon the Indians or the Government.

During our investigation we were informed by a gentleman of high character that Dr. Irwin, the agent of the Shoshone agency, informed him in the fall of 1873 cattle were delivered to him by Mr. Bosler upon the contract of G. M. Dodge, which came from the same herds as those which were being delivered at Red Cloud and Whetstone, and that those which he received weighed only 800 pounds each, while those delivered at Red Cloud and Whetstone were receipted for at an average of more than 1,000 pounds. On returning to Washington, the Auditor furnished us with a copy of the voucher given for the cattle by Dr. Irwin, which clearly shows that our informant misunderstood the Doctor, for instead of 800 pounds, the voucher shows the weight to have been 489 pounds net, or 978 pounds gross. Its effect seems to be to confirm the correctness of the weights certified to at Red Cloud rather than otherwise. The facts that the cattle had been driven two hundred and fifty miles, and were estimated and not weighed, will account for the slight difference assumed.

The voucher given by Dr. Irwin is as follows :

Received of G. M. Dodge for the United States Government, at the Shoshone and Bannock Indian agency, Wyoming Territory, three hundred and forty-nine beef-cattle, averaging four hundred and eighty-nine (489) pounds net. Total weight, one hundred and seventy-five thousand five hundred and fifty-one (175,551) pounds.

JAMES IRWIN,  
*United States Special Indian Agent.*

SHOSHONE AND BANNOCK AGENCY,  
*Wyoming Territory, Sept. 30, 1873.*

The Auditor also furnished us a copy of the account upon which Mr. Dodge was paid for those cattle at gross weight, the total gross weight being 351,102 pounds. Price, \$3.90 per 100 pounds. Total, \$13,692.98.

### *Stampedes.*

The subject of stampedes may be dismissed with a very brief notice. Professor Marsh asserts that it is a "fruitful source of fraud," and that it "appears to have been practiced" at the Red Cloud agency as a "system," at least since the present agent took charge. He also declares that "from such stampedes, and the fraudulent results following, both the Indians and the Government have suffered great losses."

With these statements as our only guide, we were little prepared for the discovery that only two stampedes had occurred since Saville took charge, and that the total number of cattle lost in consequence was but 195; yet such is the fact, as shown by evidence which is not disputed.

On the 9th of October, 1873, in the midst of a storm, the cattle of the agency herd were frightened by an Indian, as the herders stated, and about two hundred of them were stampeded and scattered over the country. As the agent had not men enough to hold the remainder of the herd, and at the same time recover the lost cattle, he turned over about six hundred to the herd of the contractor, taking his receipt therefor, and then sent his herders to hunt up the strays. In the course

of three weeks they recovered all but sixty-seven head. The chief herder was considered negligent in performing his duty, and was found to have made several false statements about the matter of the loss. He was in consequence discharged by Dr. Saville.

If these cattle were stampeded by the Indians, as was alleged, they undoubtedly secured every head of them, without waiting for the formality of the agent's permission; and it is more than probable that they did so, in any case, as they have an invincible objection to seeing beef-cattle running at large about the country. The facts were duly reported to the Indian Bureau by Dr. Saville, and we find no blame attributable to him in respect to any part of the affair.

The second instance of a stampede occurred on the 7th of September, 1874, and the matter is fully detailed in the letters and affidavits on page 443. The number stampeded was 284 out of a herd of 834. Most of the cattle were found to have returned to the contractor's herd. The chief herder, McBratney, believed that all but thirty-six had done so, and Saville wrote to the Indian Office, page 443, as follows: "While I have not, and cannot get, the positive evidence that the whole number of cattle lost entered the contractor's herd, yet the circumstantial evidence leaves scarcely a doubt that they did so."

Mr. Bosler claimed that no trace could be found of the return of more than 150, and that number was subsequently returned to the agency and deducted on the receipt given to the contractor by Saville. The course taken by Dr. Saville precludes the possibility of any collusion with the contractor in this affair, and relieves him, in our opinion, from every just suspicion of wrongful act or purpose. Of the remaining 134 head, 6 were recovered or accounted for, leaving a net loss of 128. If these 128 did not return to the contractor's herd, the Indians doubtless received the benefit of them; and if they did so return and shall not hereafter be accounted for in his settlement by the contractor, then they were a loss to the Indians as well as the Government.

The question has remained unsettled up to the present time; but in view of the facts that all the trails led directly towards the contractor's herd, whither the cattle would naturally have gone, that there was no indication given by the Indians of their having picked up this considerable number—as, for example, by an increased sale of hides—and the difficulty of supposing that Mr. Bosler's herders could have identified each animal that had returned to the herd, we are led to the belief that Dr. Saville's conclusion was correct.

It will be seen by Professor Marsh's testimony, pages 103 to 105, that his statements were based on information only, and not on personal knowledge. The information we find to have been incorrect.

The statement in Reshaw's certificate, page 16, that "these same cattle were afterwards driven to the agency, and were receipted for the second time by the agent," has not a shadow of foundation, except in the fact already stated, that 150 were returned, but were not receipted for a second time. Before concluding upon this branch, we deem it our duty to say that, while notwithstanding our careful, and as we think thorough and exhaustive, investigation, into the subject of the supply of beef to the Sioux Indians, we have found no sufficient evidence to justify us in coming to the conclusion that fraud has been committed by the agent or contractor during the period covered by our inquiry, yet that the present system is one which we cannot approve. It cannot be doubted that under it it is possible for corrupt agents and contractors to combine and to successfully defraud the Government and the Indians.

There is no proper check for the prevention of fraud, and, indeed, we

think the system invites it. This is so apparent to every observer that it may naturally give rise to and justify suspicions of fraud where no fraud exists.

No Indian agent, however honest, should be exposed to the great temptation laid open before him; nor should he be placed in a position where, however he may resist temptation, and however honestly he may serve the interests both of the Government and of the Indians, and act up to the highest standard of morality and honesty, he may still be suspected, and run the risk of retiring from his position at last with empty pockets and impaired reputation.

The case of Dr. Saville is in point. The accusation has fallen upon him, not because he has stolen, but because it was thought that he had the opportunity to steal. We think that, to protect the Government against fraud, its servants and agents against temptation, and honest men called to the public service from unjust suspicion and accusation, a change of system is demanded.

— We would earnestly recommend that from the Army officers stationed at the nearest military camp—who are already under the pay of the Government—who are generally men of education, integrity, and competent skill, with no arduous duties to perform in time of peace, an officer should be from time to time detailed at each agency, and under the direction of the Commissary-General of the Army, to inspect and accept or reject all beef offered by contractors and report his doings; that the agent be allowed to receive none except on his certificate, and that no voucher be paid that does not bear the inspector's signature in its approval. As security for his integrity, we have the known high sense of honor among military officers, and the court-martial for all delinquents.

#### *The Morrow contract.*

Professor Marsh presses upon our attention the subject of the Morrow contract, not referred to in his letter to the President, and the alleged double payment for cattle delivered at the Crow Creek agency in November, 1870, to the amount of \$16,000. It should be said that the fraud, if such it were, occurred before the present Commissioner of Indian Affairs came into office.

It appears that in November, 1870, Morrow delivered to Agent French, for that agency, about 400 head of cattle, for which French gave a receipt in the usual form, which was paid in the February following; that the receipt was given by French with the expectation that it would be held as a memorandum—he having received the cattle at the request and for the convenience of the contractor—and with the intention of drawing from the herd afterwards cattle as he might need them for issue, giving vouchers as he should take them; that in a few days French was superseded by the present agent, Livingston, and that in turning over to his successor he took no receipt for these cattle then on the range with the agency herd; that Livingston afterwards took up cattle from the herd as he needed them, giving Morrow vouchers for them, upon which Morrow a second time was paid; that these cattle stood charged to French, and in 1873, when the final settlement of his accounts as an agent was reached, he found himself in default for the amount of his voucher given to Morrow, with the balance really due him from the Government locked up in the Treasury. Morrow denied that he ever received his pay twice, but claimed that, owing to a personal difficulty between French and Livingston, Livingston refused to receipt for the cattle, and that French left them in the agency herd;

and that white men and Indians helped themselves to them, and that they were thus lost to the Government.

There is evidence tending to show that in this claim Morrow was correct. From the correspondence found at the Department of the Interior, it is certain that a large number of these cattle which were never issued to them were suffered to be killed by the Indians and others.

Morrow claimed that every subsequent receipt, received after November, 1870, represented a separate actual delivery, and it appears that no duplicate receipt, or receipt representing a similar number of cattle, was ever given or paid. It is very certain that French and Livingston, one or both, neglected their duty, and that from that neglect the difficulty arose.

As soon as the matter came to the attention of the present Commissioner of Indian Affairs he instituted a thorough investigation, and caused a suit to be commenced against Morrow for the recovery of the price of the cattle. The case was not without embarrassment, for the neglect of the agents was manifest, and Morrow claimed to be able to show that he had only been once paid.

It was finally compromised, Morrow delivering at the Crow Creek agency the same number of pounds of beef-cattle as was represented by the voucher of November, 1870. There can be no doubt that the Commissioner of Indian Affairs has acted with judgment and discretion in view of the condition of the parties, and the embarrassments of the case, in the compromise which he has effected, with the approval of the United States district attorney for Nebraska and the Attorney-General of the United States.

#### PORK.

Professor Marsh's statements (testimony, pp. 16, 17) respecting the pork issued at the Red Cloud agency, November 15, 1875, were carefully considered, and the principal facts, we believe, were fully ascertained. These statements are, in substance :

1. That the issues were made in a careless and slovenly manner.
2. That some of the pork so issued was unfit for food.

On the first point, which is of minor importance, except as it is alleged to furnish a characteristic illustration of the management of affairs at the agency, it may be sufficient to place the conflicting testimony side by side. Professor Marsh says: "The method employed in distributing this article to the Indians was characteristic of the management of affairs at the agency. The barrels of pork were rolled out of the warehouse by one of the employés, the heads of the barrels knocked in with an ax, and the contents turned upon the ground. The pieces of pork were then given to the Indians, who were waiting for it, without being weighed, or any other measures being taken to insure a just distribution." To this statement Agent Saville enters an emphatic denial, as follows, (testimony, p. 383):

This is a fair sample of the willful misstatements throughout all these charges. Professor Marsh saw one barrel of pork rolled out to a band which was large enough to receive two hundred pounds. By their request the barrel was knocked open, and they distributed it among themselves. All the rest of the pork was issued inside the warehouse, through an opening into another room, into which the Indians come to receive rations. As Professor Marsh had an opportunity of going into the warehouse and seeing the issue, I therefore characterize this statement, as far as it represents it as being the usual manner in which pork was issued, as, to say the least, negligently incorrect.

Subsequently (testimony, p. 106) Professor Marsh reiterates the statement that he saw "several barrels," instead of one, issued in the manner he described; but was unable to say whether each of these barrels

was not issued to a particular band of Indians large enough to be entitled to that quantity, and then the heads knocked out to enable them to divide it among themselves. It seems more than probable that this was the case. It should be remarked, also, that it is, in the present state of feeling and custom among the Indians, impossible for the agent to distribute articles of any bulk to individuals. They insist on receiving in one issue the articles designed for each band of families, and the distribution is then carefully made in the presence of them all by some authorized or selected member of the band. The proceeding is a rude one, but substantial accuracy is insured by the watchful oversight of the persons most directly interested.

With regard to the second statement, that some of the pork was unfit for use, the testimony shows that the first 200 barrels received under the Slavens contract were "mess" pork, in perfectly good condition; that of the 600 barrels afterward furnished a very little (possibly half a dozen barrels) had become spoiled in transit from loss of brine, while all the rest were sweet and sound. It consisted largely of the lean portions of the animal, and was, therefore, on account of the habits and tastes of the Indians, entirely unfit for their use. All the evidence goes to show that Professor Marsh was mistaken in supposing the pork to be "old," or that any considerable portion of it was damaged. Mr. Armor, of Chicago, of whom it was purchased, states that it was new, and in perfectly good condition when shipped. The statement quoted from Red Cloud, that he believed some of the children had died of eating the pork, is too trivial for serious notice. It is evidently one of those childish and irresponsible complaints which Indians in general (and that chief in particular) are fond of making. It is parallel with the complaint made to us by one of the Indians, that the pork was spoiled by the "water in the barrels," and with the statement of one of Spotted Tail's band, that the hill-sides were covered with the graves of their children who had died from eating sugar. They have little knowledge of the different modes of cooking pork, and, in general, use the fat portions only. In this instance, accordingly, they cut off the fat and threw the rest away. There was undoubtedly great waste of material, but any subsequent lack of food on that account is attributable to the improvidence of the Indians themselves, and not to the conduct of the agent, who appears to have acted in the matter promptly and effectively. As soon as his attention was called to the waste that was going on he stopped issuing it, reported to the Commissioner of Indian Affairs that the pork then being delivered to the agency was entirely unfit for the use of the Indians, and "was all thrown away," and was lying "upon the ground about the agency." He recommended that it all be "thrown upon the hands of the contractor," and requested instructions from the Office. After inquiry on the part of the Commissioner, an arrangement was entered into with the contractor, as will be presently pointed out, under which the remainder of the pork was distributed to the Indians.

While, therefore, in regard to the principal charge, we find no evidence that any considerable amount of the pork referred to was otherwise than sweet and wholesome, the proof is clear that it was of an inferior grade, and we are fully convinced that it was furnished in pursuance of a deliberate and premeditated attempt to defraud both the Indians and the Government. The facts which lead to this conclusion are as follows: Under date of May 28, 1874, the Commissioner of Indian Affairs advertised for proposals to furnish 1,000 barrels of "mess" pork, (which is the highest of the five grades recognized in western markets,) delivered at

Omaha. On the 2d of July the bids were put in, and, on being opened, were found to range from \$21 to \$22.05.

The bid of Mr. J. W. L. Slavens, of Kansas City, Mo., being the lowest, the contract was awarded to him; but, by an error on the part of the clerk who filled it out, the contract was made to call for "pork" simply, and not for "mess pork." It appears, however, as stated by Mr. Slavens, that between the date of the bidding, July 2, and the date of his receiving the award of the contract, July 9, the price of pork had advanced to such a figure that he could not supply it without loss. He says, (page 595:)

The price of pork had advanced in the mean time, so that I could not possibly buy it at the price for which I offered to furnish it, although I had a margin at the date of the letting; and I said to the Commissioner that I could not furnish it at that price, and that I would not accept the award if I should be held to furnish it all immediately out of old pork; that if I was only required to furnish it from month to month, as the agency needed it, through the year, then I could get even on the new crop of pork, which, as a rule, the United States over, is five or six dollars lower per barrel than pork is before the new crop comes into the market. He said that would be all that would be required, to furnish it as fast as the agency needed it, and with that understanding I accepted the award, and I delivered 200 barrels as soon as they were called for. The letting was in New York City, July 2. Bids were opened at noon on that day, and made a bid, reserving myself a margin, and the next day, and the next, and every day on until the award, I was wanting to know whether I should furnish it or not; and there was no decision made in regard to who should have the contract until in Washington City some eight days afterward, I was notified that I could furnish the pork, and then occurred this conversation with the Commissioner.

It will be noticed that Mr. Slavens, in his conversation with the Commissioner, whatever he may have contemplated, made no allusion to any proposed change in the grade of pork to be furnished, but merely desired an understanding that it was to be delivered only as fast as it might be needed. Under the contract thus concluded, and the arrangement thus made respecting the time of delivery, Mr. Slavens furnished 200 barrels of mess pork of the best quality. He did so because, as he states, (p. 596,) this was what he knew he had in his bid proposed to furnish, and what he then supposed he had contracted to furnish; but afterward he "happened to see Mr. Threlkeld's copy of the contract, and discovered that it did not call for it." Thereupon it occurred to Mr. Slavens, according to his representation to this commission, that he could substitute for "mess pork" any lower grade that could be made to pass inspection. "That," he says, "was the test with me—inspection in all contracts." With this view he saw the inspector, Mr. Threlkeld, and proceeded to convince him that there was really no need of his being over-scrupulous about the grade of the pork, so long as it was sound and sweet. Mr. Threlkeld testifies, (p. 587,) "He said that parties who had the contract at Omaha, and above here, were all furnishing that class of pork, and he did not see why I should be so conscientious, and refuse to accept the same pork that they received; and I did not feel that I wanted to be over-particular, and if they were receiving that kind of pork, of course I had no right to dispute what he said about it."

Mr. Threlkeld also states in a letter to the Commissioner (p. 592) that Slavens assured him positively "that *that* was the grade contemplated by him in his bid." The inspector seems to have labored under some embarrassment in choosing between his desire to serve Mr. Slavens and a desire to serve the Government if he conveniently could. The following extract from Mr. Threlkeld's testimony (p. 588) gives his version of the discussion, as it was drawn out in the examination, and, at the same time, presents his explanation of the course he pursued in passing the pork:



Q. Did Mr. Slavens claim that because the contract did not hold him up to the terms of the advertisement, therefore he was at liberty to put in a different grade?

A. He contended that the contract was all I had to go by.

Q. Then there was some discussion as to whether you should hold him to the terms of the advertisement or the terms of the contract?

A. Yes, sir; he said if the contract was not to be my guide, then I had no guide; that there would have been no occasion for sending it to me.

Q. Did you say to him that, inasmuch as he had made a proposal to fill the contract which the Government had advertised for in terms, he was bound to fulfill it according to the proposal and not according to the contract?

A. No, sir.

Q. You did not claim that if he had made a proposal in answer to an advertisement which calls for mess pork, and that proposal was accepted, that therefore he was bound to furnish mess pork, no matter what the contract stated?

A. I think I used that argument with him, but in reply he called my attention to the advertisement inviting proposals for flour, and also, in connection therewith, to the character of flour the Government received, a sample of which had been furnished to me by the Department, and which, he reminded me, I knew was not XX flour; and of course I said I knew it. In reply he said they had accepted a contract with him for a different grade of flour from what the Department called for, the sample of which I had in my possession and knew to be different; and I did not know but they might have done the same with him in regard to pork. I also call your attention in this connection to the following letter, dated September 5, 1874. This letter does not refer to the advertisement, but simply to the contract; and taking all these things together I thought that he might be right about it.

“DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,

“Washington, D. C., September 5, 1874.

“SIR: I have this day forwarded to your address a sample of the flour under which the contract of this Office with J. W. L. Slavens was awarded, and have to call your attention to instructions heretofore given you as to your duties regarding the inspection of the same.

“Very respectfully, your obedient servant,

“H. R. CLUM,

“Acting Commissioner.

“E. R. THRELKELD, Esq.,

“Inspector Indian Supplies, Kansas City, Mo.”

Q. In the case of flour you had a sample?

A. Yes, sir.

Q. In the case of pork you had no sample?

A. No, sir; simply had a contract by which they agreed to furnish so many barrels of pork.

\* \* \* \* \*

Q. While you may excuse yourself or be perfectly justified—and of course were justified—in passing flour that was up to the sample furnished, how can you justify yourself in passing pork which was not of the best grade, when the description was simply pork?

A. Because I did not presume it was my prerogative to dictate what kind of pork should be accepted, provided it was sweet and sound.

Q. How many kinds of pork are there recognized in the market?

A. Well, there are about five different grades: first, clear mess; second, mess; third, prime mess; fourth, mess ordinary. Then there is prime pork, that is still lower than mess ordinary.

The portion of the testimony already quoted is perhaps sufficient to show Mr. Threlkeld's part in this transaction; but in view of the fact that he had been appointed inspector for the express purpose of protecting the interests of the Government, it may be well to permit him to show by his own admissions that he acted with a full knowledge of the facts in the case, and that he was not unconscious of a desire to help Slavens out of a losing bargain. We quote from page 588:

Q. Did you see the advertisement before you inspected the six hundred barrels of prime mess-pork?

A. I think I did, sir.

Q. Now, having the advertisement before you which called for mess-pork, and the contract which was silent upon the subject of the quality, how did you construe the contract as giving you authority to receive an inferior quality of pork?

A. I did not consider the quality inferior. The grade was different.

Q. I mean, did your own knowledge that he could not furnish that pork at \$21 a barrel control your judgment of the matter?

A. Well, I presume, sir, in connection with the information I received, that they were not required to furnish mess-pork from the other localities; that had something to do with it.

Q. Will you say, at the time you inspected the six hundred barrels, you had no knowledge of the terms of the advertisement, as well as the terms of the contract?

A. No, sir, I cannot say that; I have already said differently. I think I had knowledge of the advertisement, and also of the contract.

Q. And you did know, did you not, that there was a difference in the terms of the two instruments?

A. Yes, sir.

Again, page 587 :

Q. Can you tell, while the contract was silent as to whether it should be mess or prime, why you should not insist upon the best when you were acting for the Government?

A. I did; I insisted upon the best. Mr. Slavens called my attention to the fact that it was.

Q. Can you tell why the Government should not demand first quality, if the contract is silent on the subject, as well as Slavens should insist upon the second or third quality?

A. I have no reason.

Q. If the contract is silent on the subject, why should not the Government have the benefit of it as well as Mr. Slavens in determining the quality of the pork by the inspection?

A. Well, that is a question I am not able to answer. I suppose if I were buying of you or Mr. Slavens, or any other person, a certain amount of any given article, I should certainly have the grade specified in the contract, the particular kind.

Q. You were acting not for Mr. Slavens, but for the Government?

A. Yes, sir.

Q. And you began by inspecting mess pork?

A. Yes, sir.

Q. At his request you passed as sound pork a quantity below that grade because it was pork?

A. Yes, sir; I had not noticed the terms of the contract at the time I inspected the first. I supposed, of course, it required mess-pork, and when he presented me mess-pork, if I found it merchantable, I passed it.

\* \* \* \* \*

Q. You did not communicate with the Department before accepting the 600 barrels?

A. No, sir; but I did so immediately afterward.

In his letter to the Commissioner of Indian Affairs of January 11, 1875, Mr. Slavens states (p. 595) that he "only learned from the Government inspector after this [first] delivery was made that the contract did not require mess-pork," and this seems to imply that the suggestion originated with that official. Whether that is the case does not clearly appear, and it is of little importance in view of the fact that whichever of them first made the suggestion, he seems to have had no serious difficulty in bringing the other to act upon it.

Messrs. Slavens and Threlkeld, having now arrived at a satisfactory understanding with each other, nothing remained but to send the lower grade of pork to the agency, where they seem to have entertained no doubt that it would be accepted without question on the certificate of the inspector. But before leaving this branch of the subject, there is another point that demands attention, since it reveals a clear case of fraudulent misrepresentation by Mr. Slavens to the Commissioner of Indian Affairs and to this commission, and convicts Mr. Threlkeld of ignorance or dishonesty in the inspection which he actually made after having consented to pass the lower grade of pork.

By reference to the testimony of both these men, which has been already quoted, it will be seen that they uniformly speak of the six hundred barrels of pork as "prime mess." On being questioned particularly on this point, Mr. Threlkeld makes the following statement, (p. 589) :

Q. Are the grades marked on all the pork?

A. They are usually marked by the packer.

Q. Do you recollect what this pork was marked?

A. It was marked just what it was—prime mess.

Q. It was not marked prime ?

A. No, sir ; I think it was marked prime mess-pork.

Q. Do you recollect sufficiently well to say ?

A. No, I could not say positively, but that is my recollection.

Q. What would be the difference in the value of those different kinds ; what would prime be worth ?

A. From the highest to the lowest, probably a difference of \$10 a barrel. The difference between the first three is not so very much.

Q. What would constitute prime pork ?

A. Pork under size, I suppose, and probably lean and almost all shoulder.

Q. Do you remember whether you passed any of that grade called prime ?

A. I don't think I did.

Q. Why would not that answer the advertisement just as well as the prime mess, if it was sweet and sound pork ?

A. It would, sir.

Q. Are you willing to say you did not pass the lowest grade of pork on that contract ?

A. No, sir ; I don't think it was the lowest grade of pork ; but I think I would be justified in passing the lowest grade of pork if it was sweet and sound.

Mr. Slavens (p. 596) is equally certain, or perhaps we should say uncertain, that it was all "prime mess."

Q. There is a low grade called prime pork, made up of thin and small pork ?

A. Yes, sir ; and prime mess is made up of lighter pork, cut from lighter hogs, than mess pork.

Q. Do you know whether any portion of this pork which was purchased by you to make up the six hundred barrels was of the quality known as prime ?

A. No, sir ; I think it was all prime mess.

Q. Can you tell now whether you did ship any prime ?

A. I am pretty certain that it was all prime mess.

Mr. Slavens's memory proved to be defective also in respect to the price he had paid for this pork, and the parties from whom he had purchased it, though this was his only contract for pork that year, (pp. 593, 594 :)

Q. And from whom did you buy it in Chicago ?

A. I am not certain what firm we bought it through. It was either through Holden & Co., or Gilbert, Prior & Co.; we had business with both of them. We may have bought a portion of these six hundred barrels here from Plankinton & Armor.

Q. I understand that you did not deliver any more until you began packing pork here yourselves ?

A. The last two hundred barrels were of the pork we packed ourselves.

Q. The pork that you bought in Chicago, was that delivered here ?

A. Yes, sir ; all delivered here.

\* \* \* \* \*

Q. Can you tell now what you paid for any portion of those 600 barrels ?

A. No, sir ; I do not remember. I think about \$19 a barrel.

Q. Do you think you paid for all of it the same price ?

A. Very likely not ; the market is changing.

Q. Have you in your possession books, or means of telling what you paid for all the pork ?

A. Yes, sir ; but not with me. I have it in the office.

Q. Could you, without any great inconvenience, write a note to the chairman of the committee in Saint Louis, within a few days, and give an answer to the question ?

A. Yes, sir.

Q. I suppose, in truth, you put in under that contract any pork that would pass inspection ?

A. Yes, sir ; that was the test with me—inspection—in all contracts.

Q. Can you state what persons you bought pork of ?

A. I have given you the names of the brokers through whom I got all the pork—I did not pack myself ; it was bought through brokers.

The promise here given, to forward to the chairman a statement of the prices paid has not been kept, but by subsequent inquiry the commission not only obtained the desired information on that point, but learned such additional facts as leave no room for any other conclusion than that the statements just quoted respecting the grade of pork purchased and inspected are a tissue of falsehood. The good barrels of pork were all purchased of Armor & Co., Chicago, whose name Slavens

did not remember to give. A transcript from their books, which was furnished us by that firm, shows the purchase by Slavens, September 17, 1874, of 200 barrels, at \$17 per barrel; October 24, 1874, 200 barrels, at \$15 per barrel, and October 31, 1874, 200 barrels, at \$15 per barrel. Not a barrel of this pork was "prime mess," but it was, as stated by Mr. P. D. Armor, of the brand known as "extra prime," which is the lowest grade recognized in the Chicago market. This is the pork, as there seems no reason to doubt, that was certified by Threlkeld to be "prime mess," and as such delivered by Slavens to the Government. It has already been stated that this article proved unfit for the use of the Indians, and that Agent Saville promptly reported the fact to the Commissioner at Washington. The Commissioner at once addressed a complaint to Slavens, whose reply is printed on page 594; a telegram to Threlkeld, directing him to accept nothing of lower grade than "mess;" a letter to the same, calling for particulars relative to the pork already inspected and shipped, and a letter to Saville directing him to "inspect each barrel when opened, and appraise loss in value," and thereafter to "transport none but 'mess' from Cheyenne."

After receiving the explanations of Threlkeld (p. 592) and of Slavens, as already referred to, and a statement of Agent Saville, that if the rest of the contract were filled with fat pork or bacon, "the prime pork on hand" could be used, he referred the matter to the Secretary of the Interior for instructions. The Secretary authorized the Commissioner to accept Slavens's general proposition and make the most advantageous settlement he could. The settlement as finally effected required Slavens to furnish "one hundred barrels of mess-pork, to be promptly delivered at Red Cloud Indian agency, Dakota Territory, free of cost to the United States Government." The cost of the pork thus required of Slavens was \$2,100, and Agent Saville was directed to receipt for it as being a satisfaction of the "difference in value between six hundred barrels mess-pork advertised and bid for, and the same quantity prime mess delivered by contractor." Slavens's proposition was accepted by letter, dated April 15, 1875. On the 12th of August, nearly four months later, Saville notified the Indian Office that the pork had not yet been received; but later, August 30, Slavens reported that he had shipped an equivalent amount of bacon. Even after this settlement of the matter had been agreed upon, however, it is evident that Slavens meant to make the least restitution that he could induce the Commissioner to accept. In the letter before referred to, (p. 595,) after expressing his willingness to make good the difference in value between the pork called for and the pork furnished, he states this difference as ranging "from one to two dollars." The Commissioner, accepting his statement that he had furnished "prime mess," required him to settle on the basis of \$3.50 per barrel as difference in value, instead of the \$1.50 which Slavens had proposed.

The fact is, that on the day when he purchased "extra prime" in Chicago for \$17 per barrel, the price of "mess" in the same market was \$24.37½, a difference of \$7.37½, and on the two days when he made purchases at \$15, the price of "mess" was \$19.37½ and \$19.50 respectively, a difference of \$4.37½ and \$4.50. It appears, therefore, that if we take \$5 per barrel as a fair average difference of value between the two grades of pork, the Government ought to receive at least \$900 more in value than has yet been refunded. While the Commissioner's vigor and promptness in dealing with this matter as soon as his attention was called to it leave nothing to be desired, we cannot acquit him of responsibility for the error of a clerk, by which the fraud of Slavens was rendered possible. Amid the almost numberless details of business con-

nected with so important a Bureau, there must be many which cannot come under the immediate scrutiny of the chief officer; but it would be inadmissible to regard the preparation of contracts which involve the expenditure of public funds as one of them.

With regard to Mr. Threlkeld, we respectfully recommend that his services as inspector be hereafter dispensed with, and we also recommend that Mr. Slavens be excluded from all participation in future contracts with any department of the Government.

#### FLOUR ISSUED AT THE AGENCY.

Professor Marsh charges that flour which he saw at the Red Cloud agency was dark in color, adhesive to the touch, although it had not been wet, and inferior in quality. That he should have met with an article of this discreditable quality at the time he was there is not a matter of surprise from the evidence; for it appears that there were 27 sacks of flour which had been condemned both by Mr. French and Major Long, which, nevertheless, found their way to that agency for distribution by some mistake, as is alleged; and Major Long, an Army officer, who was deputed as an inspector of flour at Cheyenne in September, 1874, states that a portion of the flour which he was ordered to inspect slipped through without inspection, in a manner that he could neither explain nor account for.

The sample of this article which Red Cloud placed in the hands of Professor Marsh seems to have been something below the quality of the vilest flour that reached that agency, surreptitiously or otherwise. That wily chief is as distinguished for low artifice as he is for brute courage, and the opportunity which the Professor had for learning his true character should have made him cautious in accepting too implicitly his statements, especially as he availed himself of no opportunity when he was at the agency to compare that sample with even the worst specimens of the flour he saw there. The fact that Red Cloud had made up his sample of another article, hereafter to be noticed, in a way to make it serve his own purpose, naturally suggests the suspicion that he may have prepared a sample of flour by a similar exercise of his cunning. This suspicion was strengthened by the appearance of the sample received by Professor Marsh, a portion of which, at their request, he was kind enough to furnish to the commission. It was of a peculiar clay-white color, and so perceptibly gritty to the touch as to give us at once the impression that it probably had been adulterated by Red Cloud with the fine white sandy clay which largely composes the soil around the agency. This impression is confirmed by a chemical analysis, which we procured, and which revealed, besides the usual ingredients of wheat-flour, sand, iron as oxide and sulphuric acid, the sand amounting to 8 per cent. of the whole sample. The presence of so large a percentage of foreign substances seems conclusively to prove adulteration, and, in the absence of all evidence of any other flour at the agency containing such substances, we are forced to the conclusion that Red Cloud is responsible for this imposture practiced upon the learned Professor.

Apart from specimens of flour of the character first above referred to, it is not to be doubted that the entire supplies of that article furnished to the Indian agencies are of a quality that may be called inferior. The contracts for supplies are given to the lowest bidder, and the prices at which these contracts are awarded show that the Government expects that an article of inferior quality, but at the same time sound, wholesome, and nutritious, shall be delivered. There is no treaty obligation

resting upon this Government to supply the Sioux Indians with flour or any other kind of food. Considerations of humanity and of policy alone dictate appropriations for that purpose. The Indians are incapable of discriminating, either from their taste or style of cooking, between the different grades of flour. All that they can reasonably expect is to be furnished with a sound, wholesome, and nutritious article, and if it possesses these qualities they should be satisfied. We have, therefore, no fault to find with the Indian Office that it seeks, by its system of proposals, to get an article of inferior manufacture, provided it is sweet, free from all adulteration, and the contractor is required to furnish the precise article which he has stipulated to deliver, and for which he expects payment from the Government.

In reviewing the testimony on this point, we have no hesitation in saying that the Indian Bureau, in advertising for XX flour, has selected a grade proper for Indian supplies. It is a grade of well-ascertained manufacture, recognized by all dealers and consumers of flour. In case of good, sound wheat, it is made by regrinding with the wheat the middlings that come therefrom. It thus increases the quantity of flour one-eighth or one-ninth. We believe that all the supplies of flour furnished to the Indians during that year, with the exception of the twenty-seven sacks above referred to, and that which surreptitiously escaped inspection, were fair and sound articles of this low and inferior grade of flour.

We think the Bureau erred in awarding the contract of flour to J. H. Martin. He was a mere speculative bidder, not the owner of a mill, and not himself having the means of filling his contract. He had been the year before the lowest bidder for flour, and had failed to comply with his contract. He complied but partially with it in the year 1874, and the award of the contract to him and his subsequent failure to meet his engagements under it have led to several irregularities disclosed by the evidence, and which we feel constrained to notice.

First. It was irregular and unbusiness-like for the Commissioner of Indian Affairs to instruct the superintendent, Barclay White, to accept from O. P. Hurford 2,500 sacks of flour upon a sample to be furnished to the said superintendent by the vendor himself.

Secondly. It was improper in that superintendent subsequently to permit Mr. Hurford to substitute a lower sample, and to accept flour upon that substituted sample.

Thirdly. It was improper in the Commissioner of Indian Affairs to sanction the act of D. J. McCann, by which he ordered of O. P. Hurford 202,000 pounds of flour, in sacks weighing 88 pounds to the sack, as the contract expressly provided that it should be delivered in 100-pound sacks, and this departure from the contract might have led to fraudulent results if they had not been frustrated as hereinafter mentioned.

Fourthly. It exhibited a want of due diligence upon the part of the Commissioner of Indian Affairs to allow ten car-loads of flour to arrive at Cheyenne without making provision in advance to have a proper inspector there to test its quality before it was sent to the Red Cloud agency.

Fifthly. In seeking by private contract to repair the omission of Martin to supply the necessary flour for the Red Cloud agency, David J. McCann addressed the following letter to O. P. Hurford, of Omaha:

CHEYENNE, W. T., August 22, 1874.

DEAR SIR: Since writing you I have been authorized to purchase 202,000 pounds of flour for the Indian service, in double sacks, weighing 88 pounds to the sack, including,

sacks, or, say, 2,296 sacks of 83 pounds each. If you see your way clear to furnish it at the price, (\$2 per 100 pounds,) shipping two to three cars per week, after next week, please sign and return the inclosed memorandum. Koenig desires the order, but, in view of our correspondence, you are entitled to the refusal.

Yours, truly,

D. J. McCANN.

O. P. HURFORD, Esq., *Omaha.*

The fact that the practice has uniformly and universally prevailed of having flour delivered in 100-pound sacks, the flour netting 98 pounds, precisely half a barrel, and the sack 2 pounds, and that it was so prescribed by the contract, caused the commission to inquire with some particularity what was the explanation of the very singular order here given that this flour should be put in 88-pound sacks. Mr. McCann was summoned before this commission for examination at Cheyenne. His testimony will be seen on page 538. His explanation was not satisfactory. He denied having *directed* Hurford to put the flour in 88-pound sacks; denied that it was done at his *particular* request, and barely conceded that he thought he had made the request, and thought the request was made after being informed that these were the only sacks on hand. Mr. Hurford denies that he had any 88-pound sacks on hand, but says he had sacks for one hundred pounds; that he was compelled to send to St. Louis for those 88-pound sacks, and they were shipped to him only after the date of Mr. McCann's letter. He further states that when he saw McCann subsequently to the receipt of his letter, he "asked him about the 88-pound sacks; why it was to be put up in that way; that it was unusual and might lead to trouble." McCann's reply was: "For the convenience of issue together with other rations." When we refer to the testimony of Major Long, and learn from him that his first instructions were simply to test the quality of the flour, and *not to weigh it*, and that after so testing its quality, he should deliver the flour over to the Government, possibly an adequate explanation may be found for this unprecedented order. The following extract from the testimony of Dr. Saville, the agent, may, perhaps, throw further light upon this subject, (pp. 424, 425:)

Q. Had you any idea that flour was coming in short weight, designed to pass for full weight?

A. Yes, sir, I ascertained that flour was coming to the agency in short weight. I know no reason for it.

Q. Did that first happen, as far as you know, under the Martin contract?

A. Yes, sir.

Q. Did you ever know of any flour coming in short weight to the agency except that of the Martin contract?

A. No, sir; I think not.

Q. Has ever any flour of short weight been received at your agency and counted as one-hundred-pound sacks?

A. No, sir; I think not.

Q. Who first made known to you, or where did you first get the information, that flour was coming under the Martin contract in eighty-eight-pound sacks?

A. Mr. Palmer, the store-keeper here at Cheyenne, first called my attention to the fact. I don't know whether he first detected it by weighing it or not.

Q. Then, so far as you know, was not that flour designed to pass for 100-pound sacks?

A. Yes, sir; so far as I know.

Q. Did the contractor or any of the employes give you to understand that he was shipping flour of short weights?

A. No, sir.

Q. When you first learned of this short weight, what did you do?

A. I gave orders to the store-keeper to receive no flour in less than one-hundred-pound sacks without orders from the Commissioner of Indian Affairs to do so, and directed the store-keeper to communicate to the Commissioner of Indian Affairs, which he did, and the Commissioner wrote him a letter, which stated that it made no difference, provided the weight of the flour was certified to by the inspector.

Q. Was that at the time that Mr. Long was first appointed inspector?

A. Yes, sir; Major Long was the inspector then.

Upon receiving this information, Commissioner Smith ordered Major Long to weigh the flour as well as inspect it. If this was a deliberate scheme to defraud the Government and the Indians, it was frustrated by the vigilance of the store-keeper, Palmer; and so it may be here said that, notwithstanding the failure of Martin to fill his contract, and the fact that the Government was compelled to repair his failure by private purchases, the Government lost nothing by the operation.

The practice has prevailed of letting contracts for the supply of flour to the Indians at the city of New York. This may at one time have been expedient; but we do not think it is so now. Its necessary effect is to foster the business of the professional or speculating contractor. Large and extensive mills now everywhere abound in the Valley of the Mississippi, and flour of every quality is abundantly manufactured there. If these contracts were let at some suitable point in the West, the manufacturers of flour in that section would doubtless become bidders, and an active competition would be created among them, and flour could be obtained of a better quality and at cheaper rates than it is now furnished by the middle-men and speculating contractor.

Without unnecessarily lengthening the discussion of this particular branch of our inquiries, the facts embraced in the extended evidence bearing upon the subject, and herewith presented, satisfy our minds that all the flour delivered was of a low and inferior quality, but by no means unfit for food, and that there was no fraud successfully perpetrated upon the Government in the filling of the contract. Without pronouncing conclusively upon the intention of Martin or McCann, the evidence is sufficient in connection with the action of the latter in the matter of transportation to justify the Indian Bureau and Board of Indian Commissioners in refusing to confide to Mr. McCann the performance of another contract, and Martin should long ago have been excluded as a bidder. There was certainly enough, also, to justify Commissioner Smith's suspicion of fraud, as expressed to Indian Commissioner Roberts and communicated by him to Superintendent White, in his letter of November 4, 1874; and that there was no fraud successfully perpetrated is due to the vigilance of others, and in nowise to the efficiency of Superintendent White. The embarrassments which the Commissioner met in this transaction might have been guarded against to a great extent if he had taken the precaution to procure the detail of an Army officer to act as inspector of flour at Cheyenne in due time, and in anticipation of the delivery of the flour which he knew was contracted for on the 11th of July. His prompt and energetic action, however, in repairing his previous errors and omissions, when awakened to the conduct of these parties, evinced an honest purpose to protect the interests of the Government.

#### SUGAR, COFFEE, AND TOBACCO.

The same remark is to be made of the quality of the sugar, coffee, and tobacco that were furnished to the Red Cloud agency last year as of the flour. These articles were all of low grade, and were designedly purchased as such; but we have found no evidence tending to show that they cost the Government more than the fair market price, or that the full amount purchased did not reach the agencies.

The tobacco was of three brands. All were of dark color; but otherwise two of them were fair articles of "navy plug," composed mostly of leaf. The third brand was a miserable compound of bits and cuttings, glued together with licorice or some other viscid sub-



stance, pressed into the form of plugs, and overlaid with, at most, two or three thicknesses of leaf. The sample given to Professor Marsh by Red Cloud was of this kind, except that the outer coating of leaf appears to have been removed. A lighter and better brand than any of these is being furnished the present year; but as the Indians use it principally for smoking, it is probable that still more care in the selection might wisely be exercised.

The coffee was a low grade of Rio, but certainly good enough for the use it was intended for, and far better than the burnt and ground mixture called coffee that thousands of families in the United States are glad to be able to procure. The sample exhibited to us by Professor Marsh consisted of a few black or otherwise imperfect grains, such as, with the necessary pains, could be picked out from a small quantity of any common grade of coffee. Professor Marsh unfortunately did not guard himself against imposture on this point, by comparing what Red Cloud gave him with that on hand at the agency and being issued at the time of his visit. That Red Cloud picked it out, grain by grain, to serve his own purpose, the testimony leaves no room to doubt. He was himself extremely vague and noncommittal when questioned as to the time, place, and manner of obtaining the sample, and it was only after repeated and varied inquiry that we succeeded in eliciting from him even so much as appears on the record, (pp. 305-7.) But the testimony of Mr. Yates, the store-keeper, and Mr. Pallardy, his clerk, one of the most intelligent and competent interpreters we found at the agency, establishes the facts beyond a doubt. Mr. Yates says, (p. 331 :)

Q. Did you ever hear Red Cloud or Red Dog talk about the sample of coffee they gave Professor Marsh ?

A. I heard Red Dog tell Pallardy that they picked the coffee of which they gave a sample to Professor Marsh out of quite a quantity, and they picked the worst grains they could find. They picked, as he said, all the black grains.

Q. When was this ?

A. I think about a month ago. I do not recollect positively.

Q. Since Professor Marsh's statement has become known ?

A. Yes, sir. The occasion of it was I was reading the papers, and Red Dog was in my store. I turned round and asked Pallardy to ask him if he gave these samples; and, if so, why he did it; and he told Pallardy that he picked them out of the black grains of coffee and gave them to Professor Marsh out of quite a quantity.

Mr. Pallardy confirms this statement, as follows, (pp. 336-7 :)

Q. What did he say about that sample of coffee ?

A. He said that he and Red Cloud had tied those samples up and given them to Professor Marsh; they called him the man that picked bones.

Q. Did he say where they got the samples ?

A. They were talking about that one day, and I inquired how they got all this coffee. He said they picked the bad grains out of the coffee in the warehouse. I asked how they got all this bad coffee, and they said they picked it out.

Q. Had he heard of Professor Marsh's charges about those things ?

A. Yes, sir; I think he had. It was the very day of the conversation between us and Red Dog that turned on this subject. He said they picked out all the bad grains of coffee.

#### SUFFERING AMONG THE INDIANS.

Doubtless individual instances of suffering among the Indians may have occurred, but their known improvidence will sufficiently account for any such instance, in the absence of evidence of other causes. The testimony of Maj. T. H. Stanton shows that during the last winter, which was unusually severe, and, as he says, "the severest winter ever known by the residents of this country," there was destitution and suffering among Indians encamped near Bordeaux Creek, some distance from the Spotted Tail agency, and that for a period they were reduced to the necessity of eating their ponies.

We think, however, the facts that they were far from the agency, and that there was a short supply of provisions, owing to the impossibility of transportation, are sufficient to exonerate the Government from blame or responsibility. Certainly evidence that these sufferings were the direct result of fraud in any form is entirely wanting. In the fall of 1874 they often sold their flour for prices ranging from fifty cents to one dollar per sack of one hundred pounds, to squaw-men who bought on speculation, or to the persons passing through the reservation. They butcher beeves as they have been in the habit of killing buffalo, leaving on the carcass considerable of such portions of the animal as are useful for food. Their opposition to receiving beef from the block, when properly butchered, is so emphatic that a change of system would be attended with very stout resistance on their part. By the change they would lose the hides of the cattle, which they sell to the trader for three dollars each, and by which the Government loses about \$50,000 per annum at these two agencies—Red Cloud and Spotted Tail.

The law forbidding purchases for the Indians until the appropriations are made, and the delay in the passage of the appropriation bills sometimes to the very close of the long session of Congress, render it impracticable to advertise for proposals and let contracts and secure deliveries in season to get the supplies transported to the Red Cloud and Spotted Tail agencies before the winter sets in. When the storms of winter come on in that country the cold is so severe, and the snow so blows in drifts as to make it impossible to transport goods or supplies by wagons either from the Missouri River or from the Union Pacific Railroad. While this is found a reason for the occasional scarcity of supplies, it is also another reason for the removal of these two agencies to the Missouri River, in addition to those suggested in another subdivision of this report. Two wagon-trains with supplies for Red Cloud agency were caught in a storm last winter, and the cattle were lost and the men had their limbs frozen. A wagon-train sent from Spotted Tail agency to the Missouri for supplies in December, 1874, was delayed on its return by snows and the severity of the weather until April, 1875. Meanwhile there was a want of some articles of supplies at that agency. We have not only been unable to ascertain from the white men who gave their evidence in that country that there was any general suffering at Red Cloud, but the Indians themselves, very many of whom we examined on the subject, fail to confirm the statement. An Indian's evidence on this subject, taken with a knowledge of his universal predisposition to grumble and complain, is very reliable testimony. That there may have been suffering among the Indians for want of food is highly probable, but that it was due to their improvidence or the unprecedented severity of the winter, and the consequent impossibility of keeping up supplies at the agency, is the only conclusion we are warranted in drawing from the evidence now before us.

#### TRANSPORTATION.

It is alleged by Professor Marsh that the Commissioner of Indian Affairs has allowed and paid to D. J. McCann for transporting goods and supplies from Cheyenne to Red Cloud agency, estimating the distance at 212 miles, when the true distance is only 145 miles, at a rate established by contract per 100 pounds per 100 miles, and that the Indian Bureau has not made any effort to ascertain the true distance.

We find the facts to be that for the years 1871 and 1872, the Indian goods and supplies for the Red Cloud agency were transported by McCann

from Cheyenne to the old Red Cloud agency on the Platte, at the rate of \$1.75 per 100 pounds per 100 miles, the distance being then stated at 132 miles from Cheyenne to the old agency, on the Platte. On the 28th day of May, 1873, McCann being the lowest bidder, a contract was entered into with him for the transportation of goods and supplies between these two points for the fiscal year ending June 30, 1874, at \$1.20 per 100 pounds per 100 miles. Subsequent to the making of this contract (27th July, 1873) the Red Cloud agency was removed from its location on the Platte River to a point on the White River, about eighty miles northward. Upon the representations of McCann as to the character of the country between the old and new locations of the agency, and after a correspondence on the subject, (which is printed at pages 250 and 251, Report No. 778, Forty-third Congress, first session, House documents,) the Commissioner entered into a new contract with McCann, dated 20th of October, 1873, by which he agreed to pay \$1.75 per 100 pounds per 100 miles for transportation of all goods and supplies from Cheyenne to the new Red Cloud agency for the fiscal year ending June 30, 1874. This contract states the distance to be 212 miles. On the 8th of July, 1874, another contract was made with the same party, for transporting the goods and supplies to that agency, from Cheyenne, for the fiscal year ending June 30, 1875, "at \$1.10 per 100 pounds per 100 miles, actual measurement of the route necessary to be traveled."

Before taking the contract of the 20th of October, 1873, and before writing the letter in which he represented the character of the country between the two agencies, and before the removal of the agency from the Platte, McCann had sublet the transportation, or a portion thereof, under that contract to one C. Hecht at \$1 per 100 pounds from Cheyenne to the old Red Cloud agency, and ten cents per 100 pounds for each additional ten miles from the old location to the point where it might thereafter be located. This contract he made with Hecht on the 26th of June, 1873. In this matter he overreached the Commissioner, and manifested bad faith at every step of it.

The subject of the distance seems to have engaged the attention of the Commissioner of Indian Affairs from the time of the removal of the agency from the Platte, and it appears that he withheld from McCann the payments for transportation on his contract until he could be satisfied as to the distance, and McCann, in writing, consented to receive a portion, and to permit a sufficient amount to be retained to cover any overestimate of distance till the final determination of the question. This was December 3, 1873. (See copy of same, page 663 of testimony.) Accordingly the Commissioner has always withheld a sufficient amount to provide a margin to cover any difference which might be found between two hundred and twelve miles and the actual distance until after McCann entered into the contract for the year ending June 30, 1876, when he paid him in full for transportation done by him under his contract ending June 30, 1875, but not until after he had given bond for the performance of service under the subsequent contract. And since the payment there has accrued to McCann a credit for transportation under the new contract sufficient to cover any overpayment made to him on the former contract. This payment to McCann of the entire amount retained by his written consent to cover any deficiency growing out of overestimated distance, was a transaction not characterized by the prudence and caution which should govern the action of the Commissioner in dealing with contractors, and arose from a misapprehension of the legal effect of the accounts then adjusted. The Commissioner fell into the error of supposing there was a security to the Government in the fact

that McCann had entered into another contract and given a bond. The bond was only for the faithful performance of the new contract, and could not cover any responsibility growing out of the old. While it does appear that there has since been service performed under the new contract, amounting to a sum probably sufficient to cover any overpayment heretofore made, there might occur much difficulty in so applying it and adjusting the account. He was entitled under that contract to be paid for the "actual measured distance," and the account for service under that contract should not have been carried forward to be complicated with service under the present contract. Yet we are satisfied that, however imprudent the transaction and pernicious the precedent, the Commissioner acted in entire good faith, and no loss will probably result to the Government therefrom.

On the 28th of July, 1874, the Commissioner ordered an odometer to be sent to the store-keeper of Indian supplies at Cheyenne, with instructions to obtain the actual distance traveled by the trains transporting freight to the Red Cloud agency. It was placed on a wagon on the 17th of August, 1874, but got out of order and did not effect the object. In November, 1874, the distance was again measured by the odometer, which indicated a distance of  $226 \frac{81}{100}$  miles. This was rejected by the Commissioner as being clearly erroneous, the distance never having been estimated by any person to be so great, and thereupon, on the 20th of November, 1874, he applied to the Secretary of the Interior to request the War Department to have the distance accurately measured. This application was made, and on December 29, 1874, Lieutenant Winters was detailed by General Ord, under orders of the Secretary of War, to make the measurement. He attempted to do so, but was prevented by the severity of the weather and the drifted snows. The War Department has again recently been requested by the Interior Department to cause the distance to be measured.

The evidence taken by us as to the distance represents merely the opinions of persons, for medupon the basis of the time occupied in riding or driving from one point to the other. No actual or reliable measurement has ever been made. A route was measured by J. W. Hammond, of Cheyenne, by direction of the county authorities; but the evidence shows that the route measured by him is not the one over which goods and supplies are freighted, and is equally satisfactory that it is entirely impracticable for heavily-loaded wagons. Mr. Hammond reports the distance measured by him at  $145\frac{1}{2}$  miles. The character of the country is such, that extensive detours are often required to be made in the roads to avoid steep declivities and the extensive and deep deposits of loose sand.

At a period of time which we have not ascertained with certainty, but before the removal of the Red Cloud agency, McCann opened a new route from Cheyenne to the old agency, by which the distance was materially shortened, so as not to exceed ninety miles. This is the route now traveled by his freight-trains to the new agency. In the opinion of the commission, based upon all the trustworthy information we have been able to gather, the real distance from Cheyenne to Red Cloud agency by the route usually traveled by the teams engaged in freight-ing goods and supplies does not exceed one hundred and eighty miles.

This distance may at times be increased by the necessity of going to a ferry when the Platte River is too much swollen to be fordable at the usual place of crossing. The contract for the current fiscal year has been let at \$1.65 per one hundred pounds for the whole distance. This is the proper method, in the opinion of the commission, of letting such con-

tracts, rather than per one hundred pounds per one hundred miles, as was heretofore the custom.

It is certain that during a portion of the time before the removal of the agency from the Platte McCann transported the freight over the new route, which is universally conceded not to be more than ninety miles, and yet he charged and received pay from the Government at the rate of one hundred and thirty-two miles. This is not the only act of Mr. McCann which has attracted our attention. He seems to have been employed in the removal of the supplies, camp, and office furniture, and Indians from the old Red Cloud agency on the Platte River in July and August, 1873. The removal took place about the time that J. W. Daniels, subsequently an inspector, ceased to be agent at Red Cloud, and about the time that Dr. Saville assumed the duties of agent. As this removal had been accomplished by Mr. Daniels, he made out a certificate on the 27th of August, 1873, for the guidance of his successor in settling the accounts for that transportation, and set forth in this certificate the number of ox-teams and of two and four-horse teams, the names of the parties in charge of the teams, and the number of days that each had been employed with the work, commencing on the 28th of July and ending the 18th of August. He makes the number of five-yoke ox-teams to be thirty, two four-mule teams, and nine two-horse teams, making forty-one vehicles altogether employed in the transportation. He fixes the time of each team, varying from five to sixteen days. (See pp. 627 and 628.) Assuming this certificate to be a fair presentation of the account for transportation performed under his orders, and allowing Mr. McCann \$2.50 per day for each yoke of cattle employed, \$10 per day for each two-horse team, and \$20 per day for each four-horse team, and \$7.50 per day, which seems to have been allowed to Mr. Jones, the whole bill should have amounted to not more than \$5,117.50. This was about the sum, as we learned, for which Jules Ecoffee and F. D. Yates proposed in advance to contract to perform the duty.

And yet, on the 20th of January, 1874, McCann makes out an account for the service of fifty teams, of five yoke of cattle each, for twenty-three days, from July 28 to August 19, 1873, both days inclusive, at \$2.50 per day for each yoke of cattle employed, amounting to \$14,375. The correctness of this account is certified by Dr. Saville, and paid from the public Treasury, although rejected by the Board of Indian Commissioners.

Whatever may have been the means used by McCann to obtain the contract for the removal of the property and effects from the old agency to the new; whatever he may have done to procure Dr. Saville's approval of that extraordinary voucher, whether fraudulently obtained or not, the charge for the service rendered is so exorbitant and unreasonable as to shock the moral sense of any man who looks into the transaction. The papers in evidence before us bear upon their face such unmistakable evidences of fraud, that we recommend the reference of this subject to the Department of Justice, that measures may be taken to have restored to the Government what seems to have been so unjustly and fraudulently taken from it.

If the Red Cloud and Whetstone agencies shall be continued at their present location, then we recommend that the contract for freighting goods and supplies from the railroads to the agencies be let on bids, to be received at Cheyenne or Sidney, by the store-keeper of Indian goods and supplies, under the direction of the Commissioner of Indian Affairs; and, in order to determine the best point to ship to on the railroad, that the bids be invited for freighting to both agencies from both Sidney and Cheyenne per one hundred pounds for the whole distance.

The continuation of the present location of the Red Cloud and Spotted Tail agencies is utterly inconsistent with any sound views of economy or policy in subsisting or civilizing the bands fed and clothed there.

The buffalo has disappeared almost entirely; the small game has become so scarce, that not one of all the different bands of Sioux, Cheyennes, or Arapahoes could subsist for thirty days without the supplies furnished by the Government. If rations are withheld from them, they starve. They know this full well. The time has passed when the Government is compelled to pay any exorbitant price for peace. They should not be abandoned to starve or to prey upon the herds of the stock-raisers of the plains, but their caprices and exacting and unreasonable whims need not longer govern the terms on which they shall be subsisted. Whatever may have been the reasons controlling the Indian Bureau in the location of the Red Cloud and Spotted Tail agencies at the time, certainly they no longer exist. Red Cloud agency is distant from Cheyenne, on the Union Pacific Railroad, about one hundred and eighty miles by the nearest practicable route for freighting supplies. The distance from the Spotted Tail or Whetstone agency to Fort Randall, the nearest landing on the Missouri River, is two hundred and sixty-three miles. Both these agencies are located in a sterile, barren region, affording grazing for stock, but unfitted for any other of the occupations of civilized life. If the Indian is to be taught to till the soil, his lessons there would be hard indeed, and his discouragements such as utterly to disgust him. If they had all the arts of the white man and the aids of all his science they could not subsist by agricultural pursuits in that region. The cost of transportation of goods and supplies for the Indians to the Red Cloud agency from Cheyenne for the year 1874 was \$92,487.60; and the cost of transporting goods and supplies from the Missouri River to Spotted Tail agency, in the same year, was \$35,865.07, making, in the aggregate, \$128,352.67; some of the supplies costing for their transportation from the railroad to the agency a sum almost equal to their original cost in the produce markets of the West. The maintenance of garrisons of troops at Camp Robinson and at Camp Sheridan for the protection of these agencies renders necessary the transportation by wagons of all the quartermaster stores and commissary supplies for the forces kept there. This transportation from Cheyenne or Sidney or Fort Randall involves an enormous expense to the Government, which, added to the cost of transporting the Indian goods and supplies, amounts to so large a sum that the continued expenditure of it for the mere gratification of a whim of the Indians would be utterly inexcusable.

The fourth article of the Treaty of 1868 provided that these Indians should be located on the Missouri River, and at least a portion of them were located there for a time. The reasons for the removal of their agency so far inland, as well as the reasons for the removal of the Red Cloud agency from the North Platte to its present location, about eighty-five miles farther away from the railroad, and likewise for the removal of the Spotted Tail agency to a point twelve miles farther from the railroad than its first location, are not apparent to the commission. If the Government must feed these Indians, (and there is no treaty obligation do so,) let it feed them where they can be fed and clothed most cheaply. At any point on the Missouri River on their reservation they can be furnished with supplies at the price of those articles in the grain and produce markets of the West. Besides, neither of these agencies is situated upon the Sioux reservation as required by the Treaty. A depot of supplies should be located on the Missouri, and a military force sufficiently large should be stationed there for its protection, and all the

bands of Red Cloud and Spotted Tail be compelled to move into that vicinity. We suggest that if no suitable location for the Sioux exists on the Missouri River on the present reservation set apart to them, the small tribe of Poncas be removed to the Indian Territory, and the Sioux be put upon the reservation now occupied by them. The Cheyennes and Arapahoes now fed at Red Cloud agency number together less than three thousand. They have had a reservation set apart to them in the Indian Territory, and have since agreed, under the forms heretofore called a "treaty," to go to their reservation.

They should be compelled to go there at once, not alone because they are bound by treaty to do so, but because it is for their good. The older men among the Sioux realize the inability of their tribe to war successfully against the whites, but they have been accustomed to be humored in their unreasonable caprices, and hired by presents to do even what is for their sole good. The young men see all this, and, believing that they are more numerous than the whites, attribute the munificence of the Government to fear on its part.

We suggest that a display of force sufficient to correct all these false impressions on the minds of the young men, and to carry the conviction home to them that the time for their arrogant dictation of the place where they will feed upon the bounty of the Government has passed, would prove a measure of economy.

#### THE SECRETARY OF THE INTERIOR.

Having now disposed of the ten specific heads under which Professor Marsh has arraigned the agent, contractors, and other subordinate persons connected with the Red Cloud agency, it is proper that we should proceed to notice the grounds upon which he excuses himself in making his direct appeal to the President of the United States to investigate the alleged abuses in the Indian Department, instead of relying for their correction upon the Secretary of the Interior and the Commissioner of Indian Affairs, whose official duty it unquestionably is promptly to investigate and expose all frauds in that Department. In explanation and vindication of this appeal he announces to the President:

First. That he has "no confidence whatever in the sincerity of the Secretary of the Interior or the Commissioner of Indian Affairs when they publicly announce their wish and determination to correct the present abuses in Indian management," because he declares that he has "reason to know that they have long been aware of these abuses, and have made no sincere effort to reform them."

Secondly. That in all his intercourse with those two officials, their object manifestly was to ascertain the extent of the information he possessed, not so much to learn what the frauds actually were as to prevent, by all the means in their power, an exposure of them.

Thirdly. He declares that he has evidence now in his possession reflecting unfavorably upon those two prominent officers, of the Government.

These are grave charges, which, if proven, ought to subject both officers to impeachment by the House of Representatives.

All the complaints of Professor Marsh relate exclusively to the management of Indian affairs. This is one of the bureaus under the supervision and control of the Interior Department. The duties of that Department are very multifarious and extensive, and embrace many important branches of administration; and it has become the settled practice of our Government that each separate bureau transacts

the business pertaining to itself, unless the head of the Department is applied to for counsel and advice, or an appeal is taken from the decision of the Bureau by some person who feels himself aggrieved. We thus find that the Secretary of the Interior personally has but little connection with any of the contracts made for the Indian service, or with the adjustment and payment of the accounts returnable to that Office. We have not been able to learn that the late Secretary of the Interior was consulted or had any direct official connection with any of the contracts relating to the Red Cloud agency; nor have we learned that he had any official connection with any of the accounts presented for payment at that Bureau, except those which, if allowed there and rejected by the Board of Indian Commissioners, necessarily came before him for final adjudication. A list of these claims, disallowed by that Board and subsequently paid by the Secretary of the Interior, amounting to near half a million dollars, came before us for examination in a document published under a resolution of the House of Representatives, marked "Ex. Doc. No. 123," Forty-third Congress. The original vouchers and papers upon which these claims were ordered to be paid by the Secretary were called for and brought before us for examination. They were carefully examined by two members of the commission, Messrs. Fletcher and Harris, who reported that none of them had been rejected by the Board of Indian Commissioners because tainted with fraud, but mainly because of some technical difficulty, or an honest diversity of opinion between the Indian Bureau and the Board of Indian Commissioners, upon some question of law arising in those cases. They further stated that in no instance were any such payments made without having been submitted to the law officer of that Department, and having his legal opinion in their favor.

It is no part of the duty of this commission to inquire into the exercise by the Secretary of the Interior of those large discretionary powers vested in him by law. Whether his legal judgment be right or wrong upon questions of law does not fall within the province of our inquiry. If there be nothing in the case that involves any imputation of fraud or corruption we have nothing to do with it.

Subsequent to the date of the claims embraced in the document referred to, which only extends to the 23d of January, 1874, was the payment by order of the late Secretary of the Interior of an account of \$14,375 claimed by D. J. McCann, for the removal of Government stores, &c., from the old to the new Red Cloud agency. This claim we have already referred to in a previous part of this report, and we can regard it in no other light than as iniquitous and fraudulent. It might be unjust to condemn the late Secretary for the payment of this claim, as we do not know that the certificate of the former agent, J. W. Daniels, accompanied the voucher of McCann. It is probable that it did not, and that McCann relied exclusively upon the voucher furnished him by Saville. If we had any assurance that he directed its payment after having seen that certificate, we should hold him obnoxious to the severest condemnation.

The facts which our inquiries have elicited, under the charge of official delinquency and concealment of fraud made by Professor Marsh against the Secretary of the Interior, are briefly these: We can learn of but three occasions upon which the attention of the head of the Department was called to the existence of any abuses and frauds at the Red Cloud and Spotted Tail agencies.

First. On the 17th of May, 1873, Col. E. C. Kemble and Henry E. Alford, in connection with other important duties in the West, were directed specially to investigate and report upon certain complaints of



mismanagement at the Sioux agencies. At that time J. W. Daniels was the agent at Red Cloud, and Colonel Risley had, until within a few days previous, been agent at Spotted Tail, but had been removed from office, and his place supplied by Major E. A. Howard. On the 16th of June these gentlemen prepared their report at the Red Cloud agency, and on the 1st of July it was laid before the Interior Department. This report limits its exposures to the Spotted Tail or Whetstone agency, and charges gross frauds as between the agent, Risley, and the beef contractors, alleging that the quantity of beef actually received was less than that receipted for to the contractor; expresses the opinion that the Indians are receiving subsistence much in excess of their true number; and further reports "such a state of irregularity, confusion, and corruption at this agency, the result of the management of the late agent, that they recommend a special investigation of its affairs covering his whole term, and a suspension of the settlement of his accounts and outstanding vouchers, and indebtedness certified by him, until such investigation can be had." They also exposed before that Department the fraudulent character of the Graves transportation contract, and requested a suspension of any payment upon it. In accordance with this recommendation, J. W. Daniels, formerly agent at Red Cloud, but then promoted to the office of Indian inspector, was deputed to make this special investigation at the Spotted Tail agency. Mr. Alvord, in his letter to this commission, of September 11, 1875, finds fault with the Secretary of the Interior for having intrusted that investigation to Mr. Daniels, upon the ground that he had just ceased to be agent at Red Cloud, and "could not have exposed in detail the irregularities and corruption of his neighbor without implicating himself." We cannot concur in the force of this objection of Mr. Alvord. We have never heard of any charges preferred against Mr. Daniels while agent at Red Cloud. Messrs. Kemble and Alvord, although specially directed to inquire into Mr. Daniels's administration, and while they date their official report from the Red Cloud agency, make no charges against him. He was deemed worthy of promotion by the President and Senate to the important office of inspector, and he has ever since held important trusts in connection with Indian affairs without, so far as we know, any assault upon his character. Commissioner Smith, in his examination before us, states that Colonel Kemble certainly, if not Mr. Alvord also, specially recommended Mr. Daniels, who had then become an inspector, to follow out the investigations which they had commenced, but were unable to finish. "He was recommended to me as the proper man to push it through."

Mr. Daniels made his report on the 30th of August, 1873. In this report, after referring to the fact that he had met the late Agent Risley in Omaha with the papers connected with his duties as agent, he proceeds to say:

After a full investigation into the affairs connected with the Whetstone agency, under late Agent Risley, I do not find that there has been any more supplies receipted for than were received. The issue of rations was made upon the number of lodges as given by the Indians themselves, and statements of disinterested parties, both whites and Indians, are that there were from fifteen to twenty hundred lodges present to receive supplies during the fall and winter of 1872-'73; also, at times the action of the Indians in supporting their demands for the number of lodges stated, was such as to render the lives of Government employes insecure, unless conceded.

He reports the number of laborers employed at the agency to be in excess of what the public service required. He confirms the fraudulent character of the Graves transportation contract, and it may here be remarked that the claim of Graves for compensation under that contract

has been ever since repudiated by the Department "on account of the undoubted fraud in it."

Secondly. On the 28th of October, 1873, Samuel Walker, clerk of the Board of Indian Commissioners, was deputed by that Board to visit the Red Cloud and Spotted Tail agencies, and to make a report of what occurred to him worthy of observation. On the 6th of December of that year Mr. Walker made his report to the Hon. Felix R. Brunot, president of that Board. This report was highly unfavorable to the administration of affairs at these agencies, and presented details of abuse and probable fraud worthy of further investigation. By an inadvertence upon the part of Mr. Brunot, which is explained in his letter of the 6th of February, 1874, no copy of this report was forwarded to the Secretary of the Interior until he, having from other sources, about the 4th of February, 1874, learned of its existence, wrote to Mr. Brunot for a copy. A copy was furnished to the Secretary on the 11th of February. On the 16th of March, 1874, a commission, consisting of Bishop Wm. H. Hare, Rev. S. D. Hinman, for fifteen years a missionary among the Santee Sioux, J. D. Bevier, United States Indian inspector, and F. H. Smith, one of the Board of Indian Commissioners, were assembled and in session at Red Cloud agency to investigate the facts embraced in Mr. Walker's report. After more than a month's investigation this commission, on the 22d of April, made an elaborate report, exonerating Agents Saville and Howard from the charges of fraud, and declaring the administration of their respective agencies "deserving of confidence and commendation."

There does not appear, therefore, in any of the transactions above referred to, and which occurred prior to the personal interview of Professor Marsh with the Secretary of the Interior, any evidence that this officer had been long aware of abuses at the Indian agencies without making any sincere effort to investigate and reform them.

Thirdly. We now come to the imputation by Professor Marsh of a want of public zeal manifested by the Secretary of the Interior in relation to the abuses and frauds, the existence of which he sought to impress upon his mind in his personal interview with him, and we cannot better dispose of this delicate branch of the inquiry than by presenting the account given by both these gentlemen respecting that interview.

Secretary Delano, in a letter addressed to this commission, under date of July 20, 1875, speaks as follows:

The first time that I met Professor Marsh was during the council of the Sioux Indians, in this city, in May last, and after much had been said in the public prints in reference to his complaints regarding the Red Cloud agency, when, being informed that he was in the room at one of these meetings, and being desirous to learn from him what he knew on the subject referred to, I made myself known to him and requested him to call upon me. Subsequently he came to my office, and during that interview *I earnestly requested him* to furnish me with such information as he had, and with all the proofs that he could refer to against the agent at Red Cloud, which he declined to do. General Eaton, Commissioner of Education, was present during this interview, and I shall endeavor to obtain from him a letter referring to it.

I have now stated, I think, correctly, my entire intercourse with Professor Marsh, and have referred to all that has ever transpired between us, either orally or in writing.

Professor Marsh, in his examination before the commission on the twentieth of July last, in the city of New York, testified as follows:

When I was in the Indian Bureau, the Secretary sent in a messenger stating that he was in his room, and would like to see me, and then I went in and had a long talk with him.

Q. That was in May?

A. No, sir; June 5. Then he asked me for my information in regard to the Red Cloud agency; that was the first request I had from him for it. He asked me for it in a conversational way. I told him that when the committee was appointed I understood they would call on me for information, and when they did I would give them specific information in regard to the matter. Then he asked me to give it to him. I told him it was not ready; that

I was going back to New Haven, and when I got there, if he wished for this information before the committee was appointed, if he would write to me, making a request for it, I would send it to him. He requested it orally, and although I did not decline, I did not say I would give it to him alone. Then he made another request, and I gave him some of the main points, stating them as I have given them to you, and in few words orally. But I told him that it was a matter I must consider, as I had not decided what I should do. I told him distinctly that, if this committee was appointed, I would give the committee (as I had informed the Commissioner) this specific information. I told him I would think it over and see him again before I left town. I called a second time, and he was not there; but I told General Cowen to tell the Secretary that, on thinking it over, I must keep this information myself; that he already had essentially the same information on file in the Department bearing on the agency, and that this information, having been obtained by myself, I had not decided what I should do with it. While we were talking Secretary Delano returned to his office, and I went there and had a long interview with him. I repeated what I had said to General Cowen, and also I stated that my promise was to show the samples to the President, and I might possibly decide to send my evidence to him. I might, perhaps, publish it separately, and might possibly wait until Congress came together and give it to Congress. I told him again that when the committee was appointed, then I stood ready to give them my information; that is almost the exact wording of it. Now, when I got Mr. Smith's letter stating that the committee had been appointed and requesting the information, I wrote a reply, in which I stated that I would immediately proceed to prepare a detailed statement, and I went to work that night to get it ready. That I have done, and that is the whole story. (Testimony, pages 53 and 54.)

#### COMMISSIONER OF INDIAN AFFAIRS.

Upon the Commissioner the duty chiefly devolves of administering Indian affairs. Upon him rests the direct responsibility of that branch of the public service. If it is honestly and successfully conducted, to him belongs the honor. If it is negligently or fraudulently administered, to him should be awarded the condemnation. We have seen nothing in the course of our investigations that would lead us to any other conclusion than that the present Commissioner earnestly and sincerely desires to perform his duty faithfully to the country. We have encountered no transaction which casts the least shadow upon his personal or official integrity; but we have met with many marked by the want of that vigilance, astuteness, and decision of character which should belong to the head of that important Bureau. We have already had occasion, in the progress of this report, to comment upon acts of the Commissioner which exhibit a want of due diligence and a liability to be deceived and imposed upon by cunning and unprincipled men. It is unnecessary to make further reference to those facts here; but in addition to such as have been specially referred to in the preceding part of this report, we would say that the forms of contracts, as prepared in the Indian Office, do not seem to us to be marked by that clearness and precision, those carefully-guarded provisions, minute specifications of terms of performance which should distinguish contracts of such magnitude and interest to the public. We think also it was inexcusable to permit so long a time to elapse without ascertaining the precise distance between the railroad and the agencies, and especially as the contract of transportation was based upon an agreed compensation per mile. It was an error not to have ascertained whether Sidney was not a shorter and more economical point for wagon transportation from the railroad than Cheyenne. We think it an error to have let at New York the contract for the wagon transportation from the railroad to the agencies, as it prevented the freighters from entering into any competition for that transportation, and left the Bureau a prey to a speculating contractor. We believe that better arrangements could be devised than those which now exist, and which necessitate the intervention of a contractor of transportation upon the great highways of commerce, the railroads, which extend from the eastern cities to the western. We think he

erred in paying to McCann the full amount of his transportation claims, based upon the supposed distance of 212 miles from the railroad to the agency, relying upon a new contract for transportation entered into with him from which the Commissioner believed the Government could be indemnified against possible loss, when the precise distance should be subsequently ascertained. Such arrangements by the Bureau are irregular and pernicious as precedents. We think he erred in authorizing Dr. Saville to select an inspector of flour at Cheyenne instead of exercising that important function himself. We think he erred in supplying pork to the Indians instead of bacon, not simply because the food is distasteful to the Indians, but because it also involves the needless cost of the transportation of the brine and barrel, they forming one-third of the cost of transportation thus paid for.

It is not to be denied that there has been improvement in the Indian service under Commissioner Smith's administration. Whether this is due exclusively to him or conjointly to him and the Board of Indian Commissioners we need not attempt to determine. Each is, no doubt, entitled to a proper share of credit for this gratifying result. The contracts are now more faithfully executed, and, so far as our visit afforded us the opportunity of observation, the recent supplies have been of an unexceptionable character.

It is equally apparent that the temper and feelings of the Indians have undergone a very favorable change toward our people and Government. Whether this has resulted from their growing perception of the irresistible power of the Government, their decreasing means of subsistence upon the plains, the extensive scale upon which we supply their animal wants, or the meritorious efforts to extend the blessings of Christianity and civilization among them, or to all these causes combined, it is unnecessary for us here to express an opinion; but that the fact is so is attested by the uniform opinion of every officer of the Army, and of every trader and other person who was examined by us upon the subject. The iron bond of their tribal organization is rapidly weakening, and the most eminent and distinguished chiefs now hold their positions by a precarious tenure. We believe the day has gone by when a formidable Indian war can ever again occur in this country.

#### GENERAL OBSERVATIONS.

The policy of the Government in its relations to the Indian population of this continent could not fail to attract the attention of this commission in the course of the investigations which they have been conducting. From the earliest settlement of this country we have been in the habit of treating the Indian tribes as sovereignties, or *quasi* sovereignties—of entering into treaties with them as we would with independent nations, and of regulating our intercourse with them by the provisions of such treaties. This was a very natural course upon our part when they held and occupied so large a portion of the territory embraced within the limits of the United States, when the tribes were so numerous and powerful as to command such relations, and when the means of their independent subsistence so largely abounded upon the plains; but a different state of facts now exists. Their entire numbers, throughout the wide extent of the Republic, have dwindled down to a few hundred thousand persons, scattered over its territory. The extension of our settlements is driving them into the inarable plains and mountains; their means of independent subsistence are rapidly disappearing, and they are becoming more and more every day mere pension-

ers upon our charity. It is readily seen that we have now but two courses left open to us—to keep them as they are at present in their large reservations, where they are unable to support themselves by agricultural labor, and where we must continue to feed and clothe them at an oppressive cost to the people of the United States; or to remove them, if need be, by compulsion, to the Indian Territory, or to other suitable localities, where, by industry and the cultivation of the soil, they may provide themselves amply with the means of subsistence. The recent act of Congress, declaring that no more treaties should be made with the Indians, shows that our Government is now fully awake to our changed relations to that population. It is the virtual announcement that a new policy is to be inaugurated, and that hereafter the Indians are not to be negotiated with as tribal sovereignties, but treated as individual inhabitants of the Republic within whose territory they reside. Treaty obligations, whenever and however made, should be rigidly observed. So far as they have been made with the Indian nations who inhabit the territory set apart for them south of Missouri, and who are co-operating with the views of the Government, they are not likely to be disturbed. But it would be idle to talk about the obligations of a treaty with the wild and nomadic tribes of the Northwest, who, without any stipulation to that effect, are fed and clothed by our bounty. A suspension of our humane supplies to them for three months would readily cause the surrender of any treaty stipulation that might interfere with the fixed policy of the nation.

We believe the time has arrived when the policy foreshadowed by the act of Congress above referred to should be vigorously enforced by additional legislation. The criminal laws of the United States should be extended over the reservations, and when an Indian outside of a reservation shall commit an offense he should be made subject to the police and criminal laws of the State in which such offense is committed. Some form of territorial policy should be established for their government when the number and compactness of their population would render such an organization, prosper. The individuality of the Indian as a member of the community should be recognized, and the absurd fiction of tribal sovereignty in which that individuality is now merged should be abolished. Courts should be organized for the administration of justice over such territory. The individual ownership of property should be encouraged under temporary restrictions on alienation, and the privileges of citizenship made accessible upon such terms as good policy may prescribe. The evils that result from the absence of provisions like this are apparent. Community of property is fatal to industry, enterprise, and civilization, and exemption from legal responsibility for crime has stimulated depredations, robbery, murders, and assassination.

We are pleased to observe in the last report of the Commissioner of Indian Affairs a concurrence in many of the views above expressed, and we feel fortified in our opinions by the authority of one whose opportunities for studying the Indian character have been so extensive.

We look with great favor upon the efforts which have been made, and especially of late years, to civilize and christianize the Indians. The policy is wise, noble, and magnanimous, and while with the untutored Indian, reared in his own superstitious belief and false religion, progress must necessarily be slow, yet the indications are sufficient to encourage persistent efforts in that direction. We are pleased to hear of the erection of school-houses, by which the rising generation may gradually be weaned from their savage instincts and trained to the blessings of civilization; and we heard with great satisfaction of the ardent and successful

operations of the missionaries, by which churches are being erected, Sunday-schools established, and the blessings of Christianity made apparent to the heathen mind. Civilization can only spring from well-regulated law, and in every effort to civilize the Indian the first lesson to be impressed upon his mind is his individual responsibility. The next important step is to impress upon him the necessity of individual property as the only incentive to industry and thrift. There can be no civilization except where the law is supreme, equally obligatory upon all, and where property is held in individual right. The community of property now existing under the tribal organization is fatal to any advances in civilization, and while this Commission maintains the importance of individualizing property in those communities, they, nevertheless, recognize the fact that some proper restraints should be imposed upon alienation until the Indian has acquired greater advances in civilization.

In this connection we would respectfully recommend to Congress the expediency of employing in each of the States and Territories, where the number of Indians render any such provision proper, a man learned in the law, whose duty it shall be to guard and protect the rights and interests of the Indians in such State or Territory. It should be his duty at all times to keep a vigilant eye upon the contractors and agents, to initiate prosecutions for injuries against the person or property of Indians, and to enforce all laws for their protection against frauds. He would stand forth there as the acknowledged protector of the Indian, who would thus have some one always within reach to whom he could apply for the redress of his wrongs. This would gradually habituate the Indian to rely upon the law for his protection, and not upon the arm of assassination and murder, and would be one of the most powerful instrumentalities toward opening his eyes to the benefits of a civilized life. The cost of a single investigating committee would pay for a sufficient salary for years for such a law-officer, and it would become a measure of economy if, in connection with it, the offices of superintendents of Indian affairs were abolished, which, from our observation of their duties and services, might well be done without loss to the country.

The treaty provision by which the Indian is kept separate and apart from the white man in his reservation may in some aspects be a wise and sound policy, but it cannot be the policy of civilization. That can only be imparted to the Indian by bringing him in contact with its influences. He must see it and feel it to be penetrated by it. The existing law excludes from the reservation all persons of the white race except those who are ready to abandon civilization itself for a disreputable association with Indian women. Contact with such examples of civilized life must tend rather to degrade and vilify it in the estimation of the Indian himself. It would be far better so to amend our trade and intercourse laws as to make some provision for the admission among them of that class of white men whose respect for the laws of their country now keeps them at a distance from the reservation.

We think the day has gone by when the blanket should be furnished to the Indian as extensively as it now is. It serves to perpetuate his barbarous costume and his idle habits. If furnished with clothing at all, it should be with such as is suited to his comfort, and in which it will be possible for him to perform labor. In our interviews with the Sioux, Cheyennes, and Arapahoes, many of them expressed an earnest desire to be clothed like the white man. So the tented tepee only serves to confirm and perpetuate his nomadic habits.

While we would not wish to see the Indian treated otherwise than

with kindness and magnanimity, we think that too much deference has been shown to their whims and caprices in some important transactions with them. It is the testimony of men whose opportunities of forming a judgment of Indian character cannot be questioned that the Indian must be made to fear before he can be made to obey. No sentiment of gratitude touches his heart because of the annual receipt from the Government of food and raiment. He eats our bread and wraps himself in our blanket with no other emotion than that they are gifts extorted from our fears. Barbarism knows no law but that of force. Much of our policy has impressed him with the idea that our liberal supplies to him are dictated by cowardice and cupidity; and when it is proclaimed by those high in authority that our present policy is based upon the maxim that it is cheaper to feed him than fight him, we can perceive how readily the Indian might fall into such a construction of our conduct. In a recent conversation on the plains, General Crook remarked to a member of this commission that it was humanity to the Indian to make to him such a display of force as would cause him to fear the power of this Government, and, if need be, to force him into prompt obedience to the orders of a government which is burdened with his support in his transition state from barbarism to civilization. Few men better understand the Indian character than this distinguished military officer, and none have had greater success in dealing with them and advancing them in the habits of civilized life. We believe we speak the opinion of the people of this country, who are taxed to the extent of over \$8,000,000 a year for the Indian service, when we say it is time that we should now adopt a fixed, positive, and determined policy in regard to that population; a policy which will not only more clearly define their rights, but more rigidly enforce their proper relations and responsibilities to our Government.

The question whether it would be expedient to transfer the management of Indian affairs to the War Department was suggested to our attention from time to time, and we gave to the consideration of the subject such reflection and inquiry as our opportunities allowed. Without entering at length upon a discussion of the subject, it may be sufficient to say, in general, that our conclusions are wholly unfavorable to such a change at the present time. There can be no question that the change would involve a serious interruption of the present policy of the Government, if not an entire abandonment of it; and, whatever doubts any may possibly entertain of the complete ultimate success of this policy, it would be extremely unwise to abandon, without the fullest trial, a system of dealing which has thus far produced excellent results, and which promises at least to pave the way toward elevating the moral, civil, and political condition of the Indians.

There is, however, one branch of the Indian business in which we believe the services of Army officers might be wisely and advantageously employed, viz: the inspection of goods and supplies.

We have already recommended that officers be detailed for the inspection of beef and beef-cattle at the Indian agencies; and, for reasons similar to those already mentioned in that connection, we recommend that all inspections of Indian goods (except annuity-goods, the inspection of which is provided for by treaty) and supplies at the points of purchase and shipment, at terminal points of railroad transportation, and at the agencies, before the articles pass into the possession of the agents, be under the exclusive charge of the Commissary-General of the Army. We believe that such a system would not merely serve as a salutary check on contractors, freighters, and agents, but would be of

great use in satisfying the public mind that the service was fully and faithfully performed. It would seem desirable that a copy of the reports of all such inspections should be transmitted through the proper channels to the Indian Office.

The fact that it has at times been found useful, and even necessary, to employ friendly Indians as a kind of police about the Red Cloud agency, and the good accounts we received of their efficiency and fidelity when so employed, suggested to our incidental consideration the question whether it might not be feasible to enroll them in companies, under white officers, as a constabulary force for the protection of the agencies and the enforcement of authority over wilder tribes. It is, of course, a question how far such a system would prove practicable; but if it could be employed it offers some manifest advantages, besides relieving some portion of the Regular Army. It would train a certain number of Indians to habits of discipline and obedience to authority, as well as of loyalty to the Government. This body would furnish a rallying point to the well-affected portion of the tribe, and a menace of punishment to the hostile or unruly. The number that could be induced to enlist would probably be small at first, and they should be young, unmarried men, who would be under the least temptation to move about with the villages. The subject seems to us of sufficient importance to recommend its reference to a board of Army officers to consider and report upon.

#### RECOMMENDATIONS.

In conclusion, we respectfully present the following summary of recommendations, the most of which have already been discussed in their proper connection:

1. That Agent Saville be removed.
2. That J. W. L. Slavens, of Kansas City, Missouri, be excluded from all participation in future contracts under any Department of the Government.
3. That E. R. Threlkeld, of the same place, be excluded from all further employment as inspector.
4. That no bids for supplies be hereafter received from J. H. Martin.
5. That D. J. McCann be excluded from future contracts with the Government.
6. That the papers relating to the account presented by D. J. McCann for transportation of the property, stores, &c., of the Red Cloud agency from the old to the new location be referred to the Department of Justice for examination and action.
7. That the distance from Cheyenne and from Sidney to the Red Cloud and Spotted Tail agencies be accurately ascertained by measurement, without unnecessary delay.
8. That a new and careful enumeration of the Sioux around the Red Cloud and Spotted Tail agencies be made, and that the agents be required to make an enumeration of the northern Indians as they may come in for supplies, and to keep a record of all issues made to them.
9. That bids for flour and other produce be received at some suitable point in the West, instead of New York.
10. That bids for wagon transportation from the railroads to the agencies be also received at suitable points in the West.
11. That the office of superintendent of Indian agencies be abolished, and the duties connected therewith be transferred to inspectors.
12. That the feasibility of dispensing with the services of a freight-



contractor between eastern cities and terminal points of railroad transportation in the West be considered.

13. That in accordance with the provisions of the Treaty of 1868, Army officers be detailed to inspect all issues of annuity goods, and that all inspections of Indian supplies and beef be made under the direction of the Commissary-General of the Army.

14. That a carefully devised system of accounts, uniform [for all agencies, be established, with the mode of issuing and accounting for all articles definitely prescribed.

15. That the agencies differing greatly as they do in the amount of intelligence and capacity required to conduct them, be so graded as to establish for the most important ones salaries sufficient to secure the services of thoroughly trained and competent men.

16. That the Red Cloud and Spotted Tail agencies (which are now off the Sioux reservation) be removed to some suitable point nearer the Missouri River.

17. That a commission of Army officers be appointed to consider the practicability of organizing an Indian soldiery for police and similar duty.

18. The establishment of a United States territorial government over the Indian Territory.

19. That suitable persons, possessed of the necessary legal qualifications, be appointed to prosecute for all wrongs against Indians, and to defend their rights and interests, as far as they may become the subject of adjudication before the courts.

20. That all future legislation for the Indians, and all dealings with them, be based upon the policy of bringing them as rapidly as possible under the same law which governs all other inhabitants of the United States.

21. The consideration of such additional legislation as will develop and apply the general system of dealing with the Indians suggested under the previous head of "General Observations."

THOS. C. FLETCHER.

BENJ. W. HARRIS.

CHAS. J. FAULKNER.

GEORGE W. ATHERTON.

OCTOBER 16, 1875.



## NOTE TO THE PRESIDENT OF THE UNITED STATES.

The following is the note from Professor Atherton accompanying the copy of the report sent to the President :

RUTGERS COLLEGE, NEW BRUNSWICK, N. J.,  
*October 16, 1875.*

SIR : I have the honor herewith to transmit a copy of the report of the Red Cloud investigating commission, together with a printed copy of the accompanying testimony.

Referring to your telegram of appointment of July 27, 1875, and the letter of instructions of July 30, 1875, received from you through the Secretary of the Interior, I have the honor to state that immediately on receipt of your telegram I proceeded to Cheyenne, where I joined Messrs. Fletcher, Harris, and Faulkner on the 31st of July. They had already taken testimony in New York, Omaha, and Cheyenne, which they placed at my disposal, and from that time onward I have fully participated in all their work, including the preparation of the report now submitted. The commission has acted throughout as a single body, and the conclusions reached are the result of our joint deliberations, and express our unanimous judgment. For this reason I have, at the request of the three members nominated by the Board of Indian Commissioners, joined them in signing the report which they have addressed to that body, of which the one herewith transmitted is a copy.

It may be proper to say, however, that in case my conclusions had differed on any important point from those of the other members of the commission, I should have deemed it my duty to submit to you a separate report, but the course which I have adopted seemed more in accordance with the spirit of your instructions, and I trust it will meet your approval. The Hon. Timothy O. Howe, to whom, jointly with myself, your letter of instructions was addressed, has been present with the commission during a small part of its investigations. He was not present at any time during the preparation of the report, and his name consequently does not appear among the signers.

I have the honor, sir, to be, very respectfully, your obedient servant,  
 G. W. ATHERTON.

The PRESIDENT.



## THE TESTIMONY.

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FIFTH AVENUE HOTEL, NEW YORK,  
*Monday, July 19, 1875.*

The commissioners met and organized. Present, Hon. THOMAS C. FLETCHER, chairman; Hon. B. W. HARRIS, and Hon. CHARLES J. FAULKNER.

Professor O. C. Marsh appeared and presented to the commissioners, at their request, a copy of a printed pamphlet containing his letters to the President, of the 10th of July, as follows :

### A STATEMENT OF AFFAIRS AT RED CLOUD AGENCY, MADE TO THE PRESIDENT OF THE UNITED STATES, BY PROFESSOR O. C. MARSH.

*To the President of the United States :*

SIR : In the two interviews I have had with you on Indian affairs, I was impressed with your earnest desire to do justice to the Indians, and with your broad and philanthropic views on the whole Indian question. This must be my excuse, as a private citizen, for coming again to you, to lay before you a statement of wrongs committed on the Sioux Indians, mainly under my own observation, during a recent visit to their country. My visit to this region was wholly in the interests of science, with no intention or wish to investigate Indian affairs. The frauds I observed were brought to my notice by Red Cloud, who refused to allow my party to enter the "Bad Lands" until I had promised to submit his complaints to you, in person.

Since my last interview with you upon this subject, I have been informed by the Commissioner of Indian Affairs of the appointment of a committee to investigate affairs at the Red Cloud agency, and invited to lay a statement of the facts before them. This I am quite ready to do whenever the committee request it. I must decline, however, to give my statement to the Interior Department alone, for the following reasons :

1st. I have no confidence whatever in the sincerity of the Secretary of the Interior or the Commissioner of Indian Affairs, when they publicly announce their wish and determination to correct the present abuses in Indian management, because I have reason to know that they have long been aware of these abuses, and have made no sincere effort to reform them. 2d. In all my intercourse with these two officials, their object has manifestly been to find out, not so much what the frauds actually were, as the extent of my information concerning them, so as to prevent, by every means in their power, all publicity or exposure of them. 3d. The evidence now in my possession reflects unfavorably on both Secretary Delano and Commissioner Smith.

For these reasons, I have thought best to lay before you, to whom, in accordance with my promise to Red Cloud, I made my first communication, the accompanying statement in detail, in full confidence that the evidence presented will meet with the consideration its importance demands.

In the statement which accompanies this letter, I have given the results of my investigation into the affairs of Red Cloud agency, the largest and most important in the West. These results clearly indicate both mismanagement and fraud, especially in the following particulars:

1st. The agent, J. J. Saville, is wholly unfitted for his position, and guilty of gross frauds upon the Indians in his charge.

2d. The number of Indians at this agency has been systematically overstated, for purposes which can only contemplate fraud.

3d. The last issue of annuity goods, which I witnessed, was a suspicious transaction, and, in part, at least, fraudulent.

4th. The beef-cattle given to the Indians have been very inferior owing to systematic frauds practiced by the agent and beef-contractors.

5th. The pork issued to the Indians during my visit was not suitable for human food.

6th. The flour was very inferior, and the evidence of fraud in this article is conclusive.

7th. The sugar and coffee issued were not good, although better than the other supplies.

8th. The tobacco observed was rotten, and of little or no use to the Indians.

9th. In consequence of fraud and mismanagement, the Indians suffered greatly during the past winter for want of food and clothing.

10th. The contract for freight from Cheyenne to Red Cloud agency was fraudulent, as the true distance is 145 miles, while the contractor was paid for 212 miles.

I would especially call your attention to the evidence of fraud in beef-cattle, as presented in the accompanying statement. This subject I investigated with much care, as beef is the principal article of food of the Sioux Indians, and the frauds I observed have caused great suffering among them, as well as great pecuniary loss to the Government.

The statement I have prepared is supported in all its essential parts by the testimony of officers of the Army, who were with me on my expedition, or at the Red Cloud agency. Among these officers are several personally known to you, and all are gentlemen of high character. Should any part of my statement be seriously questioned, I trust you will allow these gentlemen to be heard. If the commanding officers of all posts near Indian agencies, or other equally trustworthy and disinterested observers there, could likewise testify, I think it would be found that I have but faintly indicated the corruption pervading Indian affairs.

I have purposely confined myself in this statement to a single agency, and mainly to the time of my visit, without reference to much other testimony which has come to me incidentally in the prosecution of my inquiries, showing frauds of equal magnitude at other points. This corruption, which is a constant source of discontent and hostility among the Indians themselves, is, in my judgment, a natural result of the present loose and irresponsible system of furnishing the Indians with goods and supplies, a system that tends directly to invite fraud. I do not believe that anything but a radical change in this respect will prevent the continued demoralization of the Indian service. You alone have the will and the power to destroy that combination of bad men, known as the Indian ring, who are debasing this service, and thwarting the efforts of all who endeavor to bring to a full consummation your noble policy of peace.

Very respectfully, your obedient servant,

O. C. MARSH.

*To the President of the United States :*

SIR : In November last, while on a geological expedition to explore the "Bad Lands" south of the Black Hills, I was obliged to pass near Red Cloud agency, and was detained there several days by the opposition of the Sioux Indians. In endeavoring to propitiate the Indians, and obtain their permission to proceed with my party, I held several councils with Red Cloud and his principal chiefs, saw the issue of annuity goods and provisions, and had other opportunities of seeing the actual state of affairs at this important agency. I found the Indians in want of food and clothing, greatly dissatisfied with their agent, J. J. Saville, and strong in the belief that they were systematically defrauded of the goods and supplies sent them by the Government. In one council, attended by nearly all the prominent chiefs, Red Cloud made specific charges of fraud against the agent and contractors, and urged me to make this known to the Great Father, and to carry to him samples of the rations the Indians were then receiving. Mainly to gain consent for my expedition to proceed, I made Red Cloud the promise he desired. Soon after, he gave me samples of flour, sugar, coffee, and tobacco, to show to you, assuring me that they were the rations he himself was using, and fair samples of those lately issued to his people.

In consequence of the promise thus made to Red Cloud and his associates, their immediate opposition to my proposed explorations ceased. Other difficulties were successively overcome, the expedition at last reached its destination, and fully accomplished its purpose, notwithstanding great suffering from cold, and open hostility of the Indians around us. When about to return, we escaped a large war-party of Indians in consequence of warning and assistance sent by Red Cloud. This act of kindness led me on my return to the agency to make further investigations there, especially in the directions indicated by the chiefs, and I soon found reason to believe that their statements of mismanagement and fraud were essentially true. The information I received also from officers of the Army, and other trustworthy observers familiar with the subject fully confirmed this, and proved, moreover, that affair at this agency had long been in the same condition.

On my return to the East, my professional duties prevented me for some time from fulfilling the promise made to Red Cloud; but in April last, as you will remember, I gave you his message, showed you the sample of rations he had intrusted to me, and received from you the assurance of your wish to do full justice to the Indians, and correct any abuses in their management. I then regarded my mission at an end. As a matter of courtesy, I showed to the Commissioner of Indian Affairs the same samples, and told him of various things I saw at the Red Cloud agency that indicated a bad state of affairs there; naturally supposing that such information, from a disinterested observer, would be kindly received, and existing wrongs be prevented in future. I regret to say that the information I ventured to offer to this official was far from acceptable; the inferior rations I exhibited were plausibly explained, and the damaging facts I had observed were considered of little consequence. Commissioner Smith's manner of receiving this information naturally deterred me from giving him many other facts of a similar nature then in my possession, and I have since deemed it best to withhold them.

Subsequently I met the Board of Indian Commissioners in New York, at their request, and gave them a more full account of the condition of things at Red Cloud and other agencies that I had visited. I again

showed the rations Red Cloud had given me, and stated to the commissioners that, while I did not vouch for these particular samples, I had no reason to doubt, from all I saw at his agency, that they fairly represented the supplies issued during my visit. I gave, also, a detailed statement of some of the frauds in beef-cattle and other supplies, and showed that these had resulted in great suffering among the Indians during the past winter. In answer to their inquiries, I pointed out to the commissioners the great defects in the present system of supplying the Indians with food and clothing, and how, in my opinion, these defects could be remedied.

A few days afterward the following letter appeared in the public press. It explains itself.

DEPARTMENT OF THE INTERIOR,  
*Washington, D. C., May 10.*

SIR: I am desirous of appointing a commission from the members of your board to investigate certain reports put in circulation by a Mr. Marsh, relative to the Indian service at Red Cloud agency, and I write you to request that you will consult with your board and name to me such members of it as may be designated to make the investigation. It would be well to have the commission consist of three members. Should you be unable to designate them from your board, will you do me the favor to recommend some other suitable persons as commissioners? I desire to have the commission named by yourself or the board of which you are president.

Yours, &c.,

C. DELANO.

Hon. CLINTON B. FISK,  
*President Board of Indian Commissioners.*

Supposing that this commission would be appointed, I at once took measures to obtain the testimony of those who were with me on my expedition, and others familiar with the facts I had observed, since I felt confident that all I had stated about mismanagement of Indian affairs could be readily substantiated by abundant evidence.

While the Sioux delegations were in Washington, in June last, I had the honor of meeting personally, on his invitation, the honorable Secretary of the Interior. He informed me that he had long taken a deep interest in the Indians, and had had great experience in the management of their affairs. He was especially interested in the efforts to Christianize and civilize these wards of the nation, and he earnestly entreated me to aid him in the enterprise. His appeal in behalf of this noble work—of which so much is said in the East, and so little seen in the West—moved me deeply; but having no time and little inclination for such professional philanthropy, I was obliged to decline. The state of affairs at Red Cloud agency in November last, to which I directed his attention, he declined to discuss; but, in the most solemn manner, assured me that if I would give him all my information on this point, he would at once see that the abuses, if any existed, were officially removed. He manifested great sorrow that I had not brought Red Cloud's samples directly to him—a service which Red Cloud himself, who knew the honorable Secretary, did not ask me to perform.

In reply to the urgent request of the honorable Secretary for the information in my possession about Indian affairs, I informed him that whenever the commission he intended to appoint, or any other commission empowered to ascertain the whole truth, should be ready, I would cheerfully co-operate with it in every way in my power.

A month later, or July 2d, I read in the newspapers the following letter—the original of which, dated July 1, 1874, I subsequently received by mail:



WASHINGTON, July 1, 1875.

The Hon. E. P. Smith, Indian Commissioner, sent the following letter to-day to Professor Marsh at New Haven :

At the request of the honorable Secretary of the Interior, the Board of Indian Commissioners have nominated as a committee to investigate affairs at Red Cloud agency the Hon. A. H. Bullock, of Worcester, Mass.; the Hon. Thomas C. Fletcher, of Saint Louis, Mo., and the Hon. George W. Lane, of the chamber of commerce, New York; and it is understood that these gentlemen have accepted the service to which they have been invited. In preparing instructions for their guidance, I have not been able to furnish them your complaints against the Red Cloud agency administration, except in a general way, as detailed to me by yourself at several interviews. But I have informed them of the request of the Secretary that you will reduce these complaints to a written statement, to be accompanied with such proofs and suggestions, as to reliable sources of evidence, as will aid in securing a thorough investigation. I have also informed them of the appointment and purpose of this commission, and my intention to renew the request heretofore made by the honorable Secretary that you will now furnish the said written statement, making the charges as specific and furnishing evidence as much in detail as possible; or, if you are not prepared to do this, that you will, in any way most agreeable to yourself, make known in a definite form your impressions and views respecting Indian affairs, as resulting from your personal observation while in the Indian country. I make this request of you in the belief that you can have no other desire in this matter than that the interests and rights both of the Indians and Government may be protected. And I desire to renew the assurance heretofore given you that it is the sincere wish and purpose of the Department to prevent frauds as far as possible, and to omit no effort to discover them when perpetrated, and in all respects to bring the Indian service to the highest possible standard of humanity and strict integrity.

To which my reply was as follows :

YALE COLLEGE, NEW HAVEN,  
July 3, 1875.

DEAR SIR: I have received your letter of the 1st instant, informing me of the appointment of Hon. A. H. Bullock, of Massachusetts; Hon. T. C. Fletcher, of Missouri; and Hon. George W. Lane, of New York, as a committee to investigate affairs at Red Cloud agency. I have as yet received no communication from the gentlemen named, but I will at once proceed to prepare a detailed statement, embodying the evidence on this subject now in my possession, a copy of which I will with pleasure lay before the committee, so soon as they inform me that they have organized and are ready to act.

Very truly, yours,

O. C. MARSH.

Hon. E. P. SMITH,  
*Commissioner of Indian Affairs.*

The Department letter of instructions to the commission, although the gentlemen named had not accepted their appointment, as intimated in the commissioner's letter to me, was published also. This letter of instructions, as published, contains several erroneous statements and misrepresentations, especially as to the nature and extent of my observations at Red Cloud agency, and virtually prejudices the case. How it corresponds with the facts, may be seen from the evidence given below. The letter is as follows :

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,  
Washington, D. C., July 1, 1875.

GENTLEMEN: On the nomination of the chairman of the Board of Indian Commissioners, at the request of the Secretary of the Interior, you have been appointed by him a commission to investigate the affairs of the Red Cloud agency.

The occasion for such investigation has mainly originated in statements made by Mr. O. C. Marsh, professor in Sheffield Scientific School, Yale College, concerning matters which he observed while at the agency during November last. As yet these statements have no definite form known to the Office other than as they have appeared in the public press, and as made verbally by Mr. Marsh to myself.

In the latter part of March last, Professor Marsh brought to me certain samples of tobacco, and flour, and sugar, which he said he did in accordance with a promise made to Red Cloud, in consideration of a promise by Red Cloud to procure an entrance for him into the Black Hills country for scientific purposes. He stated that, in a private interview with Red Cloud, that Indian chief complained very bitterly of his agent in many respects, and earnestly desired a change, and that he had given him these as samples of the supplies which he was receiving from Government. He also stated that

the beef-cattle issued to the Indians were small in size, and otherwise of inferior character; and that there was much confusion in agency matters, especially in the issuing of a large amount of goods in a single day. Professor Marsh expressed his belief that there might have been an exchange of articles purchased for the Indians for others of inferior quality while en route between Cheyenne and the agency. He also stated that his views as to agency affairs were confirmed by conversations with other persons around the agency.

Professor Marsh stated that he had not taken any measures to satisfy himself that the samples given to him by Red Cloud were fair samples of the supplies which were then being issued, and could not say from his own observation that they were fair samples; but that on one occasion, when a sack of flour had fallen from an Indian woman's arms and broken open, he saw the color of the flour as it lay upon the ground, and thought it not much different from the sample furnished by Red Cloud, but, not being a judge of flour, he could not make the comparison with any degree of accuracy. The samples referred to Professor Marsh did not leave with me, and it is presumed that he has them still in his possession.

His other statements in regard to agency affairs are of a still more indefinite character.

In an interview subsequently held with the honorable Secretary of the Interior, Professor Marsh was invited by him to reduce his statements of frauds or irregularities in the Indian service to writing, in such form as would best aid in their investigation. To this request Professor Marsh has not yet responded, nor has he declined it. I have this day notified him of your appointment, and again requested him to furnish such statements or suggestions as may aid in finding the facts as to the administration of Red Cloud agency.

If, however, Professor Marsh should still decline to furnish such assistance, it is the desire of the honorable Secretary that you proceed in the investigation, and avail yourselves of all the means that can be found, after arriving upon the ground, or before, to learn the state of affairs; and that you will, without fear or favor, investigate all matters pertaining to that agency so thoroughly as to satisfy yourselves beyond a doubt as to facts, upon which you will make a clear report relative to its past and present condition and management, with such recommendations as will enable the Department to take proper action in the premises.

You will undoubtedly meet with persons of strong partisan feelings enlisted both for and against the administration of the present agent; and as you proceed you will become fully aware of the misrepresentations which such partisanship naturally produces, and the extreme difficulty of discovering the truth amid the conflicting statements and allegations.

"While guarding against giving undue weight to accusations which originate in malice and suspicion only, you will not hesitate to probe all questions to the bottom, and bring to light any official neglect or fraudulent or unfair transactions of any kind or degree, by whomsoever committed. A copy of Agent Saville's letter requesting such investigations is herewith furnished for your information; also a full report of the councils held [with Red Cloud and a delegation of the chiefs and headmen of Red Cloud agency at the Department of the Interior, May 23 and June 5.

"At Cheyenne you will find C. H. Bostwick, the storekeeper of the Government warehouse, also Mr. Long, the inspector of the flour and the supplies which have been shipped from Cheyenne to Red Cloud agency during the year. You are also requested while in the Indian country to make such observations pertaining to Indian affairs generally at Red Cloud agency as will be of assistance to the administration of the Indian Bureau.

"Of this commission the Hon. A. H. Bullock, of Worcester, Mass., is the chairman, from whom you will receive notice of the time of proceeding to Cheyenne. Your compensation while actually engaged in this service will be at the rate of \$8 per day, in addition to your necessary and actual traveling expenses. One of the inclosed requisitions for transportation will be honored by the ticket-agent of the Union Pacific Railroad at Omaha, and the other on your return at Cheyenne. The weekly stage at Laramie *en route* to Red Cloud, leaves Cheyenne on Monday early in the day.

"Your attention is called to the circular-letter of the honorable Second Comptroller of February 26, 1875, and to Department circular of July 1, 1874, for information as to requirements in settling your accounts for expenses.

"Very respectfully, your obedient servant,

"EDW. P. SMITH."

To the Hon. A. H. BULLOCK, Worcester, Mass.; GEO. W. LANE, New York City; THOMAS C. FLETCHER, St. Louis, Mo.\*

\* Messrs. Bullock and Lane having declined to serve on the commission, the Secretary of the Interior appointed Hon. C. J. Faulkner, of W. Va.; and Hon. B. W. Harris, of Mass.; and named Hon. T. C. Fletcher as chairman. This commission organized in New York, July 19, and started for the West July 22, 1875. The President subsequently appointed three additional commissioners, viz: Hon. T. O. Howe, of Wisconsin; Hon. Wayne MacVeagh, of Pennsylvania; and Prof. G. W. Atherton, of New Jersey.

Up to the present time, I have received no information that this commission has organized, but I stand ready to aid it in every way in my power. In the mean time, the communication I now transmit to you contains the information asked for by the Commissioner of Indian Affairs.

The results of my investigation into the affairs of Red Cloud Indian agency are embodied in the following statements, arranged for convenience under distinct heads:

I.—*The Indian agent at Red Cloud agency.*

In the first conversation I had with Red Cloud, when Gen. L. P. Bradley and Col. T. H. Stanton were present, he complained bitterly of his agent, J. J. Saville, who, for the past two years, has had charge of his agency. Red Cloud's specific charges were, that his agent was incompetent, weak, and vacillating, having no influence over the Indians; and especially that he was in league with the contractors to defraud the Indians of the food and clothing sent them by the Government. I regret to say that all I saw myself at the agency, and all I learned from trustworthy observers and official records, has convinced me that these charges were well founded. As soon as I met the agent himself, and observed his method of dealing with Indians, it was at once evident to me that he was entirely unfit for the responsible position he occupied. This fact is illustrated by an occurrence, now well known, which took place a few days before my arrival, when the agent, by a single act of folly, aroused the bitter hostility of the Indians in his charge, and came near sacrificing the entire white population of the agency. This was avoided only by the rare coolness and bravery of Lieut. E. Crawford, Third Cavalry, who came with his company to the rescue, at the critical moment. Without military protection, the agent could not have remained in charge of the Indians a single day, as their threats against him for indignities and alleged frauds continually practiced upon them were open and violent. Of the more debasing influences which this agency was openly exercising upon the Indians I will not now speak, although the evidence on this point was obtained by direct observation. That a chief of such note and ability as Red Cloud should be subjected to the caprices of such an agent, is in itself a gross indignity, and ill-calculated to inspire him or his people with respect for the advantages of civilization.

There appeared to be a total want of system in the management of agency affairs. The issues of annuity goods, of beef, and other supplies, all were made in a loose and unbusiness-like way, in which a just distribution among the Indians was impossible. Agent Saville was placed in his position to guard the interests of the Indians and of the Government, and it appears that he betrayed both alike. He defrauded the Indians by withholding from them provisions which he charged against the Government as issued to them. For example: In his abstract of provision-issues for November, 1874, which he rendered to the Interior Department, and which is now there on file, he states that November 8, 1874, he issued to 12,351 Indians fresh beef amounting to 271,248 pounds, or over 260 head of cattle, according to the average weight which he allowed the contractor on the last herd received. The truth is that he issued no beef whatever to the Indians on that day nor for several days afterward, as I ascertained from the agent himself and others at the agency. I arrived at the agency November 9, and was informed by the agent that he had been for some time withholding rations from the Indians until they would consent to be counted; and this fact he commu-

nicated officially to the Department, and subsequently repeated it to Bishop W. H. Hare in my presence in Washington. The first issue after the counting was finished was November 14, and I was then present, and know that for several days previously the Indians had been suffering from want of the very food he claimed in his official report to have issued. In the same manner his official reports represent other issues that never took place. How he at the same time was defrauding the Government, in receipting for beef which he did not receive, is fully shown in section IV of this statement.

The incompetence and true character of Agent Saville were well known to the Interior Department before my visit, as is shown by an official report made by United States Indian Inspector J. D. Bevier, October 21, 1874. In this report the inspector exposed a fraudulent contract made privately by Agent Saville with his father-in-law, A. R. Appleton, by which the Government would have been largely a loser. Inspector Bevier states, moreover, that, while investigating the contract, Agent Saville made false representations to him, and Mr. Appleton endeavored to bribe him to silence. Other special commissioners of the Interior Department had likewise reported unfavorably of this agent and affairs at the agency. And yet this man has for the past two years, with the full approval of the Department, had charge of the most important agency in the West, where nearly half a million of dollars annually passes through his hands.

In all his official relations Agent Saville has proved himself a weak man, and he should never have been placed in so responsible a position. If honest when appointed, as some good men believe, he fell an easy victim to the wiles of beef and freight contractors of the Indian ring, as many stronger men, agents and high officials, have done before him.

## II.—*Number of Indians at agency overestimated.*

There is good reason to believe that the number of Indians supplied with provisions at Red Cloud agency has been largely overestimated, resulting in extensive losses to the Government. According to the provision-returns of Agent Saville for the fourth quarter of 1874, which he rendered to the Interior Department, there were 15,117 Indians who received rations at the agency October 1, 1874. The same official document states that on November 8 (the day before my arrival) there were 12,351 Indians fed at the agency. I was informed by the agent and other persons immediately connected with the agency that two or three thousand of these Indians belonged to northern tribes and were encamped within a short distance of the agency, on the north side of White River. Agent Saville subsequently confirmed this statement in an interview with Rev. S. D. Hinman and myself in Washington, May 31, 1875, and stated also that some of these northern Indians received annuities at the annual issue, November 12, 1874. A few days after the issue of annuity goods, when about to start with my expedition across White River to the northward, I was informed by the agent and others that the northern Indians were still in camp there, but on crossing the river with my party, I found less than forty lodges, by actual count, and ascertained that all, or nearly all, of these were Ogallalas belonging to Red Cloud's band. During the next ten days, moreover, I repeatedly crossed the great northern trails leading to the Black Hills, and ascertained beyond a doubt that no considerable body of Indians had recently passed over them. For these reasons, and others which I deem equally conclusive, I believe the thousands of northern Indians officially reported at this agency to be a myth.

The number of Indians actually at Red Cloud agency, when I was there in November last, could not have been more than 1,200 lodges, or 8,400 individuals. Judging from all the information I could obtain, I doubt if this number has been exceeded within the last two years. Some observers, best qualified to judge, placed the number lower, and among these was Jules Ecoffey, of Fort Laramie, whom I have known for several years. He was with me at the agency, acted as my interpreter in one council, and is personally acquainted with nearly all the Indians there. The statement of the agent, that on October 1 there were at the agency over 15,000 Indians, no disinterested person familiar with the facts believes for a moment, especially as at that time the wilder Indians had not commenced to return to the agency for the winter.

### III.—*Issue of annuity-goods.*

I was present at the Red Cloud agency at the annual issue of annuity-goods, November 12, 1874, and personally observed nearly all that were delivered. I saw the entire issue of blankets, and carefully examined the quality of those delivered. The number of bales of blankets I did not count as they were issued, but, soon after all were given out, my attention was called to the number of these by the chief Red Dog, who stood near me in the warehouse during the issue. He strongly asserted that the issue was fraudulent, and that the number of blankets issued was much less than the Indians were entitled to; and that the number issued to him for his own band was not more than half what he should have had. This earnest protest on the part of the chief, who is next in rank to Red Cloud, called my attention particularly to the amount issued; and on recalling the exact circumstances of the delivery, which I had witnessed a few minutes before, I felt reasonably certain that not more than twenty bales were issued, and that the number could not possibly have exceeded twenty-five bales. One of the persons whom I then saw assisting the agent in issuing the blankets was Louis Richard, (or, as the name is usually pronounced and written at the agency, Louis Reshaw,) whom I knew personally, and subsequently employed as interpreter, by the advice of Gen. L. P. Bradley, who had previously employed him as guide, and spoke in high terms of his faithfulness and reliability. I subsequently met Louis Richard in Washington, with J. S. Collins, esq., of Fort Laramie, now secretary of the special Sioux commission, who had brought him on from the Red Cloud agency as a trustworthy interpreter, and who spoke highly of his truthfulness. On conversing with Mr. Richard about the affairs of Red Cloud agency, with which we were both conversant, I learned incidentally that he had carefully counted all the bales of blankets that were issued on November 12, 1874, when he assisted in the distribution which I witnessed. He assured me that the number of bales of blankets then issued was eighteen, each bale containing fifty pairs of blankets, and he gave me the following affidavit:

WASHINGTON, D. C., June 4, 1875.

I hereby certify that at the issue of annuities at Red Cloud agency, in November, 1874, I assisted the agent, Dr. J. J. Saville, in the issue, and know from actual count that there were only eighteen bales of blankets issued, each bale containing fifty pairs. I was present at the whole issue, and saw all the annuity-goods delivered. No bales were left in the warehouse after the regular issue.

The brand U. S. I. D. on these blankets injured the cloth so that, after a short wear, holes replaced the letters.

LOUIS RESHAW.

Witnesses:

J. MCKENNEY,  
F. W. HAGUE.

DISTRICT OF COLUMBIA, ss. :

I, John McKenney, a notary public in and for the District aforesaid, certify that Louis Reshaw, whose signature is affixed to the within affidavit, came before me and made oath that the matters stated in said paper are true to the best of his knowledge and belief.

Witness whereof, I have hereunto set my hand and notarial seal this 5th day of June, 1875.

J. MCKENNEY,  
Notary Public.

That no bales of blankets remained at the agency after the issue of November 12, 1874, is shown by Mr. Richard's affidavit, above quoted, and by Agent Saville's property-returns, now on file in the Interior Department. This I also know from personal observation, as I was several times in the warehouse after the issue, and saw that none were there.

On subsequently examining the property-returns of Agent Saville for the 4th quarter, 1874, at Red Cloud agency, which he had rendered to the Indian Bureau, and were on file in the Interior Department, I was surprised to find that he had certified to the issue, on November 12, 1874, of no less than thirty-five bales of blankets, and had furnished a paper, purporting to be a receipt of the Indian chiefs for that number. In a recent communication from the Indian Bureau, I learn that the true number of bales shipped to Red Cloud agency in 1874 was thirty-seven, or 1,850 pairs. Hence it would appear that the Indians at this agency received less than one-half the number of blankets for which the Government paid.

The blankets actually issued were bitterly complained of by the Indians, for two reasons—the first being their small sizes, which were not adapted to men as large as the Sioux braves, and were only fitted for women and children. The second and most serious objection, however, was the fact, that the brand U. S. I. D. on each blanket had been put on with some material which rotted or burned the cloth, and after a short wear this brand was replaced by holes, as stated above in the affidavit of Mr. Richard. This fact is now well known to every one at the agency. These blankets were furnished by J. & J. Dobson, of Philadelphia.

The quantity and quality of the other annuity-goods issued during my visit I will not now discuss, but I must enter an earnest protest against the manner in which the whole issue was made. The entire issue for the year was made in a few hours of a single November day, in the midst of a snow-storm. The Indians had been suffering for want of their blankets and other clothing during the cold weather which preceded the issue, and there is no good reason why the goods should not have been at the agency, and delivered, at least a month earlier.

The issue itself was made in the most careless and irresponsible manner. The goods were delivered to the chiefs of bands in bulk, in a hasty manner, without any system of checks to ascertain the actual amounts given or required. The only data by which the issue was regulated was a pencil-memorandum in the hands of the agent, who called off the quantity to be delivered to each chief or headman. Hence there was no guarantee that the Indians received even half of the goods intended for them. The Indians watched the issue with suspicion, and several of the chiefs asserted that it was fraudulent.

#### IV.—*Frauds in beef-cattle.*

The frauds perpetrated in supplying the Red Cloud agency with beef-cattle have been so gigantic, and so long and systematically continued,

that it is well worth while to show how they are accomplished, and who is responsible for the outrage.

The contract for furnishing cattle to this and other Sioux agencies for the last fiscal year was given to J. K. Foreman, of Omaha, and was signed by Indian Commissioner Smith, July 14, 1874. The cattle delivered were required to average 850 pounds for the first six months, and 1,000 pounds for the last six months, and the price was \$2.30 $\frac{1}{30}$  per 100 pounds, gross weight, on the hoof. It was expressly stipulated that "All the beef offered for acceptance under this contract shall be subject to a thorough inspection, and if, on such inspection, any of it fails to conform to the requirements of this contract, the same shall be rejected by the parties making the inspection." The inspectors were authorized, in such a case, to require the contractor to replace the rejected cattle within five days by proper beef. If not, the right was reserved to purchase the cattle required at the expense of the contractor. A bond of \$150,000, with two good and sufficient sureties, was required to be given, to insure the faithful fulfillment of the contract.

There is abundant evidence that this contract was not made in good faith. The contract was not filled by the party to whom it was given, but (like too many Indian contracts) was transferred for "a valuable consideration," a few days after it was signed, to W. A. Paxton, of Omaha. As this assignment could not take place, by the terms of the contract, "without the written consent of the Secretary of the Interior," the full responsibility of this transfer rests with him. This contract was nominally in force at the time of my visit to Red Cloud agency. The real beef-contractor, however, whom I found supplying this agency, was the well-known Bosler, notorious for frauds in previous contracts, and for this reason excluded by the published regulations from any participation in future contracts. This second virtual transfer of the contract to him was well known to every one at the agency, and in that region, and must have been equally well known to the Interior Department.

On my arrival at the agency, November 9, 1874, I ascertained that there had been no beef issue for some time, and only seven head of cattle were then remaining over from previous issues. These seven cattle had all been receipted for to the contractor, received by the agent, and were in his charge. All, or nearly all, of them were subsequently issued to the Indians. These facts, which are important, I learned at the agency, and they were fully admitted by Agent Saville to Rev. S. D. Hinman, the official interpreter of the Interior Department, and myself, in Washington, May 29. These were the cattle examined, at Red Cloud's request, by General Bradley and his officers, and about which so much has been said. The result of that examination is given in the following certificate, the original of which is in my possession:

We, the undersigned, officers of the United States Army, were present at an interview held at Red Cloud agency, on the 11th day of November, 1874, between Professor O. C. Marsh and Red Cloud and Red Dog, and now bear individual testimony as to the wretched quality of the rations, and to the undersize and puny condition of seven head of beef-cattle, (the remainder of a herd,) which were shown us by Red Cloud as having been issued to his people by the agent there stationed.

Each of us, unknown to the other, marked at that time his estimate of the gross weight of these cattle, and remember the average thereof to be 358 pounds; Red Cloud, two other Indians, and one of the herders, asserting that these cattle were not smaller than those turned over for slaughter at any ordinary issue-day.

L. P. BRADLEY,

*Lieut. Col. Ninth Infantry, Commanding District Black Hills.*

JOHN MIX,

*Captain Second Cavalry.*

LEONARD HAY,

*First Lieut., Adjutant Ninth Infantry, A. A. G., District Black Hills.*

FORT LARAMIE, W. T., May 19, 1875.

This certificate, which was published while the Sioux delegation was in Washington, fully confirmed my own statement in regard to the same cattle, and is entitled to great weight, as these officers have had large experience in western affairs, and are perfectly familiar with matters at the Sioux agencies in the Black Hills district. The Indian Bureau immediately endeavored to destroy the effect of this testimony, and the method adopted so well illustrates the manner in which that Office receives information reflecting on the management of its affairs, that it is worthy of record here; especially as the same method had been employed to weaken the force of the facts I had previously laid before it about affairs at the same agency.

Commissioner Smith dictated to the agent of the Associated Press, for publication, the following counter-statement, which was widely published the next day, May 29:

Commissioner Smith, of the Indian Bureau, says, in regard to the letter of General Bradley, published yesterday, that the cattle spoken of belonged to the contractor; that they were sick, some of them with broken limbs, and that they were not issued to the Indians, and that there was no intention of issuing them, simply because they were in such a poor and sick condition. He asserts that Red Dog's statement was incorrect, and that Red Cloud informed him this morning that Red Dog lied when he told the story to General Bradley and Professor Marsh. The Commissioner also states that General Bradley could have satisfied himself of this fact by a slight inquiry of the herdman or contractor, if he had desired to do so.

As this reply contained some statements which I knew to be erroneous, I at once endeavored to ascertain the exact truth about these cattle. In company with Rev. S. D. Hinman, the official interpreter of the Interior Department, I called upon Agent Saville, May 29, at his hotel, and asked him about the cattle examined by General Bradley and the other officers. Agent Saville said that "these cattle did not belong to the contractor, but to the Government; that he had accepted them from the contractor and given receipts for all of them, and they were in his charge; that subsequently all except two of them were issued by him to the Indians; that these cattle were not sick, and none of them had broken legs; and that they were the only cattle at the agency when General Bradley was there." I also called on Red Cloud himself, and he positively denied that he had held any conversation whatever with Commissioner Smith about these cattle that morning, as stated; and I subsequently learned by inquiry of all of the Sioux interpreters then in the city, through whom alone such a conversation could be held, that Red Cloud had no such conversation with Commissioner Smith. Red Cloud also told me that he "must have been misunderstood in the council of Friday, (May 28.) He did not mean to say that these cattle had been rejected by the agent, but simply that at the time General Bradley saw them they had not been issued to the Indians, but had been left over from a former issue." This testimony fairly disposes of the explanation attempted on this point by Commissioner Smith.

On the morning of November 14, while I was at the Red Cloud agency, Mr. Bosler, one of the contractors, brought to the agency a herd of several hundred head of Texas cattle, the first that had been received for some weeks previous. This lot was accepted by the agent and receipted for, but he only weighed a portion of the herd. These cattle I saw and carefully examined. Major A. S. Burt, of the Ninth Infantry, who commanded the escort to my expedition, was with me at the time, and also examined them with care. They were the poorest lot of Texas cattle I have ever seen during all my experience in the West, where I have seen many hundreds of herds, at various points between this agency and Southern Kansas, and have myself purchased many animals for the use



of my expeditions. All the cattle in this herd were wretchedly gaunt and thin, and the majority of them were small, many being yearlings. A large number were of the kind known among cattle-men as "scalawags," and not a few were weak and decrepit. I noticed the character of these cattle particularly, because the beef issued at this agency had been the subject of several conversations between Red Cloud, General Bradley, and myself, and I was desirous of knowing with certainty whether the statements of the chief on this point were true. In the afternoon of the same day that the cattle were received, November 14, I witnessed, in company with Major A. S. Burt, the issue of beef, when a large portion of these cattle was delivered to the Indians. This delivery was made from the agency corral, and the cattle were turned out, a small number at a time, to the chiefs or headmen, who were waiting with their mounted young warriors to pursue and kill them. I watched this issue with much interest from first to last, and saw every one of the cattle that were turned over to the Indians, as well as the remainder of the herd, retained for a subsequent issue. I am confident that the average weight of this herd was not more than 750 pounds, and this I regard as a liberal estimate.

Major Burt was by my side during the issue, and saw all of these cattle. His testimony is especially important, as he has long been stationed in the West, and is perfectly familiar with the subject of which he speaks. His opinion of the cattle we examined can be learned from the following extract from a certificate relating to affairs at Red Cloud agency:

FORT LARAMIE, WYOMING TER., June 12, 1875.

I certify that I was present last fall, at Red Cloud agency, when Professor O. C. Marsh was there; that we together went to the corral to see an issue of cattle to the Indians; that the cattle we saw at that time were Texas cattle in miserable condition, some of them so weak the Indians could not goad them out of a walk. The cattle were, as a rule, small in size.

\* \* \* \* \*

A. S. BURT,  
*Captain Ninth Infantry.*

In this region the cattle should be in good condition at this season of the year, if ever, yet the cattle of this herd were so wretchedly poor that even the contractor, Mr. Bosler, deemed it necessary to apologize for them. In explanation of their condition, he informed me that he had been obliged to overdrive them, so as to reach the agency in time for the issue. I subsequently learned that this was a standing excuse, when persons not directly interested in Indian affairs witnessed a cattle-delivery.

Essentially the same excuse for the inferior character of these cattle was made by Agent Saville in Washington, June 1, 1875, when questioned by Bishop W. H. Hare, in my presence, in regard to this particular issue. Agent Saville then stated "that the poor condition of these cattle was owing to hard driving some forty-eight hours, with little grass or sleep, to hurry them through, as the Indians had had no beef for some time, he having kept back rations to induce them to be counted. These cattle arrived in the morning, and he weighed most of them the same forenoon. Some few that were wild he did not weigh, but estimated. The issue was made on the same afternoon of the receipt. Among the cattle then issued were forty or more small and 'scalawag' cattle. Agent Saville was confident that these cattle, thin as they were, would weigh 850 pounds on an average." On my questioning this he insisted that "those he weighed came up to that average, and that those estimated were

fully as large. He himself weighed all of the herd that were weighed on the morning they arrived." Memoranda of these statements of Agent Saville were taken down at the time by both Bishop Hare and myself, and at a subsequent conference were found to agree.

As I was confident that the weight of this herd of cattle did not exceed 750 pounds average, this positive statement of Agent Saville to Bishop Hare, that the actual weight of the cattle reached an average of 850 pounds each, as weighed by him, increased my suspicion that the whole transaction was fraudulent. I was not prepared, however, for the evidence which I found in the Second Auditor's office of the Treasury Department, where the receipts are filed as vouchers for the payment to the contractor. I there ascertained that Agent Saville had given a receipt for this same herd of 701 head of diminutive cattle, in which he certified that their actual weight, as weighed by him, was 731,485 pounds, *which would make the average exceed 1,043 pounds per head*. More than this, I found that, according to Agent Saville's receipts, all the cattle received during the same quarter of 1874 had reached nearly the same average, or more than 1,040 pounds each. As this is a matter of great importance, I here give the official statement, as furnished by the Treasury Department:

*Schedule of beef-cattle delivered at the Red Cloud Indian agency during the fourth quarter of 1874, as appears by accounts of W. A. Paxton on file in this office.*

Date.	Head.	Weight, pounds.	Furnished by.
October 1, 1874.....	663	691, 509	W. A. Paxton.
October 20, 1874.....	758	783, 672	W. A. Paxton.
November 14, 1874.....	701	731, 485	W. A. Paxton.
December 3, 1874.....	597	621, 447	W. A. Paxton.
Total.....	2, 719	2, 828, 113	

The foregoing is a correct statement, as appears by the records of this office.

SECOND AUDITOR'S OFFICE, June 7, 1875.

E. B. FRENCH, Auditor.

In other words, this large herd of cattle, which no one could fairly estimate at a greater average weight per head than 750 pounds, and which both the agent and contractor apologized for as being much inferior to their regular issues, and which Agent Saville only claimed to have weighed 850 pounds, were charged to the Government by that official as weighing more than 1,043 pounds each, and the contractor actually received pay at that rate.

Of the cattle received during this quarter, other than the above have no personal knowledge, but, from all I could learn from those who had seen them, they were no better than the herd I examined, which Red Cloud in Washington pronounced a good one, and superior to most of those received. I think it would be safe to say that the cattle received for that whole quarter did not exceed 800 pounds average, and yet Agent Saville receipted for them to the contractor at over 1,040 pounds.

These frauds in weights, which are consummated by direct collusion between the agent and contractor, and through which both the Indians and the Government are so greatly defrauded, form only part of the general system of theft. I have reason to believe that equal rascality is practiced in regard to the number of cattle. For example: there is conclusive evidence that the only cattle at the agency November 11, 1874, were the seven head of puny animals examined by General

Bradley; yet, according to the provision returns of Agent Saville for the 4th quarter of 1874, now on file in the Interior Department, he should have had 184,905 pounds, or, according to his official receipts, 179 head. It has been shown above, however, that the beef-issue which he claimed to have made November 8 did not take place. Hence, he should have had on November 11, at least 446,427 pounds of beef, or about 430 head of cattle, when he actually had only seven!

The various beef transactions took place under the contract assigned to W. A. Paxton, well known to be merely the agent of Bosler, who personally filled the contract. Although this contract had been violated in all its important features, and shameful frauds practiced in its fulfillment, Commissioner Smith did not call on the bondsmen of the contractor for satisfaction, as the law required him to do, but, on March 17, 1875, privately made a new contract with the same W. A. Paxton (or in reality with Bosler) to supply beef for the same Red Cloud agency at a much higher price (\$3.00 per 100 pounds) than this contractor had originally bound himself to do. This contract was illegal, as it was given by the Commissioner without advertising for proposals. The bond required in this contract was \$40,000. How the contract was carried out will be seen from the testimony of Lieut. W. L. Carpenter and others given below.

Lieutenant Carpenter was with me on my expedition in November, and was subsequently stationed at Red Cloud agency, where he had the best opportunity to observe the whole management of affairs. Mr. Louis Reshaw (Richard) was also at the agency, and intimately acquainted with what transpired there. Both were present at cattle-issues in May last, and the results of their observation are embodied in their certificates here given:

I certify that on or about the 13th day of May, 1875, I witnessed an issue of beef-cattle to the Indians at the Red Cloud agency, Nebraska. That the cattle then issued were wretchedly poor, and about one half of them ridiculously small. Out of about 200 head which I saw killed at that time, there were but three *oxen* which would be accepted by an Army commissary for issue to troops. There were many yearlings in the herd, which would not net two hundred (200) lbs. of beef; and to the best of my knowledge and belief, the entire herd would not average seven hundred and fifty (750) lbs. gross weight.

W. L. CARPENTER,  
1st Lieutenant 9th Infantry.

Camp near Trinidad, Colorado, June 22, 1875.

WASHINGTON, June 5, 1875.

I hereby certify that I was at Red Cloud agency, at the first beef-issue in May, 1875, and that of the cattle then issued to the Indians more than one-third were yearlings. I have full knowledge of this fact as I bought of the Indians over sixty hides of the cattle issued at that time. The remainder of the cattle left after this issue were all small, and not larger than those issued.

In the above issue no allowance was made to the Indians for the small cattle delivered, all counting alike.

LOUIS RESHAW.

It will be remembered that the contractor received a much higher price for these cattle than for those previously delivered, and that the contract called for "good merchantable beef-cattle, averaging 850 pounds," and that, "if any cattle offered for acceptance should fail to conform to the requirements of this contract, the same shall be rejected by the agent." The above certificates show the kind of cattle actually delivered under this contract. The kind of cattle paid for by the Government is indicated by the following extract from the records of the office of the Second Auditor of the Treasury, which is taken from

the official receipts given by the agent to the contractor on which the latter receives pay. It will be observed that the general average for the whole lot is over 1,026 pounds.

*Memoranda of beef-cattle delivered at the Red Cloud Indian agency, commencing January 1, 1875, as appears by accounts on file in this Office.*

Date.	By whom furnished.	Number of head.	Gross weight.
January 1, 1875 .....	W. A. Paxton.....	641	668, 578
February 1, 1875 .....	W. A. Paxton.....	437	451, 203
February 17, 1875.....	W. A. Paxton.....	467	486, 114
March 1, 1875.....	W. A. Paxton.....	96	99, 303
March 25, 1875.....	W. A. Paxton.....	539	555, 210
April 1, 1875.....	W. A. Paxton.....	583	589, 061
April 21, 1875.....	W. A. Paxton.....	584	585, 115
Total.....	.....	3, 347	3, 434, 584

SECOND AUDITOR'S OFFICE, *July 8, 1875.\**

Another fruitful source of fraud in cattle at the Red Cloud agency is the system of stampeding, which appears to have been practiced there, at least, since the present agent took charge. A stampede of Texas cattle may result from various causes, and the natural result of a stampede of the agency herd would be their immediate return to the contractor's herd from which they were driven. While at the agency in November, 1874, I heard that a stampede of this kind had taken place a few months before. The particulars of this stampede I afterward learned from various persons—among them Louis Reshaw, who was familiar with the circumstances, and testifies to the facts in the following certificate :

WASHINGTON, D. C., *June 5, 1875.*

I hereby certify that in the summer of 1874 the herd of cattle at the Red Cloud agency, which had been received by the agent from the contractor, stampeded, and most of them, over a hundred in number, went back to the contractor's herd, on the Platte. These same cattle were afterward driven to the agency, and were received for a second time by the agent. The contractor's herder offered to sell me those cattle at \$10 per head before he drove them back to the agency.

LOUIS RESHAW.

From such stampedes, and the fraudulent results following, both the Indians and the Government have suffered great losses.

#### V.—*Pork issued at the agency.*

Maj. A. S. Burt and myself were at the issue of provisions November 15, 1874, and, among other things, saw and examined the pork that was delivered. The method employed in distributing this article to the Indians was characteristic of the management of affairs at this agency. The barrels of pork were rolled out of the warehouse by one of the agency employes, the heads of the barrels knocked in with an ax, and the contents turned upon the ground. The pieces of pork were then given to the Indians, who were waiting around, without being weighed or any other means adopted to insure a just distribution. This pork I examined, and found it old and strong. Some of it, at least, was rusty and unfit for human food. On this point Major Burt, in a certificate which he has recently sent me, states as follows: "I observed the pork given to the Indians; it was lean, rusty stuff, unfit for anybody's use."

\* A few days after this date, the receipts for the next two lots of cattle received were sent to the Second Auditor's Office. The official account is as follows: "May 14th, 1875, 608 head, weighing 596,021 pounds; May 29th, 1875, 371 head, weighing 361,927 pounds." The average for the whole number exceeds 978 pounds. Part of these cattle were those examined by Lieutenant Carpenter.

The Indians received this pork ration with evident disgust. Most of them merely cut off the outer thin layer of fat, and threw the rest away on the spot. In one of the recent councils in Washington, Red Cloud earnestly complained of the pork issued to him and his people, and said that he thought some of the children had died from eating it. After this particular issue, the Indians so strongly objected to the quality of this pork that the fact was reported by the agent to the Department in Washington. The contract under which this wretched pork was furnished to the Indians was given to J. W. L. Slavens, of Kansas City—well-known as a favorite contractor of the Interior Department—and was signed by Commissioner Smith July 11, 1874. It contained the usual phrases “that the article furnished should be subjected to a thorough inspection and careful comparison with the samples thereof;” and the usual bond was required. The price paid was \$21 per barrel.

VI.—*Flour issued at the agency.*

My attention was called to the flour rations at this agency by Red Cloud himself, and this was one of the samples he gave me to take to Washington. A few days afterward, I saw the issue of provisions at the agency, and my attention was again attracted to the subject by seeing a sack of flour, which an Indian woman had just received and was carrying away, burst open, and part of its contents fall on the ground. This flour was dark in color, and adhesive to the touch, although it had not been wet, and inferior in quality. The flour was in a single sack, without any brand whatever. I afterward saw in the warehouse, apparently put up in the same way, and entirely without brands, a considerable number of sacks, although the contract especially stipulated that the flour was to be “fresh ground, of XX quality, to be made wholly from good, sound wheat, and to be delivered in good, strong double sacks, each sack to be branded ‘Indian Department Flour.’” On none of the flour that I saw in the warehouse did I observe any inspector’s brands, although some of the sacks may have had such marks without my noticing them.

I afterward saw flour in three different Indian lodges, and all appeared to be of the same quality as that I saw issued at the agency, and essentially the same as the sample Red Cloud had given me, although I made no direct comparison between the two. As the fairness of the latter, as a sample of the flour issued at the agency, was subsequently questioned by Commissioner Smith and others responsible for Indian management, I have taken considerable pains to ascertain the quality of the flour furnished to the Red Cloud agency under the contract which was in force during the last half of 1874, when my visit was made, and during the first half of the present year. This contract was given to J. H. Martin, of Denver, and was signed by Commissioner Smith, July 11, 1874. The flour was to be delivered in Cheyenne at the rate of \$2.50 per hundred pounds, a bond of \$10,000 being given to insure a faithful performance of the contract. I learn from good authority that this contract could not be honestly filled, according to the accepted sample, at the price paid.

The contract required “that the flour offered for acceptance under this contract shall be subjected to a thorough inspection, and careful comparison with the sample thereof which has been adopted; and if, on such comparison and inspection, any of the flour fails to conform to or equal said sample, the same shall be rejected by the parties making the inspection.” I have recently received a portion of the original sample of the flour on which the contract was based for the last fiscal year,

1874-'75. This is a totally different article in appearance from the flour I saw issued to the Indians at the agency, and in use in the lodges, and no one could mistake the one for the other. This sample of flour is the only sample, of all the supplies purchased last year, that the Department retained, by which to compare the supplies actually delivered to the Indians, and thus prevent fraud. The reason why this natural precaution against frauds has not been taken remains for the Department of the Interior to explain.

Some of the first flour delivered under this contract, a lot of 2,000 sacks, or 200,000 pounds, reached Cheyenne in August, 1874. This lot of flour, more than one-third of the whole year's supply for Red Cloud agency, was not inspected, as required. I am informed that Dr. Irwin, agent for the Shoshone Indians, who was then in Cheyenne, detected the bad quality of that flour, and telegraphed the Department that the transaction was a fraud. Agent Saville was at Cheyenne at this time, and he has since informed Bishop Hare and myself that he was ordered by Commissioner Smith to send the flour on to the agency; a sample of it, merely, to be retained by a citizen of Cheyenne, a leading member there of the Indian ring, and who, as I am credibly informed, has since been under two indictments for attempting to bribe United States officials. This action on the part of Commissioner Smith would seem to indicate his own affinity with the Indian ring.

Early in September, 1874, Maj. A. K. Long, of the United States Commissary Department, was appointed inspector at Cheyenne. In a recent communication, dated June 19, 1875, he states, "that when he began his duties there remained of the above lot of flour twenty-seven sacks, which he immediately rejected, but it was afterward shipped to Red Cloud agency by the store-keeper—as the latter said, by mistake." Major Long states, also, "that he rejected a great deal of flour at first; then the grade became better; and that he rejected some flour that Barclay White, superintendent of Indian affairs, had inspected and passed at Omaha."

In Agent Saville's interview with Bishop Hare, in Washington, June 1, at which I was present, the agent stated "that subsequent to the receipt of the above lot of flour, some two hundred sacks of dark flour, inspected, at Omaha, by Barclay White, came to the Red Cloud agency without being inspected at Cheyenne. This was very poor flour, and was issued about the time of my visit, and he thought the flour I saw there was part of this lot."

This testimony from observers whose official duty it was to examine the character of the flour for Red Cloud agency, effectually disposes of the statement which the Indian Commissioner gave to the Associated Press in contradiction of my first presentation of the case at Washington. The explanation of the Commissioner, which was published May 3, was as follows:

It is stated at the Indian Bureau, with reference to the complaints concerning supplies furnished to the Indians at the Red Cloud agency, that all the flour sent there was inspected, at Cheyenne, by Major Long, commissary of subsistence of the United States Army, and passed by him as equal to the accepted sample. It is, therefore, claimed that the samples of inferior flour brought here by Professor Marsh, at the request of Red Cloud, were of some old issue, or, like the specimens of sugar and tobacco, had been damaged by exposure to the weather while in the Indians' possession.

Essentially the same statement was previously made to me by Commissioner Smith, and this discouraged me from giving him further information about mismanagement in Indian affairs.

VII.—*Sugar and coffee.*

The supplies of sugar and coffee at this agency I know comparatively little about. Red Cloud gave me a sample of each, which he said were such as he was then using, and Red Dog stated essentially the same thing. I saw both of these articles issued to the Indians November 15, 1874, but only noticed the sugar particularly. It was dark in color, moist, and of low grade. I did not compare this directly with the sample Red Cloud had given me, but I have no doubt the two were from the same lot, and virtually of the same quality. The coffee I did not see in bulk, but drank some of it as prepared at a feast in one of the lodges. This was certainly very inferior coffee, and not unlike such as I imagine Red Cloud's sample would make.

VIII.—*Tobacco.*

The character of the tobacco furnished the Indians at this agency has been a matter of considerable discussion, and justly so, as this article is regarded by the Indians as an important part of their rations. Both Red Cloud and Red Dog complained on this point at the first council I held with them, and one of the samples Red Cloud gave me was a specimen of the tobacco he was then using. This specimen attracted much attention among the officers in our camp, and led us to observe the quality in use among the Indians. All the tobacco we saw was vile stuff, dark in color, and much of it was saturated with a dark, viscous liquid. I saw the tobacco issued to the Indians November 15, but only noticed that it was dark in color. I subsequently saw the tobacco used by Red Cloud, Red Dog, and Man afraid-of-his-horses, and in one council smoked the tobacco placed by Red Cloud in his own pipe. All of this agreed, apparently, with the sample he gave me, and I have no doubt this sample fairly represented the tobacco issued to the Indians during my visit. Some of the officers who were with me at the agency looked into this subject with still more care, and their opinion on this point coincides with my own. None of the tobacco we saw was of much service to the Indians, who use the article only for smoking.

IX.—*Suffering of the Indians during the past winter.*

The suffering among the Indians at Red Cloud agency during the past winter was very great. No small part of it could have been prevented by good management, while the greater portion must have been the result of the direct dishonesty which I have shown to exist.

The Indians had already suffered from cold before the annuity-goods were issued, November 12, 1874. In consequence of this late delivery, they had no time to supplement the small number of blankets issued with buffalo-ropes before the winter set in. In less than a week after the issue, just as I started from the agency on my expedition, the weather became extremely cold, the thermometer falling to 15° below zero; and as many of the Indians received no blankets at all, and most of those who did receive them found them too small to protect them from cold, the suffering was great. One of the chiefs, whom I had engaged before the issue to accompany me, informed me, after the delivery, that he could not go, being compelled, on account of the insufficiency of blankets, to the hunt for buffalo, as otherwise his family would suffer greatly during the hard winter he said was coming. During the ex-

tremely cold winter that followed, many of these Indians, as is now well known, narrowly escaped freezing.

The suffering for want of food during the past winter and spring is known to have been general among the Indians at this agency. I have evidence on this point from several sources, among others from Col. T. H. Stanton, paymaster of the Army, whose duties called him to the agency. Another Army officer who has given me information on this subject is Lieut. W. L. Carpenter, who was stationed there all winter. In a letter written at the agency, in April last, he says: "The Indians are all quiet now. The poor wretches have been several times this winter on the verge of starvation, through the rascality of the Indian ring. They have been compelled to eat dogs, wolves, and ponies." The supply of food purchased by the Government, carefully and honestly delivered, would have prevented all this suffering.

#### X.—*Freight-contract from Cheyenne to agency.*

The goods and supplies for Red Cloud agency are all transported by wagon from Cheyenne, on the Union Pacific Railroad, and hence the freight-contract for this route is a very important one. Mr. D. J. McCann, a well-known member of the Indian ring, has had this contract since the present agency was established, and the official distance from Cheyenne to this point, as allowed by the Interior Department, is 212 miles. The price paid for freight during the last fiscal year was \$1.10 per hundred pounds for each hundred miles, and the previous year \$1.75 per hundred pounds was paid. This allowed distance of 212 miles was well known to be largely in excess of the true distance, and yet no effort seems to have been made by the Interior Department to ascertain the correct distance, although its attention had been called to the subject in 1873. In the mean time, the Land-Office of the Interior Department has been surveying this same region, and had the Indian Bureau of the same Department desired to know the exact, or even approximate, distance, it could readily have obtained official information on that point. In November last, while I was at the Red Cloud agency, Mr. J. W. Hammond, assistant to the surveyor-general of Wyoming, surveyed the route from Cheyenne to Red Cloud agency, and informed me that it was only 145 miles, and his official survey is now on record in Cheyenne.

It thus appears that the Indian Bureau has for years, knowingly, paid to a member of the Indian ring over fifteen thousand dollars per annum for service that was not performed.

I think it fairly follows, from the evidence I have now presented, that the samples of rations Red Cloud gave me to show to you represent the average quality of the supplies issued to his people, at least during the time of my visit; that this chief's complaints of his agent, which I brought to you, were literally true; and that the frauds in annuity-goods and beef-cattle, which he declared to exist, were not overstated.

The great difficulty in ascertaining the extent of these frauds, or even in making any investigation, is largely due to the fact that the Interior Department has retained none of the original samples on which the purchases for Indians were made during the last fiscal year; the only sample known to the Department to exist being that of flour, at Cheyenne, where gross frauds have been committed. This difficulty is further increased by the failure of the Indian Bureau to transmit the accounts of Agent Saville for the last year to the Treasury Department, as required by law.

The responsibility for all this mismanagement and fraud should rest



with Secretary Delano and Commissioner Smith, who have long known of the abuses at Red Cloud agency. No less than five special commissioners, or other officials, appointed and paid by the Department of the Interior, had personally investigated this agency before my visit, and given that Department information indicating the bad state of affairs there.

A portion of the responsibility for the inferior goods and supplies purchased last year should, perhaps, attach to Messrs. F. H. Smith, N. J. Turney, and J. D. Lang, of the Board of Indian Commissioners. These gentlemen assisted in making the purchases, retained no samples by which the character of their purchases could be subsequently tested, and published no report of their action, as previous purchasing-committees of the board had done.

In conclusion, I have only to say, that having been, while engaged in my professional duties, incidentally made the bearer of Red Cloud's message to you, and having endeavored, when the justice of his complaints was questioned by those responsible for the management of Indian affairs, to ascertain the truth, I now leave the whole subject in your hands, in perfect confidence that the facts I have presented will lead to good results.

Very respectfully, your obedient servant,

O. C. MARSH.

YALE COLLEGE, *July 10, 1875.*

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FIFTH-AVENUE HOTEL, NEW YORK,  
*Tuesday, July 20, 1875.*

Present: Hon. THOMAS C. FLETCHER, chairman; Hon. CHARLES J. FAULKNER, Hon. B. W. HARRIS.

Hon. E. P. Smith, Commissioner of Indian Affairs, was also present.

#### TESTIMONY OF PROF. O. C. MARSH.

Professor Marsh, having laid before the commission his letter to the President of the 10th July, as presenting the general substance of what he desired to communicate to the commission, then proceeded, at the request of the commission, to explain his statement, as follows:

I will first say that in the letter which I received from Commissioner Smith, dated July 1, 1875, he requested me to put in writing, in a definite form, my charges against the management of Indian affairs at Red Cloud agency, for the use of the commission which had been appointed to investigate these affairs at Red Cloud agency. In reply to that I stated, on the date of July 3, in my letter to the Commissioner, that I would at once proceed to prepare a detailed statement embodying that evidence, a copy of which I would with pleasure lay before the commission as soon as they informed me that they were organized and ready to act. The commission have asked me for this statement, and I have presented them with the printed copy. This letter contains the important evidence in my possession in regard to the affairs of Red Cloud agency, and matters connected therewith. I prepared it conscientiously, and gave what I believe to be the truth. Any additional evidence that I can give the commission that will tend to develop the whole truth I will give with pleasure, but this information will be for the use of the commission only. In many cases I can give them the names of witnesses

who are familiar with the facts I have mentioned and other facts to which I refer indirectly, and from these witnesses they can obtain much additional evidence. Any explanations in regard to my statement that I can give the commission, that will tend to bring out the truth, I shall be very glad to present, so far as I have them ready at the present time, and I would especially request that, after the commission have investigated these matters referred to in this statement, and called upon the witnesses I have named, if there should be any points not clear to them, or any witnesses that they should be unable to find, in consequence of their being absent from localities where they are sought, I ask the privilege, as well as claim it as a right, to obtain further evidence on these points, either from the witnesses I have named or from others.

I will here say that a request for this information had been previously made by the Secretary of the Interior, orally, during an interview which I had with him in Washington; that I gave him then the main points of the charges orally, and told him distinctly that when the commission he had requested to be appointed was organized I would lay before them this definite information; and I assured him that anything that I could do to reach the whole truth of affairs should be done cheerfully. I will also say that the documents I have quoted in this statement are all, or nearly all, in my possession. The copies of the contracts and other official documents to which I refer were obtained directly from the Interior and Treasury Departments. The proposals which I quote are the official proposals.

By the CHAIRMAN:

Question. In your statement are contained, in the first place, some nine or ten charges that are made briefly, and then they are each separately treated under separate heads, and there is the full information given in reference to each one of them.

Answer. Yes, sir.

Q. Now, take the statements made in explanation of them. Take the first one, on page 14, which is where the charges, or the proof of them, begins. It is stated that Red Cloud's specified charges were that his agent was weak and vacillating, and had no influence over the Indians, and especially that he was in league with the contractors to defraud the Indians of the food and clothing sent them by the Government. I regret to say that all I saw myself at the agency, and all I learned from trustworthy observers and official records, has convinced me that these charges were well founded. Now, have you stated in this pamphlet all you there saw which led you to that conclusion; and will you give us the names of the other trustworthy observers that you refer to, from whom we may obtain their information? Have you stated here all the facts that you may have observed yourself and referred to the persons and the official documents that established that conclusion in your mind?

A. Not all of them. I can give you additional witnesses to testify to the agent's incompetency, &c.

By Mr. FAULKNER:

Q. State to the commission what opportunities you had, while at the Red Cloud agency, of forming an opinion of the character, efficiency, and qualifications of the agent there.

A. I saw him almost every day for a week. First I saw him in the council with the Indians when the question in regard to my expedition to the "bad lands" was discussed, and I saw him issue the annuity-

goods to the Indians. I saw him at the time when the Indians drove back my expedition, and at other times.

By the CHAIRMAN :

Q. You have stated that you will furnish the names of the other observers of his conduct.

A. Yes, sir; I will give you those names.

Q. And the official records to which you refer you will furnish us a memorandum of?

A. Yes, sir; in regard to the witnesses, I will furnish, right here, Commissioner Smith as one of the persons who, appealing to me, said that Saville was not a person qualified to fill so important a position. He can tell you on what ground he based his statement. All others that I mention as observers I will give the names of hereafter. The records I refer to are quoted in this document. I have others, but have only touched a few, because the Commissioner called on me only a few days ago to prepare this statement. I had the information in various forms, and wanted to be perfectly clear and right about it, and I said to him that as soon as the commission were organized and ready to act, I would give this to them. Now, when you come to take up the official accounts and compare them, the accounts themselves prove a great deal in addition to what I refer to here. That you will find on examination, and I refer to it for your information.

By the CHAIRMAN :

Q. The next matter we wish to inquire about is on page 15; defrauding the Indians by withholding from them provisions charged against the Government as issued to them. There you give an example.

A. Yes, sir. Pardon me one moment. In regard to the affair of the flag-staff, which is mentioned before that, I refer to that merely to show the hostility of the Indians toward Saville.

By the CHAIRMAN :

Q. Very well; explain what that occurrence was to which you refer on page 14.

A. The agent attempted to put up a flag-staff inside of the stockade at the agency, well knowing that the Indians did not approve of it. And as soon as it was attempted, their hostility was manifested in the most violent manner. They came there prepared to burn the agency, some having straw under their blankets, and others well armed, and ready to destroy all at the agency. The agent, when the danger came, sent a messenger hastily to Camp Robinson, a mile and a half off, (a military post put there to protect the agency,) and Lieutenant Crawford came with his company of cavalry, or part of it, to the rescue of the agent, as given in my statement, page 14.

Q. This circumstance occurred before you arrived?

A. While I was on my way to the agency, a few days before my arrival.

Q. And you heard it from others?

A. Yes, sir; I would refer, for the proof of that, to Major Jordan, the commanding officer at Camp Robinson at the time, and to Lieutenant Crawford himself. In regard to the total want of system in the issue of the annuity-goods, that I will explain to you.

By Mr. HARRIS :

Q. You say, "Of the more debasing influences, &c., I will not speak." I want to ask you what you mean by that?

A. I mean, in the first place, that by the regulations of the Indian

Department it is unlawful for an agent to allow liquor on the reservation, and yet I saw one of the employés of the agent intoxicated while issuing supplies to the Indians.

Q. Do you know his name?

A. I could not give his name, but he was one of the regular employés at the agency.

Q. That was during your November visit?

A. Yes, sir; I also saw the same man under the influence of liquor the second time at the agency. Secondly, I saw one of the employés of the agency standing at the door of the warehouse endeavoring to entice into the warehouse for improper purposes a young Indian girl. His request to her I heard distinctly, and his offer to her of a blanket if she would comply with his request. She was a half-breed, and he was talking to her in English.

Q. You do not know the name of this person?

A. No, sir; I could not give it.

Q. I want to ask, in addition to that, if you know that either of those circumstances were brought to the knowledge of the agent?

A. No, sir; I do not know that.

Q. Do you know whether or not he had any way of knowing that, or permitted the introduction of liquor upon the agency?

A. I do not know that of my own knowledge, but I think I can give you some names of witnesses that will testify to that. The other I saw myself.

By the CHAIRMAN:

Q. Now, will you state what this want of system and management in the agency affairs consisted of in the matter of the annuity-goods, &c.?

A. If you will make a note of that, say, see page 17, under annuity-goods, referring to page 14, that will explain it.

Q. Well, on that subject, do you know more than has been stated?

A. Yes, sir; I have mentioned to you what I saw, as I did to the Commissioner when I came back, about the loose and irresponsible way in which the distribution was made. Pages 17 to 20 will give you that. Now, the entire issue was made in a few hours of a single November day, in a severe snow-storm. Now, when I come to speak about the annuity-goods, I can detail the inconvenience and suffering caused to the Indians by the lateness of the delivery.

By Mr. HARRIS:

Q. Now, will you tell us what you saw there indicating a general want of system in that respect?

A. I will state that for the details of some things, showing this want of system, see page 20.

Q. In your statement you say the entire issue for the year was made in a few hours of a single November day, in a severe snow-storm, &c. Now, what have you to say upon the subject of the checks and accounts? I would like to have you state all you know upon that subject, because, as it stands now, it was really thrown out without any check whatever.

A. I will state right here, that the only data by which the matter was regulated was a pencil-memorandum in the hands of the agent. He called the articles off, and then these goods were chucked out of the door in the most hasty and careless manner—thrown out to some of the headmen. They go according to families and bands, Red Cloud being the chief of the whole and Red Dog second. Each family, again, has a chieftain as headman, and he takes the goods for a certain number of lodges. When you get the property-returns you will find these head-

men receipt for goods or make their mark, and these goods were so called out in that way. For instance, for White Tail, so many blankets, as thrown out in pieces uncut; that is for his band, and he takes them and divides them up afterward to suit himself; that is, he has absolute power over the number of lodges he represents.

Q. So that, whenever this man took any record, he took a record of the articles which were to be delivered to the headman, and having made the record, he threw out the goods, the Indians being outside of the store-houses, waiting to receive them?

A. Yes, sir; some of the old chiefs were inside, and whenever any of the lesser chiefs or common Indians came inside they were driven out.

Q. Now, do you know that the agent did not keep correct data of what he did deliver?

A. Well, I stood there, and, with what I saw of this pencil-memorandum, I know that when they were handed over, no receipt was taken from the Indians.

Q. Is that customary?

A. I think so. Now, suppose I am delivering these goods, and I have certain favorites among the Indians; and suppose a certain chief has been favoring me, and I want to favor him, and say so many bales for such a chief and so many for such a one, without taking any receipt. That is what I mean. The whole thing depended on the honesty of the person in charge of the delivery.

Q. I wish to know whether you saw anything in that delivery of goods that showed you that there was any improper disposition of the goods?

A. I will say here that the second chief, Red Dog, whom I knew, called my attention to that. Of course I, as a visitor, merely saw what went on under my own eyes. You will find, under the head of blankets, where I speak of what Red Dog said about it.

Q. Then you don't know about it, except as stated by Red Dog?

A. That is the information I got from him.

Q. And unless you assume that the agent or somebody else was acting fraudulently, then there was no presumption about it?

A. Well, here were the men who received the goods, and who were directly interested in it, that stated it to me.

By Mr. FAULKNER:

Q. I understand your testimony to refer to the hasty manner in which this was done, and not to any fraud.

A. Yes, sir; that is it in part. Instead of the goods being issued *per capita*, they were thrown out in this way, and the whole thing was a scramble. Their being thrown out in that short time and in that manner made me very indignant. [For frauds in these annuity goods, see statement, p. 18.]

By the CHAIRMAN:

Q. Now, the next thing you say, "he defrauded the Indians by withholding provisions from them," &c., and give an example. Now, are there any other sources of information except those you state here?

A. If that is not sufficient, I can give more. By going over these accounts, there are a great many discrepancies. When you get the property-returns you will find a great many, and these follow right from the official documents themselves. I take up one here and illustrate it.

By Mr. HARRIS:

Q. Before that, beginning on the first of the sixteenth page, you make a statement that the agent was put there to guard the interests of both Indians and the Government, and that he has betrayed both.

A. Yes, sir.

Q. I want to get at what you know about that. What I want is to call your attention to the charges made, and, after that, to call for what you base them upon.

A. Yes, sir. For example, Saville informed me that he was withholding the rations until the Indians would consent to be counted.

By the CHAIRMAN :

Q. I think you told us that the agent had told you he had orders not to issue provisions until the Indians were counted.

A. Yes, sir. I understand the Commissioner to say that that is correct.

Q. You further state that you arrived at the agency on the 9th, and that the first issue, after the counting was finished, was November 14. Now, when was the count; do you know?

A. The count was finished, I think, about the 13th. I am not quite sure about that, but about that time. It was not completed when I got there, but it was completed before this issue, as I understand it.

Q. You say, "In the same manner his official reports represent other issues that never took place." Can you refer us to anything more than generally to the provision-returns, or returns of issues of property?

A. The accounts, as I looked them over, show discrepancies which render those dates impossible. That is what I mean by that.

Q. Will that be apparent upon inspection of the property and provision returns?

A. I think so.

Q. Upon information or personal knowledge, which is it, that you base your statement that no beef was issued on the 8th of November, 1874?

A. Upon information which I deem reliable.

Q. What is that information?

A. First, the statement of the agent himself.

Q. Which was made to you?

A. Yes, sir.

Q. And which was what?

A. That he had been withholding rations for some time, on account of orders from the Department to do so until the Indians would consent to be counted.

Q. Any other fact?

A. Other persons there gave me the same information.

Q. And these persons you will give us the names of?

A. Yes, sir. I also have that on a statement made to me at the agency, and a statement subsequently made by Agent Saville, in Washington, to Bishop Hare, as given in my published statement, on page 25.

Q. Did you hear the statement made to Bishop Hare?

A. I did. I was present, and I have Bishop Hare's signature to that statement.

Q. Now, you refer to the fact that other special commissioners of the Interior Department have likewise reported unfavorably of this agent and the affairs of the agency. You will give us some memorandum by which we may obtain some reference to that?

A. Yes, sir. Allow me to say I state, in the first place, that he defrauded the Indians, and then give information as to how he did it. For evidence of how he defrauded the Government, see section 4 of this statement. Then, as to the previous fraud and incompetency, I state my information: Inspector Bevier's report of October, 1874, of which you will get a certified copy at the Department.

Q. The others, you will give us the names of parties ?

A. Yes, sir.

By Mr. FAULKNER :

Q. Referring to page 15, you say, "In the same manner his official reports represent other issues that never took place." Have you any knowledge or any facts or information by which you can guide us in that inquiry ? Give us any references.

A. That point came up, and I said that, in looking over his accounts, I noticed discrepancies between the dates he gives, and the discrepancies themselves are shown by the accounts.

Q. Then you refer to his official accounts ?

A. To his official accounts. I think I have some notes on that point.

By the CHAIRMAN :

Q. If you have any further information on that, you can furnish it by a memorandum.

A. Yes, sir ; I know of certain information that I received on the ground that the accounts are wrong. If you compare his official accounts of the dates of issues with the facts you will obtain from the persons who were there at the actual time of the issues, that will show.

Q. Now, sir, in the second subdivision : Have you stated in this pamphlet all the reasons that you have for believing that the number of the Indians supplied at the Red Cloud agency has been largely overestimated ? Have you other reasons ?

A. Yes, sir. I will say that the provision-returns, as stated in my pamphlet, give 15,117 Indians receiving rations at the agency October 1. Now, that is a very broad statement, because there is a date written down. Now, it is well known that at that time, October being a great hunting month, and the Indians scattered all over the country hunting, there would be but few Indians there. They do not begin to come in there for their annuity goods now for the winter ; and to put the number at 15,000 the first of October is, to any one familiar with Indians, an absurdity on the face of it. I inquired particularly about the number of Indians, because my attention had been called to it before. It is stated in the last report of the Indian Commissioner, I think, that there are about 53,000 of the Sioux ; but I think those familiar with the number would not estimate them at over half that. Jules Ecoffey, a man who knows more about the Red Cloud Indians than almost any one, can give you information on that subject. You will find him at Fort Laramie, and his opinion on that one point would be worth more than almost any other person. He is going back and forth from Fort Laramie to the agency constantly. He would give you the names of other parties, those familiar with that point.

By Mr. HARRIS :

Q. Have you any other information of your own, except what is derived from others ?

A. Well, I was around the agency there for some time. I saw where the Indians were encamped, and although I did not make any attempt at an exact estimate myself, yet I had information from many people familiar with it, in regard to the number of Indians there at the time.

Q. Do you claim that if there were Indians belonging to the northern tribes which were encamped within a short distance of the agency, it would be improper for the agent of Red Cloud to issue rations of beef to them ?

A. That is a point I do not touch.

Q. Well, even if the Red Cloud Indians did not number 15,117, there may have been others of other tribes that would bring up the number to that?

A. I do not believe there were more than half of that number.

Q. I ask if you know. The Indian commissioners reported a year ago that there were about 15,000 Indians, but afterward came before the committee and stated they were mistaken, and based their information on Professor Harris's report; so we ought to be tolerably correct about that matter.

A. I took the statement of the agent there that there were two or three thousand northern Indians encamped across the White River; that he stated repeatedly, and repeated it to Rev. S. D. Hinman and myself in Washington. I asked him what chief they belonged to, and he said Little Big Man was one. I called his attention to that particularly, and he mentioned that chief as one.

Q. And you say that statement of his was not true?

A. Yes, sir; in regard to the number.

Q. And, so far as you know, were no northern Indians there?

A. No, sir; I mean to say the number was estimated at from 2,000 to 4,000 by different persons, but I have put it at 2,000 to 3,000, and in order to make up the 15,000 it would be impossible, as Red Cloud's band don't reach any such numbers.

Q. You say this is well known, but I want to get at the source of the information.

A. I say that the agent and others told me about there being two or three thousand northern Indians encamped across the White River. I went over the river right where the Indians should be encamped, and counted the lodges myself, and there were less than forty. I went into one of these lodges, and I had with me a man named Farnam, as guide and interpreter, and he knew some of those Indians, and told me they belonged to Red Cloud's band—those that we came in contact with. Northern Indians frequently come down across there, as is well known. At the time the annuity goods were distributed, there were some northern Indians, but I believe that the great number of northern Indians which they report there receiving supplies is false.

Q. You charge a deliberate falsehood in the returns, and you say that there were not over 8,400 individuals?

A. I say I have good reason to believe that the number of Indians supplied with provisions at the Red Cloud agency has been largely over-estimated, and makes a loss to the Government. Now, if the agent claims to have fed 15,000 Indians on the 1st of October, that, I say, is defrauding the Government.

Q. That you say; but we want to get at the means by which you form that opinion. Please go on and state the information you have tending to that conclusion.

A. I state this specific case, and then say I believe from information I got from others who ought to know. I will give you names of parties bearing on that point.

By Mr. FAULKNER:

Q. I suppose the Government is in the habit of allowing a certain amount of provisions and annuity goods in proportion to those living within the limits of any particular agency?

A. Yes, sir.

Q. Well, how would it be received by the resident Indians if there was an intrusion of four or five thousand northern Indians who would



be strangers to them and not within the benefaction of the Government? Would it not be resisted almost as a *casus belli*?

A. The northern Indians are mostly warlike, and the relations between the tribes are such that the Ogallalas would not like their coming there. At the Red Cloud agency there were not only Sioux, but other tribes there drawing rations, and around them at the time. The agent can always tell a Sioux from a Cheyenne or Arapahoe. I passed by the Arapahoe camp. The famous Friday, who was then with his band, came up to me and spoke to me about the blankets, and gave me information about it. Friday speaks English perfectly, having been educated in the East and sent back. He is an Arapahoe, and was there with the Arapahoes.

Q. I do not see how there can be any order or system in this distribution if those living without the limits are permitted to come there and take from the resident Indians their proportion allotted by the Government.

A. The Government increases its donation to that very agency on account of these supposed northern Indians, and the appropriations are directly asked to meet this.

Q. Did you record what you said about Big Little Man at the time of the distribution of the annuity goods?

A. Yes, sir; the reporter has that, I think. I do not mean to say that Big Little Man was the one who received the goods. I asked the agent what northern Indians were there during my visit, and he said, "Well, Big Little Man was one of them." He did not say directly that Big Little Man received the goods, but some northern Indians did. On the list of receipts Big Little Man's name did not appear, as I remember. I would also say, in regard to the number of Indians, the method of numeration is to count the lodges and multiply by seven. In the agent's provision-returns he does not attempt to discriminate between the men, women, and children, but merely puts down the total number, so that there is no check upon that. Seven is about the number, I believe, at each lodge.

Q. I thought it was five.

A. That depends upon the wealth of the Indians. If they are wealthy the lodges are more numerous, and if they are poor they crowd more into them.

By the CHAIRMAN:

Q. Do you know where we can find this Mr. Louis Reshaw mentioned in your pamphlet?

A. You will probably find him at Fort Laramie. He may have gone with the Sioux commission to treat for the Black Hills. Mr. J. S. Collins, secretary of that commission, would be likely to take him as interpreter. Reshaw is a man of education, of property, and well known. He was guide of the Stanley expedition in 1873, when General Bradley was there. His father is at the Red Cloud agency, and he has one or two brothers there. I have known him by reputation for some time, and he was there with me acting as interpreter. General Bradley and Mr. Collins both know him, and I refer to those gentlemen for his references. Major Burt, too, I will mention, had known him for a long time, and he engaged him for me, or at least told me about him.

By Mr. HARRIS:

Q. Now, the whole burden of this matter about the blankets is that about twenty bales were issued, and that the number issued could not possibly have exceeded twenty-five; now it seems the agent claims to have delivered on that day thirty-five bales?

A. Yes, sir.

Q. Now what other evidence except what is stated here, in point, can you furnish the committee to establish that fact?

A. I state what occurred in the warehouse; and then having had my attention called to this, I talked it over afterward with Red Dog, and, I think, also with Red Cloud and White Tail, and two other Indians spoke about that very point, the number of blankets issued. Red Cloud was very bitter.

Q. Did Red Cloud know at that time?

A. He stood right in the warehouse with all these chiefs watching the thing closely, and the constant struggle of the younger chiefs was to see for themselves.

Q. Do you know of anybody except this Reshaw that counted the bales?

A. No, sir.

Q. He says in his affidavit that the number was eighteen bales, each bale containing fifty pairs. Does he mean on that day?

A. On that day; that is the only issue of annuity goods.

Q. Do you state that?

A. He says it; that he is very positive of.

Q. Do you know of anybody else who has the same information?

A. No, sir; not to the positive count.

Q. Now, I want to ask this question: If the agent delivered the same blankets that he received from the Government, whether you can hold him responsible in any way for the fact that the blankets were bad, thin, and small?

A. No, sir; not at all; that belongs to Commissioner E. P. Smith with F. H. Smith, chairman of the purchasing committee. The annuity goods the agent had nothing to do with, so far as purchasing was concerned.

Q. Do you know how long the blankets had been in the agency at the time of delivery?

A. I could not say the exact time; the blankets were shipped from Philadelphia on the 4th, 5th, and 8th of September.

Q. How can that be shown?

A. That can be shown by the persons who shipped them. I have the information right from the Department, the date of shipment, the amount, and the number.

Q. Can we get that?

A. Yes, sir; right from the Department.

Q. That is the shipment to the Red Cloud agency?

A. Yes, sir; the Red Cloud agency; the shipments were made the 4th, 5th, and 8th of September, I think.

Q. You say the Indians are out on their hunts about October and along there?

A. Yes, sir.

Q. Do you know whether it is practicable to make a distribution of the annuity goods to the Indians before their return in the fall?

A. It should certainly be practicable to issue goods before the cold weather begins.

Q. Well, if they are there?

A. They will come there if the goods are there; there is no trouble about that.

Mr. Commissioner Smith here suggested to the committee in the midst of the examination the fact of whether his order that the goods should not be delivered to the Indians until the count of the Indians

was made, should not be considered in connection with this point. Also as to the fact of whether that brand "U. S. I. D." was damaging to all the blankets. He stated that he had no knowledge of any, except what was put on in red, which was damaging to the blankets.

By Mr. HARRIS:

Q. Did you see any blankets that were damaged?

A. I heard them talking about it there at the agency. The annuity goods were issued on the 12th of November. Then I went off on an expedition for about two weeks, and was back there, and then I heard the complaints about the blankets. There is no doubt about that fact. Mr. Hoyt, chairman of the present purchasing committee, says he has had his attention called directly to it.

By the CHAIRMAN:

Q. You state in that connection here that the fact referred to in the affidavit of Reshaw is well known to every one at the agency. Now, furnish me with the names of any parties that you know will give any information about that.

A. Yes, sir, I will give you those names. Now, I have been looking into this blanket business, because J. & J. Dobson & Company have been highly recommended, and I thought it was proper they who furnish the blankets should rise and explain. I am told, and Mr. Smith will state whether it is done or not, that, so far from this brand on the blankets rotting the cloth, being the only objection, that the blankets, when purchased, were otherwise inferior; the bid was accepted upon certain samples of blankets; that when the blankets were ready for shipment, it was found they did not correspond with the sample; and instead of holding the parties right to the sample of the blankets, they took the inferior blankets upon a reduction of the price being made. I merely heard that, and you can ask Mr. Smith whether it was so.

Mr. SMITH. Yes, sir; but it is a most immaterial thing. There is no question about the quality of the blankets, and about their being perfectly fit for Professor Marsh or myself, or any other gentleman, and for that you have the integrity of the best house in Philadelphia. It is a fact, however, as he states, that when the sharpest inspector in the Department came to examine Dobson's blankets with a magnifying-glass he found one of the classes that did not come up in the quality of thread to the sample, and he held them strictly to it, and deducted according to the difference between what he regarded the blanket which was offered as a sample and the blanket which was furnished, and on my order, provided he deemed the blanket actually delivered by Dobson Association for the Indians. That inspector is Mr. Wilcox; he is an old merchant of New York, of the highest reputation, knows his business, and is above suspicion.

By Mr. HARRIS:

Q. What are his initials?

A. I cannot say.

Q. Of New York?

A. Yes, sir; of New York.

Professor MARSH. The bids are accepted on samples, and the contractors are not compelled to furnish goods equal to the samples. But this is a case in point, small in amount, perhaps, but when the blankets proved inferior, they should be rejected.

Mr. HARRIS. That does not strike at the Indian agent, however.

Professor MARSH. The agent is the smallest part of this business.

Mr. HARRIS. Where else is it?

Professor MARSH. Commissioner Smith; perhaps the Secretary of the Interior; whoever made these contracts.

Mr. HARRIS. The man who passed the goods or received them knowing them not to be up to the standard is the person upon whom the responsibility falls.

The CHAIRMAN. I understand Mr. Wilcox is an old merchant, and a competent man for inspecting the goods, and upon inspecting them he detected them as not being up to the sample, but decided them sufficiently good for the purpose, and accepted them as being such blankets as would be serviceable for the Indians, and deducted the difference between the price of the blankets and the price of the sample which was offered.

Mr. SMITH. That is exactly my statement of the fact.

Professor MARSH. I will ask the Commissioner if an inspector who is furnished a sample of certain goods and a copy of the contract, whether he has the right, if he finds goods do not come up to the contract, to use his judgment in the matter?

Mr. SMITH. Invariably; and has been throughout the Army and everywhere else from time immemorial. The difference in the blankets was very small, and only detected by the aid of a microscope.

By the CHAIRMAN:

Q. Now, following on to the other annuity goods issued at that time. You first state that you entered an earnest protest against the manner in which the issue was made. Now, in addition to the description which you give of the manner here, is there anything else about the manner of it that strikes you as being wrong?

A. Well, no; I do not know that there is anything more to say about that. Now, the annuity goods you will find from the transportation-receipts—you want particularly to call for McCann's transportation-receipts. The agent should receipt for all the goods he receives. Then you will have additional information on that point.

Q. On page 20, speaking of the issue, you say: "The only data by which the issue was regulated was by a pencil memorandum, &c. Thus, there was no guarantee that the Indians received even half the goods intended for them." Now, the question I wish to put to you is whether or not you have sufficient knowledge, so that you would be willing to swear, if called upon, that that memorandum kept by the agent was not a perfect memorandum of all the goods delivered?

A. No, sir; I saw the goods delivered—nearly all of them—and I particularly observed the blankets, and took them up as an important thing, and, taking the information I got about the blankets and putting it with what I have myself, that is my opinion, that it was not. I do not mean to swear to it, but that is my opinion.

Q. Now, in regard to the quality, independent of this matter of the brand.

A. In the first place, there was the small size.

Q. Do you know that the blankets which were furnished were of small sizes?

A. Yes, sir; they were all small sizes, and I say very distinctly they were too small for the Indians.

Q. What as to quality?

A. In regard to quality, Friday, who spoke English perfectly—I asked him when we came, and what he thought of the blankets. "Well," he said, "they are only fair blankets; they are not first-class blankets;" and he showed me a white blanket which he had on, and said, "There's

a blanket I've had two years." It was a larger blanket than those—I should say a four point; and I took it up and examined it—the texture and quality—and his white blanket was a better one, of better quality.

By the CHAIRMAN:

Q. I notice in the proposals there were no proposals for larger than three-point blankets.

A. Yes, sir; but it should be one higher size in place of the lower one. All the blankets should be a size larger.

Q. You do not make any point that the size of the blanket did not correspond with the proposal.

A. No, sir; but the fault is in making the proposals for the small blankets.

By Mr. HARRIS:

Q. Do you know at what price they were actually furnished?

A. I have not the price here, but you will get it in the contract.

Q. Do you know whether the price was high or low, having reference to the size and quality of the blankets?

A. No, sir; I do not.

Mr. SMITH. The price is made by the pound. A small blanket of course costs proportionately less than a larger one.

By Mr. HARRIS:

Q. As to the chiefs asserting that the issue was fraudulent, did they assert in what respect it was fraudulent?

A. That the number of blankets issued was made under what it should have been, and they complained of the size of the blankets and the quality. Red Cloud was very indignant, and said these blankets were only fit for horse-blankets, meaning small blankets put under the saddle for horses. You will find, I think, that Red Cloud said the same thing in the council at Washington.

By the CHAIRMAN:

Q. Was this the only issue of annuity goods you ever saw among the Indians?

A. Yes, sir; I think the only issue amounting to anything.

By Mr. HARRIS:

Q. Have you learned from the Indians of their having got blankets under the circumstances you have stated?

A. No, sir; I have not. I came away shortly after this, and do not know, but you can easily get information on that point. There are plenty of people there who know about it.

By Mr. FAULKNER:

Q. What brought you to the conclusion that there were only twenty-five bales of blankets delivered? Did you count them at the time?

A. No, sir; I didn't count them, but when Red Dog called my attention to it afterward I thought it was an important matter, and began to think it over carefully, and arrived at that conclusion.

By Mr. HARRIS:

Q. Did you ask the agent about it?

A. No, sir.

Q. Why didn't you?

A. I was not inspecting at all. I did not know that there were any more sent, and it was only when I found Reshaw had counted them, and I got this agent's receipts showing thirty-five bales delivered, that the whole thing was clear to me. If I had seen his papers at the time and known that he claimed to have issued thirty-five bales, I would have said then that it was not true.

Q. Your attention was called to the fact by the small quantity you saw issued?

A. Yes, sir. After Red Dog mentioned it to me.

Q. You did not ask the agent how many there were?

A. No, sir.

By the CHAIRMAN :

Q. Now, the next matter that, it strikes me, we want to make some inquiries about is in reference to the beef-cattle. The first statement that I call your attention to in this connection is the one claiming that there is abundant evidence that the contract was not made in good faith—the contract with Foreman. Now, besides what is stated here as your evidence on that subject, what, if any other, evidence can you cite us to?

A. I have a great deal of information that has come to me in a way that I am not at liberty to state, but I will give it to you, so that you may have it. I will try to give you some memoranda in regard to it. In the first place, J. K. Foreman—and if you are going through Omaha you can stop there and inquire who J. K. Foreman is. He is a man who puts in bids for beef. In the first place, find out whether he is a beef-man at all or not. Then you can look into his bond of \$150,000, with two sureties, that was given for the faithful performance of his contract.

Q. Then you will furnish us with some other information on that point?

A. I will. And let me suggest here that you inquire whether Foreman is a proper man to put in bids involving this vast amount of money?

By Mr. FAULKNER :

Q. Who is W. A. Paxton?

A. Mr. Smith can tell you; he knows him personally, I suppose.

Mr. SMITH. I do not know him.

Professor MARSH. It is understood he is merely the agent of the Boslers. The Boslers have had the contract, I believe, although the old board and the present purchasing committee tried to exclude them. It is said that the Boslers have virtually control of all the beef-contracts.

Q. Have you any knowledge whether, when a contract is assigned, even with the consent of the Secretary of the Interior, the responsibility of the original bond yet continues or not?

A. I suppose it does.

Mr. SMITH. No, sir; it does not. A new bond is given.

Professor MARSH. The point is, that I claim this contract was given to a man (J. K. Foreman) who was not a responsible cattle-dealer.

By Mr. HARRIS :

Q. Have you any knowledge on that point?

A. I have information which I will give you that Foreman was not responsible. Now, this contract was transferred. It is a common custom in Indian contracts, and has been too common. It is where the first fraud begins, and you want to get the bids offered for the cattle. These

men make their combinations, each man putting in half a dozen bids (using straw-bids, under whatsoever names they choose) to get the thing in some way.

By the CHAIRMAN :

Q. You state, as you arrived at the agency, on the 9th of November, you ascertained there had been no beef issued for some time, and there were only seven head of cattle remaining from previous issues.

A. Yes, sir.

Q. How did you ascertain that?

A. By inquiring, and then the agent afterward told me. Now, here is an important point. I quote from the contract: "No contract shall be assigned without the assent of the Secretary of the Interior." That is important, and I request your attention to the document itself, on this question of assignment.

By Mr. HARRIS :

Q. Who is W. A. Paxton?

A. He is supposed to be merely the agent of the Boslers. That information you will get at Cheyenne.

Q. Go on and make a statement about this. I want to know how much you know about it. What evidence have you that this man was the real contractor?

A. I had information from men who knew all about it, and who stated the particulars of it. One of the Boslers has recently admitted it. (See Carlisle (Penn.) Herald, July 22, 1875.) I think you will find that point clear.

Q. You claim no personal knowledge about that subject, but you know from other people.

A. I say that every man about the agency, who knows anything about it, knows that the Boslers take their cattle up there and supply both those agencies. It is perfectly well known, and you can get that information there.

Q. You say the real beef-contractor whom you found supplying the agency was the well-known Bosler, notorious for frauds in previous contracts, and for this reason excluded by the publications from any participation in public contracts. How do we get all that?

A. There is the clause of exclusion in the regulations.

Q. Yes; but how do you establish the proposition of his notorious frauds in previous contracts?

A. I will give you some information on that point.

Q. Now go back again to this subject: "On my arrival at the agency, &c., I ascertained that there had been no beef-issue for some time, and only seven head of cattle were remaining over from previous issues." Now, you ascertained that from persons there at the agency?

A. Yes, sir.

Q. And you will give us their names?

A. Yes, sir.

Q. You ascertained there were only seven head of cattle remaining there. Now, my object is to ascertain how you knew there were only seven cattle remaining there, and how you can substantiate that?

A. I will tell you how you can get at that. A certain herd comes up to the agency; the agent receipts for them to the contractor, and they are then in his charge. He may issue all of them or only a part of them. There are sometimes 900 head coming at once. Suppose he only issues 400 or 500 of them, and his herder is in charge of them until wanted. There is the remnant left over from the issue, and the agent has charge

of them. To be sure about this, I afterward asked the agent, in the presence of Mr. Hinman, the interpreter of the Indian Bureau. We went to Saville and talked with him about it, and that we have. There is also the affidavit (the original of which I have) given by these three Army officers. That fact can be established by these three men, who went there and saw themselves.

Mr. HARRIS. That is presuming the fact.

Professor MARSH. The agent stated that.

By Mr. HARRIS:

Q. You did not personally see that?

A. No, sir.

By the CHAIRMAN:

Q. These officers certify they were there on the 11th of November and saw that?

A. Yes, sir; that is the time. These were the only cattle there at that time. When the contractor brings up his cattle his first business is to get his receipt for them and go away, and these were the remnant of the herd. The wording of this is a little obscure, but the meaning, I think, is that these seven head were left over from a previous issue made to the Indians.

By Mr. HARRIS:

Q. Let me ask you whether that statement of Bradley, Mix & Hay was written there?

A. It was written there by them without the slightest suggestion from me, any way, shape, or manner, as to what it should be.

By Mr. FAULKNER:

Q. And sent from them to Washington?

A. Yes, sir. When the matter I mention was disputed, I telegraphed a line to General Bradley to send me something of the kind in conjunction with Mix & Hay—a statement regarding the cattle examined by them at Red Cloud agency. That I never saw until furnished.

By Mr. HARRIS:

Q. Will you furnish us the original of that?

A. I will furnish a copy of it. I will show you the original.

By the CHAIRMAN:

Q. Now, in regard to this statement: "This certificate, which was published while the Sioux delegation was in Washington, fully confirmed my own statement in regard to the same cattle there;" and then you go on at length. Now, is there any additional fact going to show any disposition on the part of the Commissioner of Indian Affairs, or the Indian Bureau, to weaken the effect of this position that you have stated?

A. If you will put a note opposite to the latter part of that paragraph, "See bottom of page 33, under statement about flour." That is one of the things that I refer to.

Q. You informed us that you would furnish the name of the person from whom you have the statement.

A. I gave it to you confidentially. Yes, sir; I have it right from the person to whom the Indian Commissioner dictated it, and who took the dispatch down from his lips.

By Mr. HARRIS:

Q. You mean the attempt to destroy the effect of the testimony?



A. Yes, sir; that is as I interpret it. As to this particular fact about this seven head of cattle, that dispatch, as I understood it, was sent to counteract the effect of that affidavit.

Q. You mean, of course, it was a corrupt attempt to destroy the effect of that evidence, and you mean to say that dispatch is not true?

A. I mean to say Commissioner Smith dictated that, just as it is, to the agent of the Associated Press, whose name I have given you confidentially.

Q. You say this reply contained some statements which you knew to be erroneous. Which do you know to be erroneous?

A. First, that the cattle belonged to the contractor.

Q. How do you know that?

A. Well, because gentlemen stated at the agency that those cattle were, as I have already mentioned, in charge of the agent, and had been received from the contractor.

Q. You knew it from Saville's own statement?

A. I did, subsequently.

Q. You have already stated that Saville stated that.

A. Yes, sir; I did.

Q. At the time of your interview in Washington with the agent and Mr. Hinman, who was with you?

A. Mr. Hinman was at this first interview.

Q. On the 29th May, I mean.

A. Rev. S. D. Hinman, who is now on the Sioux commission. I afterward asked him about it, and showed him my notes, so that there should be no mistake about it, and he confirmed every word.

By the CHAIRMAN:

Q. Do you know where Mr. Burt is?

A. He is on this Black Hills expedition; but he comes down with the supply-train, and you will find him at Laramie, or somewhere there.

By Mr. HARRIS:

Q. Now we want S. D. Hinman. You state that what Red Cloud told you we can of course get at?

A. Yes, sir.

Q. Do you know of any other man?

A. No; I will say that that was subsequently confirmed. The main facts about this matter were confirmed by a second conversation which Agent Saville had with Bishop Hare in my presence.

Q. Where is Bishop Hare now?

A. I do not know exactly. The only differences were that the agent varied a little in his statement about the cattle being issued, all of them, to the Indians, but not at all about his having received them. I will show you notes that I took with Bishop Hare—and he has his own notes also. To be perfectly true about this fact, I went to him with my notes, and then he signed his statement at the foot, stating that the notes which I had were correct. Of course, he, having appointed Saville, or having had to do with it, deemed it his duty to follow this up closely, and questioned him, and I was there at the time.

Q. Where is Maj. A. S. Burt?

A. I have just spoken of him. He is at Fort Laramie, but he probably may be back from that expedition. I will give you the addresses of all of these witnesses.

By the CHAIRMAN:

Q. Yes; and if you can do so, give the names of any other persons

who were there at the time you witnessed this issue of beef on the 14th of November.

A. Yes, sir. Major Burt was the only one that was with me right at the issue, and stayed through the whole thing. There were a number of Army officers about there, and he was with me during the whole time.

By Mr. HARRIS:

Q. Did you have an estimate of anybody else about their weight? These cattle were to weigh 800 pounds, were they not?

A. Eight hundred and fifty pounds, sir.

Q. They were 100 pounds short, according to your estimate?

A. Well, more than that.

By the CHAIRMAN:

Q. Was Major Burt present at the time Bosler was speaking of these cattle?

A. I won't be positive he was at my side, but he was right within the agency at the time. He might not have been present at that conversation, but he was there.

By Mr. HARRIS:

Q. Can you give in any more precise words than you have given in your statement the apology which Mr. Bosler made?

A. You will see that I quote Agent Saville on that very point.

By the CHAIRMAN:

Q. Yes. It is stated that the poor condition of the cattle is due to their hard driving to reach the agency.

A. Yes, sir. Of course, it is evident that that hard driving would tend to reduce the weight of the cattle, but it would not reduce the skeleton of the cattle. It would reduce the weight very materially.

By Mr. HARRIS:

Q. At the same time, then, you had a conversation with Saville about the probable weight of them?

A. No, sir; that was in Washington, June 1.

Q. You say, "The issue was made on the same afternoon of receipt. Among the cattle then issued were forty or more small and 'scalawag' cattle. Saville was confident these cattle, thin as they were, would weigh 850 pounds on an average. On my questioning this, he insisted that those he weighed came up to the average, and these were fully as large." Do you mean to say that was in the conversation at Washington?

A. Yes, sir; I quote that as in the Washington conversation.

Q. You say you don't know where Bishop Hare now is?

A. I do not know. I had a note from him the other day, and he was at Bristol, R. I. I went to the Bible House, to see him, last evening, and it was too late. I had a long conference with him a week or two ago, upon this very matter, so that there should be no discrepancy between our notes, as we both took notes on the spot. All this confirms the point I made about the non-issue of the beef on the 8th.

Q. How many cattle came in on that morning, according to your information?

A. The official returns—his receipts—make 701 head. He receipted for 701 head, (November 14.)

Q. Now, how long a time had the agent to weigh those cattle on that day, from your own knowledge?

A. It depends on how early he commenced in the morning. That I know nothing about. He had to get his breakfast and go down to the corral.

Q. The corral is how far ?

A. Half a mile or so.

Q. About what time did your difficulty with the Indians arise ?

A. About half-past 10 o'clock, I should say.

Q. How long was he with you ?

A. About two hours.

Q. After that trouble with the Indians he was within your sight, and could not have gone down to the corral to weigh any more ?

A. Yes, sir; he was at the agency, not at the corral.

Q. The issue took place that afternoon ?

A. Yes, sir.

Q. Do you know how many he issued ?

A. I do not know; some 300 or 400; something like that. I am not sure of the number.

Q. How long would it take to weigh 300 or 400 ?

A. He weighs them when the herd come in, not when he issues them.

Q. Suppose he got a herd of 700 cattle that morning; suppose he made up his mind to issue 400 on that day. Now he has got 700 cattle in that pen, and is going to issue 300 or 400; what is to prevent his putting 300 in one pen and weighing them, and weighing the rest afterward ?

A. In the first place, here is his own statement. The issue did not conclude until dark, and he started the next morning for Cheyenne. "The cattle arrived that morning, and he weighed the most of them that morning."

By the CHAIRMAN :

Q. This is a true copy of that voucher in the Second Auditor's Office, on page 26 ?

A. Yes, sir; you will find the original on file in the Office there of all those documents.

By Mr. HARRIS :

Q. Now, on the 27th page. What persons can we refer to for that ?

A. I will give you some names in regard to that.

By Mr. FAULKNER :

Q. Do you know anything of the actual quantity of cattle delivered on the 14th, except from the official report ?

A. I saw them. I saw every one issued from the corral to the Indians, from the first to the last. I came down with the agent, and he told me, in answer to questions about this cattle-issue, when it was coming off, and I went down to see it. He said I must keep near the corral, or I would get shot. The crier called out so many head for Red Cloud, for instance, and they turned out a number of cattle. There were perhaps a thousand Indians on a side, placed in lines, and when these cattle came running down these lines of Indians, the boys would shoot their arrows into them and pursue them over the plain until they killed them. Then the squaws cut them up and took them to their lodges, and the hides were taken to the traders to sell, where they get their ammunition, &c.

By Mr. HARRIS :

Q. What experience have you had in weighing cattle ?

A. Well, I was brought up on a farm, and am familiar with such matters.

Q. Have you ever weighed cattle ?

A. Yes, sir. I have seen them weighed.

Q. Have you ever had any practice in the estimate of the weight of cattle ?

A. Yes, sir ; I have, more or less. I have been out West on some six expeditions, and have bought cattle to eat from passing herds.

Q. Buy them by weight or estimate ?

A. We would take out a steer and estimate his weight, and fix a price upon it.

By Mr. FAULKNER :

Q. You have no doubt about the quantity of cattle being 701 ?

A. I do not say anything about that here. I state further on that I do not believe the correct number are given. I think this number is fraudulent.

Q. You did not count them ?

A. No, sir. Among these cattle there were many yearlings, and what they call "scalawags."

By Mr. HARRIS :

Q. You give your estimate of their weight from your own observation ?

A. Yes, sir.

Q. And you say they weighed about 750 pounds ?

A. Yes, sir. That is a large estimate.

By the CHAIRMAN :

Q. You say this was a poor herd of Texas cattle. Have you seen many Texas cattle ?

A. I have, hundreds of herds.

Q. And this you regarded as a poor lot ?

A. The poorest lot I ever saw. Now, this was November, when the grass had just begun to fail, and when the cattle should have been fat, if ever. You will see here that at this time, when cattle were fattened, this was the poorest herd I saw. Of course, when the cold weather came on they would keep failing, but you will find that the prices the Government paid for them were about the same right along. I have no doubt the receipts were cooked up systematically.

By Mr. HARRIS :

Q. Upon that point of numbers, what evidence have you ?

A. I give it further on.

Q. When you say you think he did not receive as many as he certified to, what evidence have you except your opinion ?

A. I saw these frauds in weight, and there, on page 27, I take up this point of number.

Q. You say you have equal reason to believe equal rascality is practiced in point of number. That is not your personal knowledge ?

A. I have already stated in regard to this that I have information about the seven head of cattle there at the agency. I have information from Saville and two other individuals. I take that up and compare it with the provision-returns, and when you get the provision-returns you can judge for yourselves.

Q. You say he should have had on hand, by his returns, four hundred and thirty head of cattle, whereas he only had seven ?

A. Yes, sir.

Q. So that you say there is a fraud of four hundred and twenty-three head of cattle?

A. I do, and worse than that. When I mention the fact that he gave his receipt to the contractor if his cattle did not weigh what he charged the Government for them, there was another fraud.

Q. Well, suppose they were up to the standard?

A. Suppose they actually weighed what he charged the Government, then he was short four hundred and twenty-three head.

Q. So that your theory is that, on the 11th of November, you claim that the evidence already in supports the proposition that at least he was short four hundred and twenty-three head of cattle; that he never had them, in fact?

A. That is it substantially, in different words, but the same thing. Now, if he gives the contractor a receipt for a great many more cattle, in number, than he received absolutely, how does he account for it? I reply he claims to issue to a great many more Indians than were there, and at times when they were not issued.

By Mr. FAULKNER:

Q. You say he should have had 450,000 pounds. Now, why should he have had that amount?

A. The point is that when he begins a new quarter his books show he has so many pounds of beef on hand, and whatever subsequently comes in he receipts for, and that adds to that, and taking out the amount he claims to have issued shows what he should have.

By the CHAIRMAN:

Q. Now pass to this point of the stampeding of cattle. You will give us the names of other persons besides Louis Reshaw that will give us information on that point?

A. I will; yes, sir.

Q. Now, did you ever inquire into the matter of whether or not these cattle that are taken up on the returns of the agent, and which he carries on his returns as being on hand, whether he gets credit otherwise than by the issue of them? For instance, may not these cattle that have stampeded be cattle taken up on his returns and credited to his returns as well?

A. Cattle that have not been taken up?

Q. That have been taken up, received, and accounted for as in his possession and stampeded, how does he get credit for them again?

A. I say on page 29, "Another fruitful source of fraud in cattle at the Red Cloud agency is the system of stampeding, which appears to have been practiced there, at least since the present agent took charge." Now, I will say here, the contractor has a large herd on the Platte River, and he sometimes had a herd on the Running Water, forty or fifty odd miles off. Now, you know how easy it is to stampede a herd of Texas cattle. A hail-storm may do it, or an Indian may do it with a blanket. Now, when they are started, they run right back to the original herd where they came from. Now, when an agent sends down to the contractor for a certain number of cattle, as Saville did in this case, he tells him how many he wants; he sends down a messenger for so many cattle. Now, the contractor gets out such a number of those cattle, and they don't want to go. They are driven up there by force by a lot of herders. When they are stampeded, they go right back. When they are driven up there, the agent receives them and receipts for them to the contractor, and then the Government owns them.

Q. He has receipted for them, and, to make his account balance, he must take them up on his returns?

A. Yes, sir. The Boslers get their receipt from the agent, and, I am told, get their money at Washington.

Q. Now, the agent having received these cattle and taken them up on his return, if they are stampeded and driven back again, how does the agent account for them?

A. That is for him to explain. I know nothing about that.

Q. Might not that account for his appearing to have 180,000 pounds of beef on hand when he had only seven head?

A. I do not know anything about that, sir. This particular stampede was in another quarter of the year. You may tell when you get his provision-returns. Now, about the Boslers, you can get at the character of these men from cattle-men, whose names I will give you, and who also have a herd in Nebraska there.

By Mr. HARRIS:

Q. What is the explanation about this contract of March 17, 1875, by which Paxton made a new contract for supplies for the Red Cloud agency?

A. I have the official copy of the second contract. Now, the point in regard to that is—

Q. Are we to be furnished with that?

A. Of course; that is one of the documents that will come. You must have all these contracts. Now, you will notice the terms of these contracts. This is part of each contract: "The Interior Department reserves to itself the right in accepting any bid to add to that amount 25 per cent." So that the cattle furnished under the first contract might have been increased, if necessary; but here is where I detect those large frauds. Now, this Paxton failed to meet his contract; that is, he had been cheating the Government in the quantity and weight of the cattle. Now, that was perfectly well known to every one there, and commonly talked about.

Q. Do you know it?

A. That is what I am trying to give you. I say that that contract was not carried out; and hence the bondsmen should have been called on to make that contract good. I have given names of quite a number of persons who have given information on that subject.

Q. What is your idea why it was that it became necessary to make a private contract with Paxton for the delivery of beef at \$3 per 100 pounds?

A. It was not necessary. The previous contract, which had been violated, mentioned a lower price. If proposals had been advertised for properly, bids could have been obtained from honest men at a less price than under the private contract.

Q. Do you mean that he furnished a lower quantity? It took 6,000,000 pounds gross weight of beef-cattle on the hoof to supply Red Cloud agency. Now, do you claim that the agent and contractor had claimed that that amount was exhausted?

A. I cannot say. The contract may have varied a little from that. There is a certain number of pounds named in the contract, and here is this evidence of frauds in receipting for more cattle than came. One point I make is, that that contract was not exhausted. Now, it states in the contract that it was expressly stipulated that all beef offered for acceptance under this contract shall be subject to a certain inspection, and if not according to the terms of the contract, it shall be rejected. The point I make here is that those cattle ought to have been rejected, first, as to quality, and then, when they did not come up to the standard when inspected, the agent should have required the contractor to fur-

nish a proper amount of beef, or called upon the bondsmen. If they did not furnish it, it was his duty to report it to the Department, and the duty of the Department to call on that bond, not to give a new contract to the same man.

Q. Now, we will suppose the agent and contractor and inspector were in collusion. Then the Department at Washington, of course, would not be involved in the violation of the contract?

A. I claim they should have known that. I would say that the man managing the Department, if it was repeatedly called to his attention that a certain agent was not discharging his duty, and that the Indians were suffering, should see to it.

Q. My question is this: Assuming that the agent, inspector, and contractor had conspired to defraud the Government and the Indians both, it would not be presumed that they would send evidence of their fraud to the Department at Washington. Now, if the Commissioner, supposing their reports to be true, and that there was not beef enough to carry the Indians through the season, whether it would be illegal for him to make a private contract?

A. I should say it would be illegal in this case, for the reason that no bids are to be accepted from persons detected of frauds, and a private contract is worse.

Q. My question assumes that he does not know there is fraud.

A. Well, that is a different thing. I know facts to the contrary.

Q. You charge the Commissioner with fraud. I assume and say that the Commissioner, to be guilty of fraud, must be aware of the facts which you say existed, and I want now to follow that up, to see if I can get at any evidence bearing upon that subject more than we have already got.

A. I say on page 27, although this contract had been violated in all its important features, and shameful frauds practiced in its fulfillment, Commissioner Smith did not call on the bondsmen of the contractor for satisfaction, as the law required him to do. That is the first point.

Q. That assumes that he knew all about it.

A. Well, I say he made a new contract privately, when he must have known that he was merely renewing a contract with Bosler.

Q. The point you make on the twentieth page is a different thing: "This contract was illegal," &c.

A. Had he advertised for proposals then, the fact would have come out, and the Government gained by it.

Q. When was that contract made?

A. March 17, 1875.

Q. That would be a contract to carry out the supply until what period?

A. For the fiscal year.

Q. Until the end of June?

A. Yes, sir.

Q. Of course, if these parties knew all about it, there would be fraud; but suppose the supply from any cause falls short in March, is it not in the power of the Commissioner of Indian Affairs to supply those Indians, even if he makes a private contract?

A. I think it would be very bad thing for the Commissioner to do, looking after the interests of the Government and the Indians. If you make a private contract you cannot get bids. In the first place, you do not get as low prices as otherwise. A private contract for Indian supplies is a matter of suspicion.

Q. Is not the system of asking for bids a bad practice?

A. A fair competition, it seems to me, is the best that can be done.

Here is this contract given to Paxton without advertising, and I show how this contract is carried out.

Mr. SMITH. Suppose I didn't know that these frauds were being perpetrated.

Professor MARSH. If you didn't know about these frauds being perpetrated, I have nothing to say. You certainly were told of them.

By Mr. HARRIS :

Q. That is the point I want. I want to know the names of persons who can give this.

A. Yes, sir; I will give the names of the persons who reported these frauds.

By the CHAIRMAN :

Q. No matter how much fraud might have been reported to the Commissioner about cattle and other things; how do you connect that with the making of the new contract?

A. I would say, if there had been frauds in cattle by a perfectly well-known man in his supplying cattle, that special precautions ought to be taken, especially if Paxton is proved to be the mere tool of the Boslers, as everybody there knew.

Q. Have you any information that the Commissioner knew who Paxton was, and what he was, or what relation he had with Bosler?

A. I think he must have known that fact, because the information of the general state of affairs there—cattle and other things—had been coming in in various ways.

Q. Can you give us any papers or any witnesses that can give us that information?

A. Yes, sir; I think so.

Mr. HARRIS. You must see that a commission investigating as we are cannot take a statement of what everybody knows, but must have something to trace it down to the actual facts.

WITNESS. I think I can give you that information. I think I can show that the frauds under Paxton had been taking place all the time.

Mr. SMITH. Can you show that I knew it?

WITNESS. Well, the information was given to your Department. You have admitted that that agent was wholly incompetent. What more is required?

Mr. HARRIS. If you can show that that information was given to the Department—reasonable information—of course the Department is bound to take notice of it.

Professor MARSH. I make the charge of mismanagement and fraud both.

Mr. SMITH. The professor states that so many reports have been made to me. I will ask whether he does not know that these reports were inquired into, and that a very strong official report was made to me by persons that I had a right to place confidence in?

Professor MARSH. I know the contrary of that. The report to which the Commissioner refers was made by a special commission, sent out to look into that agency, and answer the charges as they could. The report Mr. Smith has just quoted was published, and he knows perfectly well that two or three of the members of that commission have come back and given information that they were mistaken on points affecting the management of the agency.

Mr. SMITH. That is exactly what I do not know.

Professor MARSH. Then that is one of those things I am going to give



you in regard to that report. I say this was communicated to the Interior Department.

Mr. HARRIS. I think the professor should state what he knows, and the commission will give Mr. Smith as full an opportunity to meet it as he is given to state it.

Professor MARSH. The parties who made those statements to the Department were sent out by the Department, and they afterward gave information to the Department touching Red Cloud agency.

The CHAIRMAN. Is this information given in the form of an official report?

Professor MARSH. They were official. I wish to say now that some of the members of Bishop Hare's commission, which reported favorably on the affairs of the Red Cloud agency in April, 1874, gave additional evidence on the same subject to the Interior Department, showing an unfavorable state of affairs at Red Cloud agency. I make the additional statement that two of those commissioners gave damaging testimony as to the agent and the affairs of Red Cloud agency to Commissioner Smith himself, or his Bureau. This was before my visit; hence he cannot plead ignorance.

Mr. HARRIS. I propose to ask you to give us the names of these men, and let us get the information from them.

A. Yes, sir; I will do so.

The CHAIRMAN. The next subject we have is that of pork. In regard to that matter this statement is very full. It refers to Major Burt, who was present at the time of the issue of the pork which you saw, and your statement here as to the quality of it is entirely full, and I think there is no necessity of going into that more fully.

Professor MARSH. The point I made on the blankets applies here as well. When this pork came up, it was so bad that the agent himself saw that it was not fit for food; and when the contractor came up, I understand he told him so, and he said, "Well, never mind, I will make it all right on the next lot," or something of that kind. Now, the moment you fail to hold those people up to the standard of the sample according to which the purchase was made, then the fraud commences. Now, that \$21 a barrel ought to have got wholesome food is certain. This pork was horrible.

Q. Did you call the agent's attention to the quality of the pork?

A. No, sir; the agent was off at Cheyenne, and before he got back I started for Fort Laramie. Now, these pieces of pork that were lying around in front of the warehouse, (that was in November—the 15th,) which the Indians threw away, it being so bad, when they so nearly starved in the winter they went around and picked up those same rotten pieces of pork to save themselves from suffering. Now, Red Cloud, when in Washington, complained of this pork bitterly, and stated that he thought some of the children had died in consequence of eating it. There is a case where, it strikes me, the bondsmen of Mr. Slavens should be held responsible. He is a contractor, getting contracts right along; and I say that the Indian Bureau, who have this responsibility on them, should be held to it.

By Mr. HARRIS:

Q. Now, there is something said about a report of that being made.

A. There is such a report there, made by the agent, and Mr. Smith will doubtless give you a copy of it.

Q. The agent stopped this.

A. Yes, sir; stopped this delivery of pork. I do not know who it was that I complained to about it, but I spoke of it, and that was the last issue made of that pork. The agent stopped issuing it then, but he told me in Washington that, subsequently, when they ran short of provisions at his agency in the winter, he issued the rest of it. When he wrote to the Department, he mentioned that the Indians complained of it, or something of that kind, and the contractor said he would make it all right.

By the CHAIRMAN :

Q. Who did this contractor make the remark to that he would make it all right ?

A. To the agent. That pork-contract will be one of the contracts that will come under your requisition.

By Mr. FAULKNER :

Q. Do the Indians like pork ?

A. No, sir; I do not think they do. I think it is a mistake to give them pork.

By Mr. HARRIS :

Q. How much flour was there in the warehouse at the time you were there ?

A. I could not say exactly.

Q. The flour was to be "fresh ground, of XX quality," &c. ?

A. Yes, sir; that is copied right from the contract itself.

Q. It was to be in double sacks. Now, you saw flour in single sacks in the hands of Indian women, and you saw a considerable quantity in the warehouse. Have you any idea how much ?

A. Fifteen or twenty sacks, at least. I do not know exactly.

Q. Were there any sacks there that you saw marked—branded as the law requires ?

A. I did not notice that.

Q. You state that you did not notice any brand, though some of them may have had ?

A. Yes, sir.

Q. Did you see any bread made by the Indians from this flour ?

A. I did; not to examine it closely. I did not eat it, but I saw it in the lodges.

Q. Is there any of that flour now, that you know of, in existence ?

A. I have a sample that Red Cloud gave us, and I have a sample of the flour on which the contract is based. That is the only sample I have obtained.

Mr. SMITH. I have got the samples of the coffee, sugar, and tobacco, and will satisfy the commission they are the original samples.

By the CHAIRMAN :

Q. The bid is made for the flour, &c., and the sample is furnished to the Department with the bid ?

A. Yes, sir.

Q. The bid is accepted upon that sample; the contract is entered into, and it is furnished as per sample ?

A. Exactly.

Q. Now, then, it is furnished and inspected before it is turned over to the Indian agent ?

A. It should be.

Mr. SMITH. It is.

The CHAIRMAN. It is inspected upon the samples, to see that it corresponds with the samples furnished?

Mr. SMITH. Yes, sir.

Mr. HARRIS. Where is it inspected?

Mr. SMITH. At Cheyenne or at Omaha.

The CHAIRMAN. Then is the Indian agent furnished with the samples upon which the bid is made, so that he may see that the article furnished is as per sample furnished?

Mr. SMITH. I am not sure that was done last year. It is done this year.

Professor MARSH. That is one point I want to call your attention to—that the Department neglected to furnish the agent with samples of some things. Of some things he had samples, and some he had not. That is what he stated to Bishop Hare.

Mr. HARRIS. Is the agent the inspector?

Professor MARSH. He is of some things, but not of flour.

Mr. SMITH. No, sir; he is inspector of beef only, which is to be inspected there and cannot be anywhere else.

Professor MARSH. Who is inspector of pork?

Mr. SMITH. Mr. Threlkeld, of Kansas City; appointed by Robert Campbell, of the old board of commissioners. I think his initials are T. K.

The CHAIRMAN. He is inspector of pork and flour?

Mr. SMITH. Yes, sir; if there is any there he inspects the flour.

Professor MARSH. Of the southern agencies, but not of the Red Cloud.

Mr. SMITH. Yes, sir.

Mr. HARRIS. Who is the inspector of flour at that agency?

Professor MARSH. In September Major Long came in, but the fiscal year began in July; and there were two months in which this bad flour came in.

Mr. HARRIS. Who was the inspector of flour from July to September?

Mr. SMITH. Barclay White, of Omaha, who was directed to inspect that flour personally or by expert. I have no other inspector except Barclay White and Major Long at Cheyenne.

By Mr. HARRIS:

Q. Your statement is that this lot of flour was not inspected?

A. I state that I am informed that Doctor Irwin, agent for the Shoshone Indians, who was then in Cheyenne, detected the bad quality of the flour, and telegraphed the Department that the flour was a fraud. I suppose that will be one of the reports that will come in under your requisition. Agent Saville was at Cheyenne at that time, as I have stated.

By the CHAIRMAN:

Q. Do you know who this citizen of Cheyenne is who is directed to retain a sample of the flour?

A. I do, and I will give you his name confidentially; I thought it was better not to mention it in the pamphlet. He and McCann are the two leading Indian-ring men in Cheyenne, and it was generally understood that he is a partner with McCann, sharing in certain matters, and also interested in quite a number of things there. Now, I state here that Agent Saville says distinctly that his orders were from the Department, from Commissioner Smith, to send that flour on to the agency without further inspection than leaving a sample for subsequent inspection.

Mr. SMITH. One single remark, and you will have it all. Not to receipt for the flour until the sample was compared with the sample given, and found to be equal to the sample upon which the contract was based. You will remember that I said nothing about Mr. French. I directed a competent man to be found to do it, and Mr. Saville found that man. I had not the slightest knowledge of who the flour was left with until afterward.

By Mr. HARRIS:

Q. Who was this Dr. Irwin?

A. He is the agent of the Shoshone Indians. I will give you the name of the man who has information of the character of the cattle that were sent to Dr. Irwin, and his action in regard to it, in trying to protect the rights of the Indians against these contractors.

Q. Where shall we find that communication of June 19 from Major Long?

A. I have it.

Q. To whom is it addressed?

A. It is indirectly to me, through a friend of mine.

Q. Not a report to the Department?

A. No sir. I sent out to know about the matter, asking some questions of a man whom I knew could get to Major Long. My friend sent this to Long, and he answered the inquiry in his own handwriting?

Q. Where is Major Long?

A. He is still at Cheyenne, or at Camp Carling, which is close to Cheyenne.

The CHAIRMAN. Now we come to the sugar and coffee.

By Mr. HARRIS:

Q. You say the sugar was dark?

A. Yes, sir. I saw the sugar myself. Now, I went down to 82 White street, here, and saw the samples from which the purchases for the present fiscal year were made. That was a totally different sugar, and one of the purchasing committee who examined this sample that Red Cloud gave me with a great deal of care said, "That is a very inferior grade of sugar." It would have been impossible for him to have got any such sugar at the agency unless it had been issued there.

Q. Do not the traders keep it?

A. Yes; I suppose they do.

Q. Coffee you did not see in bulk, but at one of the lodges; this was inferior in quality. That probably is a rather intangible test?

A. I would say that, among the names I shall give you, you can make inquiries about that sugar and coffee, and get specific information undoubtedly.

Q. Did you see any tobacco in the warehouse?

A. Not to examine it.

Q. Then all the tobacco you saw was in the hands of Indians?

A. I saw it at the time of issue. It was all dark color, and in large plugs. This that Red Cloud brought us we broke open, and as we broke it a dark viscous stuff came out of it. It was rotten and fearful stuff.

Q. Who were the officers with you?

A. There were Colonel Mix and Lieutenant Hay, certain; and I think Major Burt, although I won't be sure about that.

By the CHAIRMAN:

Q. You state here that all the tobacco you saw was of that character?

A. Yes, sir, essentially the same.

Q. Did you ask any of the other Indians besides Red Cloud ?

A. Having once had our attention called to this, there was a big laugh when they broke open this plug, and they called the others to look at it; and after that, when they would ask Indians for tobacco to examine, we looked at it. I saw tobacco used by Red Cloud, Red Dog, and Man Afraid of his Horses; and in one of the councils I smoked some of the tobacco. This that I saw at this agency was of dark color. I saw the other day the sample of the tobacco from which the purchases for this year were made, down at White street, and it was of a light color, and totally different in character.

By Mr. SMITH :

Q. There were two kinds of tobacco purchased this year. Did you see both samples ?

A. I do not think I saw but one sample. The first day Red Cloud came down to dine with me we had some good cigars, and gave him some; and he said, "That's nice. After smoking such vile tobacco as we smoke here, it is a pleasure to get good tobacco." So when the old man went away we gave him some good tobacco.

By Mr. HARRIS :

Q. Is there any further information you can give us about the tobacco ?

A. You can ask of them at the agency when you are there. Ask those officers and other men who know the quality of the tobacco issued in the last fiscal year. Possibly you may find some in the warehouse of that sort.

Q. Is there anything on the subject of the sufferings of the Indians ?

A. Yes, sir. The information in regard to that you will get there at the agency. At the Spotted Tail agency I am informed the suffering was so great that there were quite a number of deaths in consequence of the want of food and clothing. I will give you names of persons that will testify in regard to that. This is particularly important about Spotted Tail's agency, because when he was in Washington, and wanted to make his complaints, and started two or three times to make them, the Secretary of the Interior said in substance: Stop right there. I don't want to hear that now, but will give you a chance another time.

Mr. SMITH. He did have a chance, and was invited to come at any time. Several times a day was set for him to come and make his complaint about his agency.

Professor MARSH. I was about to say that Spotted Tail has a good deal to tell about the suffering of his agency last winter. Reliable men there have a great deal to tell about it, and it is very important that they should be got at. General Bradley, who is in command of the Black Hills district, is at Fort Laramie, and will, I think, be able to give you a large amount of information on all these subjects.

By Mr. HARRIS :

Q. We come now to the freight contracts. You state facts in regard to the contracts, and those we will get from the contracts: "The distance of two hundred and twelve miles was well known to be largely in excess of the true distance, and yet no effort seems to have been made by the Interior Department to ascertain the correct distance, although its attention had been called to the subject in 1873."

Mr. SMITH. The Government has taken steps to measure that dist-

ance, and the only reason that it has not been done is because the officer there has not done his duty.

Professor MARSH. I will say that the Land-Office is engaged in surveying that country, and the Interior Department could have had that distance surveyed without the slightest trouble if they had so desired. The difference in the freight in two weeks would have paid for the survey.

By the CHAIRMAN:

Q. The contract of McCann for carrying freight is paid so much for so many miles?

A. Yes, sir.

Mr. SMITH. It was fixed by Commissioner Walker himself, and McCann was made to agree that a final settlement should be made upon an actual measurement of that distance, and there it lies now. Any statement that the Interior Department has not made any effort to get at that distance is not true.

By Mr. HARRIS:

Q. How do you establish the distance there yourself?

A. I refer you to the official survey of J. W. Hammond, at Cheyenne.

Mr SMITH. The Government is perfectly protected by contract in this matter, as the agreement with McCann, by which he is paid for transportation at so much per 100 pounds per mile, and the final settlement is to be based upon the actual distance, whenever that is found.

Professor MARSH. Dr. C. C. Cox, of Washington, a special commissioner who went out there, wrote to the Secretary about that flour matter, but afterward he speaks of the agent as a Christian gentleman and the agency as an Arcadia, and all that.

My conclusion in regard to all this is, that the great difficulty in ascertaining the extent of these frauds, or making any investigation, is largely due to the fact that the Interior Department has retained none of the original samples of goods furnished to the Indians during the past fiscal year, the exception being flour. The accounts of Agent Saville, as I understand, have not been handed in to the Second Auditor's Office, except for the first or second quarter, since he was appointed. If they were there, you would then have the chance to know how it stands.

Mr. SMITH. Provided the Second Auditor has taken them up. He has accounts there that have been there for three years that have not been taken up yet.

Professor MARSH. Now, those five special commissioners or other officials, appointed and paid by the Department of the Interior, had personally investigated this agency before my visit, and given that Department information indicating the bad state of affairs there. A portion of the responsibility for the inferior goods and supplies purchased last year should, perhaps, attach to Messrs. F. H. Smith, W. J. Turney, and J. D. Lang, of the board of Indian commissioners.

By the CHAIRMAN:

Q. Now, let me understand it; they were the purchasing-committee?

A. Yes, sir.

Q. They purchased from samples?

A. Yes, exactly; but did not retain the samples; they made the contract.

Q. Were not the samples turned over to the inspectors?

A. That may be.

Q. If the purchasing-committee had samples upon which they purchased, then, of course, they turned the samples over to the inspector, who subsequently inspected the goods as delivered, and the inspector, it seems to me, would be the person to have the samples.

A. If a person goes out to the agency and sees frauds that could be detected by the sample, would he not naturally go to the Commissioner? I believe that the present year things are to be managed much better than before. Here are three men who are called a "purchasing-committee," and who, with Commissioner Smith, as I understand, make these contracts for supplies. Is that so?

Mr. SMITH. Yes, sir.

Professor MARSH. Now, the beef-contracts, the sugar, coffee, blankets, &c., are made by those men on consultation with the Commissioner.

Mr. SMITH. The contracts are made by me. The purchasing-committee advise on the purchases.

The CHAIRMAN. Who appoint them?

Mr. SMITH. They appoint their own commissioners.

Professor MARSH. Previous to last year the old board had a report of the purchasing-committee, which told who made the purchases; and I took up their report of last year, wishing to see about the purchases; so, I say here, "made no report of their purchases, as the old board had done." That I considered culpable negligence.

Mr. HARRIS. Is there any law requiring it?

Mr. SMITH. No, there is not. In regard to these commissioners, the board is made up by the President. They are appointed and commissioned by him. The President has given the nomination of the Indian agents to religious societies; but he has never given the nomination of this board into the hands of anybody. I am the officer to make the purchases. That, by law, I do, under the advice of the board of Indian commissioners. They may send any man to me as their representative, and they generally send the purchasing-committee.

Mr. HARRIS. Don't you have the Assistant Secretary of the Interior with you?

Mr. SMITH. The Secretary of the Interior is generally represented also.

By the CHAIRMAN:

Q. Now, Professor Marsh, there are one or two matters I would like to inquire about; that is, what you saw out there that struck you as wrong about the Red Cloud agency you made known to the Department when you returned here?

A. I made known to the President when I returned here, according to my promise. My promise to Red Cloud was to show the samples he gave me to the President.

Q. That you did soon after your return?

A. No. I got back in December.

Q. What time was it that you first presented the thing to the President?

A. In April.

Q. What time was it, then, that you mentioned it to the Commissioner of Indian Affairs?

A. At the same time. I could not conveniently go to Washington until the National Academy of Science met in April, when I went there, and had a long talk with the President. I told him, as I have others, that I did not vouch for these original samples. What I meant was, that those particular specimens Red Cloud handed me I had not fol-

lowed up and compared with the supplies in bulk, but I saw a great many things myself, outside of that, which were much more important.

Q. All that you saw out there that you thought was wrong did you detail to the President?

A. I gave him the prominent points.

Q. What I meant to get at is, the time you went to Washington, what you informed him of, and then I understand you went and had a talk with the Commissioner?

A. I told the President much more than I did the Commissioner. I called on the latter first.

Q. Did you have much talk with the Commissioner?

A. Very little.

Q. Showed him your samples?

A. I started to show them to him, but I thought he didn't receive my information very graciously, so I stopped. I told the Commissioner that I did not vouch for those particular samples; and when I showed him the sample of tobacco he said, "Two years ago we had some rotten tobacco and that is a sample of it."

Q. On the occasion you went there, in April last, and showed him these samples, did you call his attention to the wrongs out there on the part of the Indian agent specially?

A. When I was there in 1873, at the time I was fitting out an expedition, the Commissioner gave me an interview, and as I came out he told me if I saw anything wrong to tell him, and although I did not think I was bound to furnish him these statements, I thought, as a matter of courtesy, I would give them to him; but, as I say, I did not think he welcomed this information.

By Mr. HARRIS:

Q. Now, suppose you give us the conversation between yourself and the Secretary, where you say you did not have any confidence in the Secretary of the Interior?

A. Well, first about the Commissioner. I came there with the samples; I mentioned to him that I had been out in that country; told him about my visit there; my object, &c.; and then mentioned to him about the samples that Red Cloud had given me; that I thought it proper to bring them to his notice, and I showed him the flour, and he said, "We had some bad flour a few years ago; so bad that the ponies wouldn't eat it; and that is some of that bad flour." He said this right off as I say it now. Then in regard to the tobacco, he said, "We had some rotten tobacco a couple of years ago, and Red Cloud has given you some of that tobacco." And so with the others. About the coffee, he looked at that and mentioned something about there being black beans in it.

Mr. SMITH. In the sample; I said there was black beans in the best of coffee.

Professor MARSH. Oh, no; he said, "Red Cloud has picked out the black beans, and given them to you;" and so with the sugar, he said, "That sugar has been wet," and so on. Now I had seen the sugar and flour issued there, and I had seen there something about the tobacco; and when he told me that was tobacco issued two years before, I thought to myself there was no use in going on with the subject; but I did go on and say that that agent was not a man to be intrusted in that important agency. I told him about the incompetence of the man; a man unfit to be placed in charge of that most responsible agency in the whole West. Then I told him particularly about the annuity goods being thrown out there in one day in a snow-storm; and then I spoke about



the beef, &c., and touched on the prominent points. I don't remember particularly what I said about the beef, but I remember speaking fully of the incompetency of the agent, and the issue of the annuity goods; but, as I say, I was not encouraged, and did not want to go into the matter further. I went away feeling that he had told me in plain terms that Red Cloud had deceived me, and that I really knew nothing about the agency, and for that very reason I did not give him one-twentieth part of the information I had about it.

By the CHAIRMAN :

Q. You were in Washington at the time that Red Cloud and Spotted Tail were there ?

A. Yes, sir. I will mention one other thing : that at the time I was talking to the Commissioner there were two or three persons waiting, and I felt that I ought not to take up his time, especially as my evidence was not wanted.

Q. What time was it that the Indians were in Washington ?

A. It was in May.

Q. You were there at the time ?

A. Yes, sir.

Q. Now, about your interview with Secretary Delano.

A. Yes, sir ; I went on there in May.

Q. On the occasion you saw the President and showed him your samples, and saw the Commissioner of Indian Affairs, on that occasion you did not see Secretary Delano ?

A. No, sir ; I did not. I supposed the Commissioner of Indian Affairs was the proper person to receive complaints about Indian matters, and I went first of all to him.

Q. You saw the Secretary of the Interior, then, in May ?

A. Yes, sir. I will state, when I came to Washington in May the Secretary was in Ohio on a vacation. The second or third day I was there I called on the Acting Secretary of the Interior, I mean General Cowen, who was Acting Secretary. I was in the Department several times and talked the matter over with him, and my relations with him were very pleasant.

Mr. SMITH. Do you mean that that covered all the time ; that he was away all the time until you saw him ?

Professor MARSH. Well, I was there a few days, then returned to New Haven, and afterward came back ; but as I had talked this matter over with the Acting Secretary, General Cowen, and Commissioner Smith, I did not know any reason why I should call on the Secretary especially. I talked the matter over very fully with General Cowen, who was the Secretary of the Interior at the time. Then I saw Secretary Delano, who was pointed out to me in one of the councils. I am quite confident I did not see the Secretary of the Interior in the council, to know him, more than twice before the time when they photographed the Indians. Bishop Hare came to me that day, and said, " You have not called on the Secretary, and he wishes to see you." I said I would go up if he wished to see me, and the bishop went up with me. We called on the Secretary of the Interior, and he was not in his office. I left my card, and the council began a few minutes after that. In that council the Secretary came across the room and spoke to me. I told him I had called on him with Bishop Hare. After the council I went with Mr. Hinman, and called the second time on the Secretary, he being out—leaving my card again. Then, afterward, when I was in the Indian Bureau, I think the next day, the Secretary sent in a messenger, stating that he was in his

room and would like to see me, and then I went in and had a long talk with him.

By the CHAIRMAN:

Q. That was in May?

A. No, sir; June 5. Then he asked me for my information in regard to the Red Cloud agency; that was the first request I had from him for it. He asked me for it in a conversational way. I told him that when the committee was appointed I understood they would call on me for information, and, when they did, I would give them specific information in regard to the matter. Then he asked me to give it to him. I told him it was not ready; that I was going back to New Haven, and when I got there, if he wished for this information before the committee was appointed, if he would write to me, making a request for it, I would send it to him. He requested it orally, and, although I did not decline, I did not say I would give it to him alone. Then he made another request, and I gave him some of the main points, stating them as I have given them to you, and in few words, orally. But I told him that it was a matter I must consider, as I had not decided what I should do. I told him distinctly that, if this committee was appointed, I would give the committee (as I had informed the Commissioner) this specific information. I told him I would think it over, and see him again before I left town. I called a second time, and he was not there; but I told General Cowen to tell the Secretary that, on thinking it over, I must keep this information myself; that he already had essentially the same information on file in the Department, bearing on the agency, and that this information, having been obtained by myself, I had not decided what I should do with it. While we were talking, Secretary Delano returned to his office, and I went there and had a long interview with him. I repeated what I had said to General Cowen, and also I stated that my promise was to show the samples to the President, and I might possibly decide to send my evidence to him. I might, perhaps, publish it separately, and might possibly wait until Congress came together and give it to Congress. I told him again that when the committee was appointed, then I stood ready to give them my information. That is almost the exact wording of it. Now, when I got Mr. Smith's letter stating that the committee had been appointed, and requesting the information, I wrote a reply, in which I stated that I would immediately proceed to prepare a detailed statement, and I went to work that night to get it ready. That I have done, and that is the whole story.

Mr. SMITH. I would like to ask of Mr. Marsh if it is not due to me to state that he has asked of me information freely, and has always got it.

Professor MARSH. The information I have asked, and got of you, I have written and thanked you for.

Mr. SMITH. Have you not got all you asked for?

Professor MARSH. You have given me freely of the documents there, and I have copies of all our correspondence, of course.

Mr. SMITH. Have I not given you freely everything you have called on me for?

Professor MARSH. I think you have all, or nearly all; but there is a great deal I wanted that I did not get. I do not know whether you had it in the Department or not.

By Mr. HARRIS:

Q. At any time when before Commissioner Smith, or General Cowen, or Secretary Delano, did you suggest that in your statement you would be obliged to charge them directly with complicity in these frauds?

A. I do not think I did. It was only when I got my evidence together, and saw its full bearing that I thought it my duty to state plainly what the facts in my possession indicated. That I have tried to do impartially and without favor to any one.

Q. Of course your conclusions are not so important to us as the facts on which you base them; and as to stating to them, or either of them, to the Secretary, for example, that you thought the Commissioner was implicated, or to the Commissioner that you thought the Secretary was implicated, that suggestion, as I understand, you did not make?

A. No, sir; of course I did not.

Q. If Secretary Delano was anxious, as he appeared to be, to detect and ferret out fraud, if that was really his purpose, was not it perfectly consistent with that idea for him to ask for that information, that he might join you in bringing these men to justice? If he was honest in this, was it not proper for him to seek to join you in the detection of this fraud, and might he not properly have said, "Do not make this charge against me in the newspapers, but give me a chance to show these people and the country that I am after these rascals as much as you are?"

A. I simply judged of the man as I met him. I did not believe he was sincere.

For example: I had been warned not to hold any conversation with the Secretary about the matters in dispute, except in presence of a witness of my own choosing. For this reason I asked Bishop Hare to go with me when I first called on the Secretary, and found him out. I asked the Rev. Mr. Hinman to accompany me the second time, but the Secretary was not in his office. When the Secretary sent his messenger to me in the Indian Bureau, June 5, I had no one with me, and hence went alone. On entering his office Secretary Delano introduced General Eaton, of the Bureau of Education, and said that the General was there by the merest accident, as he had expected to meet me alone. As he repeated this statement three or four times during the conversation which ensued, it made me suspect that General Eaton's presence was not purely an accident, and my suspicion on this point has been strengthened by subsequent events.

Secretary Delano began the conversation by saying to me that he was sorry I did not know him better; that if I knew him as well as General Eaton did, I would know that he was "a Christian, a gentleman, and not a thief." I was surprised at this opening remark, but as he repeated it several times subsequently, I supposed it was a favorite formula of his. He next said that he understood that I, too, was "a Christian gentleman," and therefore he felt confident that we had only to understand each other perfectly, and then we, as Christian gentlemen, could settle this little matter entirely between ourselves, outside the newspapers and without any publicity. He expressed great regret that I had not come to him first of all before going to the President, and showed much irritation against the Postmaster General for going with me to the President when I fulfilled my promise to Red Cloud. I replied that it was only justice to the Postmaster-General to say that he was in no way responsible for my visit to the President; that I had become acquainted with the President while he was General of the Army, and that I certainly should have called the next day and given him Red Cloud's message in person, without the intervention of any one. Secretary Delano then informed me that he had had great experience in public life, was sixty-five years of age, and had especially devoted himself to the Indian question, and therefore that I had better place the matter entirely in his hands. That as a scientific

man I could know but little of Indian matters, and that I had probably been influenced by the younger officers of the Army, who wished to have Indian affairs in their charge. I replied that during my various expeditions in the West, in the last six years, I had had opportunities to ascertain a great deal about the actual state of Indian affairs, and had seen most of the principal tribes between the Missouri River and the Pacific coast. Hence my opinion was not derived from Army officers, but from observation. I said that I saw a bad state of affairs at Red Cloud agency last November, indicating gross mismanagement, and that I had given information of this to the Commissioner of Indian Affairs, as well as others. He said I ought not to have made the matter public; that I ought not to have interfered in Indian matters, but should stick to science; that it was unworthy of my position to be picking flaws in his Department. I replied that I considered myself the best judge of what it was proper for me to do, and that, as a citizen, I had a right to complain of any abuses which I saw in any department; that the question with me was not a personal one; it was simply what was the state of affairs at Red Cloud agency in November last; if he wished to ascertain the whole truth about that matter, I would do all I could to aid him. I began to state what I saw there, when he stopped me, and said he did not care to discuss the details, and again urged me to give him a written statement of all my information on the subject. I replied that he had appointed a commission to investigate this matter, and when they are ready to act I would put my information in their hands. He then urged me to give it to him, and I replied that I would consider the matter, and see him again. After this interview was over, General Eaton followed me down the corridor of the Department, and urged me strongly to give the Secretary my information, and to arrange the matter between ourselves.

In my second interview with the Secretary, June 8th, he repeated many of his former statements, and urged me to give him alone all my facts, and especially to make nothing public. I replied that I must carefully consider that matter. He then turned on me fiercely, and remarked, "Then you want to fight me, do you? If you do, you will regret it." I replied that I had no wish to do anything of the kind, but only desired that the abuses I had seen should be stopped, and prevented in future. He then apologized for his previous remark, and, by flattery and earnest appeals to me as a Christian gentleman, urged me to tell him all I knew about the matters we were discussing. His closing remark was as follows: "If you are a praying man, Mr. Marsh, as I hope you are, I beg you will take home this one thought and pray over it: whether it is right for you to be interfering with my Department, when you ought rather to aid me in the great work of christianizing and civilizing these 300,000 wards of the nation." He added: "Keep away from the newspaper men, and all will be well." His evident desire to keep the facts from the public, and his attempts to influence me to aid him in this, made me doubt his sincerity then, and hence I did not give my information to him alone.

The point I make with him is this: I have got this evidence myself independently. You have had commissioners there, time and again, to look into the affairs of the Red Cloud agency. You have information in regard to these frauds in your Department. You have not acted upon that. The information is there, and affairs have not been improved. The very last information from Red Cloud agency is that the Indians are suffering from want of food, and that, I claim, is the result partly of fraud and partly of mismanagement; the agent

being corrupt, directly in collusion with the contractors, and the money that Congress appropriates, which would be sufficient, honestly expended, to keep these people from suffering, failing of its purpose by fraud.

There is one statement I wish to go on record: that this case I have presented here and explained, when you come to examine witnesses in the West in regard to these ten specific points which I make, if there is any one of these points that is not proven, in consequence of the witnesses I have named not being found, or any other reason, I ask the privilege, and claim it as a right, to give you additional evidence on that point. I think I can give you witnesses enough to cover every one of these points and fully prove all I have stated.

The CHAIRMAN. When we are through, if the professor desires to look over the evidence, and thinks there is not sufficient on any particular point, he can give it to us.

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WASHINGTON, D. C., *Thursday, September 9, 1875.*

Present: Hon. THOMAS C. FLETCHER, chairman; Hon. B. W. HARRIS, Hon. CHARLES J. FAULKNER, and Professor GEORGE W. ATHERTON.

Professor MARSH appeared before the commission and said:

Mr. CHAIRMAN: In addition to what the commission may desire to have me say about special matters relating to the investigation, I have a short statement to make of a somewhat personal character, which I regard as important; and I desire to make it at such time as the commission is disposed to hear it. It affects the commission as well as myself, and I should prefer to give it now, but will most cheerfully comply with the wishes of the commission.

The CHAIRMAN. Certainly, we will be glad to hear it.

Professor MARSH. Mr. Chairman. Since I met the commission in New York, and frankly laid before you my evidence in regard to affairs at Red Cloud agency, I have kept perfectly quiet, and published nothing on the subject, directly or indirectly, considering the case in your hands, and awaiting with perfect confidence the result of your investigation.

The Interior Department, however, has not done this, but from the very first has kept up a constant attack upon me on account of the matters placed in your hands to investigate. Not only has this Department printed, for the instruction of the commission, a pamphlet which purports to give the history of my charges, but it has also inspired and dictated the dispatches and letters of certain Washington correspondents, and afterward caused them to be reprinted and distributed at the public expense.

If these various publications, thus distributed to the country, and placed in the hands of the commission, merely contained arguments and appeals I should have taken no notice of them; but I am prepared to show (with a few minutes' indulgence of the commission) that each of these publications, thus sent forth from the Interior Department, contains gross and willful falsehoods.

The fact of such falsehood in documents thus prepared and circulated not merely affects the character of high officials, but directly concerns the work of this commission, inasmuch as it shows the spirit in which the Interior Department and Indian Office receive information of Indian frauds, and the methods to which they resorted to deceive both the commission and the public.

I have deliberately chosen the word falsehood, as in this statement

I propose to call things by their right names. I am willing to be condemned for such harsh language unless I can clearly show so many and gross misstatements of facts within the knowledge of the Interior Department as to put it beyond the doubt of any reasonable man that deception was intended. Both the commission and the public have been the subjects of this deception on the part of the Interior Department; and many of the falsehoods of which I complain have been brought to the attention of the Commission by the Secretary of the Interior himself.

To come to the publications of which I complain: If the commission will allow me, I will first, however, refer back to the dispatch dictated by Commissioner Smith to the agent of the Associated Press last May, about beef-cattle at Red Cloud agency, and which I quote in my published statement, (p. 22.) This dispatch, as I show, contains four separate falsehoods, and its object was to destroy the effect on the public of General Bradley's certificate. Another equally characteristic dispatch of the Acting Commissioner, in regard to flour, I quote on page 33 of my statement. This dispatch contains two distinct false statements as the evidence now in your possession from Maj. A. K. Long and others clearly shows, viz, that all the flour sent to Red Cloud agency was not inspected by Major Long; and, secondly, that part of the flour he rejected was afterward sent there. The latter dispatch was published as a reply to my first presentation of the subject to the President, and is a fair sample of all the attempts at defense that have since been issued by the Department, whether over the signature of the Secretary of the Interior or through some facile tool.

The documents issued by the Interior Department since the commission began its labors have been so numerous that I can only refer to a few of them; and out of deference to the high position of its acknowledged author, I will first take up the official pamphlet, "*printed for the use of the investigating committee,*" and with which you are all, of course, familiar. A very small portion of this pamphlet relates to the present investigation, and this part alone I now propose to discuss. In this portion, addressed especially to the commission, there is hardly a sentence that does not contain a misrepresentation, and in one of the letters from Secretary Delano himself to the commission, for your instruction, there are at least three distinct falsehoods on a single page.

Among the more important false statements in this official pamphlet are the following:

I. That I was not the author of my charges, but that they were written or directly inspired in the New York Tribune office.

This statement, which is reiterated in various forms and in different parts of the pamphlet, and other documents to which I shall refer, I pronounce absolutely false. My statement was written by myself alone, in New Haven, and there printed. No person connected with the Tribune or any other paper even saw it until it was in print.

II. That my statement was published in the Tribune before being sent to the President. (Pamphlet, p. 6.)

This assertion, also, is wholly false. My statement was finished July 10, and it was my intention to have taken it to the President on that day, but having ascertained that he was absent at Cape May, I awaited his return until the 13th, and then started to present it in person, but uncertain whether he had really returned, I mailed it to him from New York, so as to reach Long Branch that afternoon. Subsequently, but the same day, I gave copies of the pamphlet at the same time to the only two New York papers that had asked for it, namely, the Tribune

and Evening Post; but no part of the document was published by either of these papers until next day. Having ascertained definitely on the 14th that the President had returned to Long Branch, I went there and called on him the same evening, to explain to him my statement more fully, and to state why I had not brought it in person. I would say here that in none of the three interviews which I have had with the President on Indian affairs has the Secretary of the Interior been mentioned. Hence, the statement that the President told me to go to Secretary Delano with my complaints is totally false.

III. That I did not make my first complaint to the Interior Department.

This statement, so often repeated by the Department, is false. I went first of all to the Interior Department on the 23d of April, and made complaint to the Commissioner of Indian Affairs, whom I then regarded, and still regard, as the proper person to receive such information. How unwelcome the facts I presented were, and how uncivilly received, I have already stated before the commission. My promise to Red Cloud to carry his message to the Great Father, I fulfilled the next day; and my reception by the President was in marked contrast to that given me at the Department, to which I had gone as a matter of courtesy only.

When I was next in Washington, in May last, I again called on the Commissioner of Indian Affairs, and also upon the Acting Secretary of the Interior, General Cowen, the honorable Secretary himself being in Ohio. During his absence, I saw General Cowen several times about Indian matters. He treated me courteously, and invited me to attend the councils with the Sioux delegations, then in Washington, and on one occasion, when a conference was held without public notice, he took especial pains to send me his written invitation. Hence, the statement in this official pamphlet (p. 5) that I went uninvited is untrue.

IV. The statement in Secretary Delano's letter to the Commissioner (p. 7) that I declined his personal request to furnish statements of my charges.

This is as false as his previous statements, and it is at once disproved by his own witness, General Eaton, who, in speaking of me in his account of my interview with Secretary Delano, says: "He said that he had not put them in shape, but would do it," (p. 7.) Commissioner Smith also refutes this falsehood of the Secretary; for he says, on the same subject. "To this request Professor Marsh has not yet responded, nor has he declined it," (p. 19.)

Secretary Delano knows perfectly well that I told him several times during our interviews that whenever the commission of investigation was ready to act, I would lay before them a statement embodying my specific charges, and this, gentlemen of the commission, you know I did at the first hour of your organization.

V. The statement (pamphlet, p. 8) that I have made no communication to the Commissioner of Indian Affairs in reply to his letter of July 1, (p. 9,) requesting a statement of specific charges with evidence.

This is a willful falsehood. My reply, given on page 11 of my statement, was written July 3, and I mailed it myself. Moreover, following the example of Secretary Delano and Commissioner Smith, in their communications concerning myself, I gave the letter to the Associated Press and American Press Associations for publication, and it appeared promptly in all the prominent papers. I likewise transmitted this letter in my statement to both the Secretary of the Interior and the Commissioner of Indian Affairs, and that the former duly received it is admitted

by him in his letter to you of July 20, (p. 7,) which was written two weeks before the pamphlet containing this falsehood was printed. Moreover, the same document was transmitted to him by the President, July 15.

VI. The statement of the Secretary, in his letter to you of July 20, (p. 8,) that his entire intercourse with me was the brief conversation in the Indian council, and the interview at which General Eaton was present, is not only untrue, but does me great injustice.

I called on the Secretary, with Bishop Hare, June 4, before the council, and, the Secretary being absent, left my card. This fact I stated to him in the council when he addressed me. Moreover, on June 8, three days after the interview at which General Eaton was present, I had another long and important interview with Secretary Delano, which, for some reason, he now ignores. Before this last interview I had already called, and finding him out, had left an important message for him with General Cowen.

In this official pamphlet there are many other false statements which I have marked, which I will not now weary you with quoting in detail. There is one statement, however, on page 6, that I cannot pass over, namely: that reflecting on the sources of the information on which my charges are based. In reply to this, I have only to say that you gentlemen are the best judges of the character and disinterestedness of the witnesses whose names I have given you to substantiate my own observations.

The next document to which I will call your attention is important as being one of a series, to the continued and wide distribution of which the machinery of the Interior Department has been directed since the case was placed in your hands. I suppose they have been duly transmitted to the commission. However this may be, they have been sent to nearly all the papers of the country, religious and secular. The false statements to which I have already called your attention in the official pamphlet are here repeated with many variations, but evidently proceeding from a common source.

This particular document, which may be taken as a fair sample of this series as to truthfulness, I have good reason to believe was prepared in the Interior Department. It was first published in the *Inter-Ocean*, of Chicago, July 27, and republished in the *Washington Chronicle*, July 31. It was then reprinted in separate form from the *Chronicle* type, and distributed by the Department at public expense.

The only point in this document that I care now to mention is a false charge of breach of confidence, when I was invited to appear before the Board of Indian Commissioners in New York. My invitation, which I retain, came from General Fisk, the chairman, to meet the board April 28. It contained no intimation that the meeting was to be a private one, and I had no reason to believe that such was intended. I invited a Harvard professor, interested in the subject, to accompany me, but as he could not join me, I took with me another friend, whom I met at the hotel on my way to the meeting, and who is the scientific editor of the *Tribune*. He is not a short-hand reporter, and took no notes of the meeting whatever, supposing that the board would publish an account the next day, as it had done of other meetings. Seeing no report in the next day's papers, and thinking my remarks of sufficient importance, he made an abstract from memory, and they appeared in the *Tribune* of April 30. No objection, whatever, was made at the time to the admission of my friend, and those given in the document from which I now quote are wholly imaginary. The chairman of the Board of Indian Com-



missioners, General Fisk, has since informed me that there was no objection to the publication of this report, and its truthfulness has not been questioned.

The only other one of these semi-official publications which I will now notice is a letter which appeared in the Providence Journal, July 16, and soon after was republished and widely circulated through the same channels as the documents I have already mentioned. This evidently was written by a friend of Commissioner Smith, in his behalf, and a copy of the reprint, which I now exhibit, was sent to me, with insulting annotations by a Government official in Washington, whose identity is fully established. In this document Commissioner Smith's friend endeavors to pay him a high compliment, and to disparage me, by a fictitious description of the Commissioner at a certain meeting of the Board of Indian Commissioners in New York. The truthfulness of this document may be judged from the fact that on the occasion named Commissioner Smith was not present, so that the scene described was simply a figment of the writer's imagination. Nevertheless, the Interior Department deemed such statements of sufficient importance to reprint, and widely distributed them.

In conclusion, the question naturally arises, What is the object of all these publications? Most certainly to mislead you and the public, and influence both against me for having made known matters unfavorable to the Indian service. The Interior Department and Indian Bureau have pursued a similar course from the time I first complained of mismanagement in Indian affairs. It is carrying out the policy, long continued, of meeting evidence against that Department by misrepresentation and falsehood. Compared with these, discourtesy and incivility are such small matters that I have forborne to trouble the commission with the details of what I was subjected to by the Secretary of the Interior and Commissioner of Indian Affairs, but justice to all concerned demands that I at least say to you that long before my statement was presented, when I was endeavoring to ascertain the true state of Indian affairs, I was repeatedly treated with indignity by both these officials in their own offices.

Is it strange that under the circumstances I should doubt the sincerity of Secretary Delano and Commissioner Smith, when they publicly announce, as is done in the Commissioner's letter to me, "That it is the sincere wish and purpose of the Department to prevent frauds as far as possible, and to omit no effort to discover them when perpetrated?" I think the result fully justifies me in so doing. If not, I desire to call the attention of the commission to evidence showing the suppression of previous information condemnatory of affairs at the Sioux agencies. The reports made by Messrs. Hosmer, Bevier, Alvord, and others are on file in the Department, and I trust the commission will obtain them, and also call these gentlemen before them, and elicit from them the additional information which they gave orally to the Interior Department, and of which no record remains.

There is abundant evidence from these sources showing the knowledge of this Department of mismanagement and fraud in the past at the Red Cloud agency. Whether the mismanagement and fraud still exist, the Commission can best decide.

WASHINGTON, D. C., *Monday, September 13, 1875.*

Present: Hon. THOMAS C. FLETCHER, chairman; Hon. B. W. HARRIS, Professor GEORGE W. ATHERTON, and Hon. CHARLES J. FAULKNER.

Mr. J. W. BOSLER was also present.

Professor MARSH was recalled.

By the CHAIRMAN:

Question. There are some things about which I desire to inquire of you, Professor Marsh. On the first page of your letter to the President you state, "1st. I have no confidence whatever in the sincerity of the Secretary of the Interior or the Commissioner of Indian Affairs, when they publicly announce their wish and determination to correct the present abuses in Indian management, because I have reason to know that they have long been aware of these abuses, and have made no sincere effort to reform them." Now, do you mean by that to charge them with neglect of duty in their official stations?

Answer. What I regard as neglect of duty.

Q. Now, next you say, "2d. In all my intercourse with these two officials their object has manifestly been to find out, not so much what the frauds actually were, as the extent of my information concerning them, so as to prevent, by every means in their power, all publicity or exposure of them." Now, do you mean by that to charge them with complicity in these frauds, or a desire to cover them up, so as to prevent blame attaching to them for neglect of duty?

A. I state in that sentence as clearly as I am able to put it the results of my intercourse with the two officials named.

Q. But when you say that their object seemed to be to prevent, by every means in their power, all publicity or exposure of these frauds, you mean that their object was to do that for what purpose?

A. I do not allude to the motives, I state the fact.

Q. Then you mean only to charge that it was their object to prevent publicity of these charges of fraud in the Indian management?

A. That was clearly one object. Whether there was anything else that was manifested I cannot say.

By Mr. HARRIS:

Q. Do you mean to imply, or did you intend to imply, that they were governed by corrupt motives?

A. That is a difficult question to answer. I said nothing in that sentence that touches that point. I mention a fact, the result of my experience with those officials.

Q. I only want to get at your own opinion of the effect of the language. Do you not think that that sentence just read by the chairman would convey to the mind of the person reading it the idea that those officials were themselves engaged or were participants in fraud which they wished to conceal, and if you do think so, will you say whether you really intended to convey that idea or something less criminal?

A. My object in writing that sentence as it is was to give a reason clearly for not putting my information in the hands of the Department alone, and I think the reason is clearly given in the language stated.

By Mr. HARRIS:

Q. You say you have every reason to know?

The CHAIRMAN. No; he says previously that their object was not so much to learn what the frauds actually were, as to learn the extent of his information concerning them, with a view to prevent their publicity.

Now, (to Professor Marsh,) I have been at a loss to know whether you mean by that that they were trying, from corrupt motives, to cover up these frauds—to hide them from the public—or whether they were trying to prevent the public learning of them, with a view to maintain their reputation before the public for men of capacity in the management of business, or what. What was designed by it has been the difficulty in my mind; hence it was that, in a card which I had occasion to write, I used the term “insinuation,” about which there has been a good deal said since. It does not convey to my mind clearly a charge.

WITNESS. It states a fact.

By the CHAIRMAN:

Q. Well, it states that they were desirous of learning from you what you knew about it. Then you say that their object in getting that information was not to investigate the frauds or expose them, but to cover them up. Now, what motive did you mean to attribute to them for preventing publicity of those matters?

A. I wish to answer that question with perfect frankness. I have stated here exactly what conclusion I derived from my intercourse with those two officials—that they were desirous to find out exactly how much I knew, and to avoid publicity. Those were the two things that impressed themselves on my mind as the object of both the Secretary of the Interior and the Commissioner of Indian Affairs.

Q. Then you don't know their object in trying to prevent publicity?

A. I could not say absolutely what their object was.

Q. Whether their object was to cover up the fraud, or, by preventing publicity, the better to ferret it out and punish it, you could not say?

A. I do not quite understand you.

Q. You are not able to say whether their object in trying to prevent publicity of the matter was to be the better able to ferret out and punish the fraud or cover it up?

A. I give no intimation of that here one way or the other.

Q. I was at a loss to know whether you intended by that to charge them with a purpose to cover up and conceal these frauds which you allege existed there, or what you did mean exactly by that.

A. That they wished to cover them up for the time being I inferred from my intercourse with them. Whether their object was to cover up something that they wished to keep from the public for some particular reason, I did not say; or whether they wished to eventually avoid the publicity of having mismanagement made apparent in the Department, I cannot say.

Q. Then you do not mean, positively, to charge a bad motive on them in that sentence—a corrupt motive?

A. I don't remember at this moment just how it lay in my mind when I wrote that. The prominent points in my mind were the two facts: first, their effort to find out just how much I knew; second, to avoid the publicity of it. Those two were the points that impressed themselves on my mind. Their motives for that I did not go into.

Q. You did not attribute any bad motive to them in trying to find out all you knew about the frauds?

A. Motives are difficult things to discuss, of course.

Q. You did not mean by this to charge them with any corrupt motives in trying to get from you the information you had about those matters?

A. The conclusion I derived from my intercourse with these two gen-

lemen was, that they were very desirous to have me give them, and them alone, all of my information on the subject.

Q. I want to ask you, was their object manifestly to find out not so much what the frauds actually were, as the extent of your information concerning them? Now, was there anything improper in their obtaining from you all the information you had concerning them?

A. Not in itself.

Q. Then you did not mean to charge them with any impropriety of conduct in obtaining from you all the information you had in reference to these matters?

A. Not the least.

Q. Then your conclusion in reference to that—"so as to prevent by every means in their power all publicity or exposure of them," is not a conclusion as to what their object was, but was a description of the manner in which they wanted to ascertain all the facts and get your information?

A. I will state frankly, gentlemen, that I concluded they were anxious to cover up these things, rather than to correct the abuses.

Q. And that is what you mean by this statement, "so as to prevent, by every means in their power, all publicity or exposure of them?"

A. I don't say why that was. That was the impression I derived from my intercourse with those officials.

Q. I was asking just what you meant by this language; what you designed to convey to our minds by it.

A. I think it is a very clear sentence, and I explain it this way, as I have just stated; it struck me that the anxiety to avoid publicity was the more prominent feature in this intercourse than a desire to ascertain just what the frauds were. That is my opinion, deliberately formed in putting together all of the interviews and talks I had in various ways. I do not wish to go beyond that, but that is the impression left on my mind as the result of those different interviews.

Q. Then you mean to say it was manifest to your mind that they wanted to get all the information you had for the purpose of keeping it from the public and cover it up?

A. That is not quite what I said, or, at least, what I meant to imply.

Q. You state it was their object, manifestly, "to find out, not so much what the frauds actually were as the extent of my information concerning them, so as to prevent, by every means in their power, all publicity or exposure of them." Then you mean to say it was manifest to your mind that they were desirous of getting all the information you had for the purpose of covering up the frauds and prevent them becoming public?

A. Not necessarily to cover them up entirely, for a bad purpose. Perhaps one or both of the gentlemen may have wished to correct these abuses and thought possibly it could be done better by avoiding publicity. But the prominent thing in these interviews was the wish to avoid publicity, rather than to find out what the frauds were. That is what struck me, as I remember the different interviews, as a whole; that was my conclusion as the result of all my interviews with them.

By MR. ATHERTON:

Q. That language which has been quoted, does it or does it not naturally convey an implication of some unworthy motive?

A. I don't think it does necessarily; it is plain language, and the prominent points I wished to bring out were the two I mentioned.

Q. What my question was intended to reach was the natural implica-

tion conveyed by the language to the mind of any reader; and so I asked the question, Does it or does it not naturally convey an implication to any reader of some unworthy motive? Now, was that language intended to convey an implication of an unworthy motive of any kind? I understand your interpretation of it to be, that it does not necessarily convey such an implication; and now, I wish to know whether it was intended to convey such an implication.

A. I think that, to a slight degree, is implied in the two points which I bring out prominently there.

Q. That it was intended to convey that?

A. I do not wish to be misunderstood. That is a subtle question, involving the exact meaning of words.

Q. I understand you, then, to modify the previous answer to that question. Your previous answer was that the language does not necessarily convey such an implication. Now I understand you to say that it does to some extent convey that implication.

A. I will say by way of explanation that I do not wish to be understood as stating two things diametrically opposite.

Q. I understood you to say that it does not necessarily convey such an implication, and then that it does convey such an implication. The point of my inquiry is, What is implied in the form of the statement that you have deliberately adopted?

A. I think the interpretation of the sentence would possibly be different to different minds; but the main point I wished to state in the sentence was the two facts which I have mentioned.

Q. Yes, I understand; but that does not seem to cover the question. The first question was, Does it convey naturally the implication of some unworthy motive? I understand you answered, with some modifications, that it does not convey such an implication; but subsequently you said that that, to some extent, is conveyed or involved in the language. Now, my question is, Is it intended to convey the implication which you say is to some extent involved in it? That would be simply the interpretation from your own point of view, what precise thought you intended it to be understood to mean.

A. Yes, sir; it is a question of phraseology somewhat.

Q. Not as I have put it now. The former question was a question of phraseology; but the question now is simply, what was your intention in using that phraseology; whether you intended to convey the implication which you say it does convey—the intent of some unworthy motive?

A. So far as concerns the slight implication that may be contained in the language just as it is, I think I meant to convey it.

By Mr. HARRIS:

Q. As I understand you, you do not mean to have it understood exactly that you mean by the use of the language to charge that the motives for concealing it were corrupt or unworthy?

A. Not necessarily.

Q. Although you think it is implied to some extent in the language?

A. To a slight extent.

By the CHAIRMAN:

Q. Well, now, we will go on. You say, "3d, the evidence now in my possession reflects unfavorably on both Secretary Delano and Commissioner Smith?"

A. That language cannot well be clearer.

Q. I want to inquire, when you say the evidence in your possession

reflects unfavorably upon them, whether you meant the evidence which you had in your possession reflected unfavorably upon their integrity in the management of their business, or their want of capacity for the management of it, or their want of diligence in the management of it?

A. Certainly their want of capacity; certainly their want of diligence.

Q. That is what you mean by it?

A. Yes; beyond that the language does not necessarily go.

Q. The statement is very general?

A. It is a very mild term—"reflects unfavorably."

Q. Now, Professor, there are some other little matters you can answer just in a word, yes or no, and it will take but a moment to set us right upon them?

A. I ought to add to that last answer, to be perfectly frank, that I think it goes beyond the extent to which I have stated above. It goes beyond these two things; how far I don't say at all.

By Mr. HARRIS:

Q. The pertinent question would seem to be, Did you intend to go farther than that by the language?

A. I think I did to a certain degree beyond that.

By the CHAIRMAN:

Q. You state in the first specification of these charges:

I.—*The Indian agent at Red Cloud agency.*

In the first conversation I had with Red Cloud, when Gen. L. P. Bradley and Col. T. H. Stanton were present, he complained bitterly of his agent, J. J. Saville, who for the past two years has had charge of his agency. Red Cloud's specified charges were that his agent was incompetent, weak, and vacillating, having no influence over the Indians; and especially that he was in league with the contractors to defraud the Indians of the food and clothing sent them by the Government. I regret to say that all I saw myself at the agency, and all I learned from trustworthy observers and official records, has convinced me that the charges were well founded.

Now, in regard to the contractors, were you convinced that the agent was in league in order to defraud the Indians of their food?

A. With beef-contractors.

Q. What contractors were you satisfied that he was in league with to defraud them of their clothing?

A. That I could not answer, sir, readily, because I should have to look at some evidence which I have.

Q. You state in your pamphlet, with reference to the agent, that the "threats against him for indignities and alleged frauds continually practiced upon them were open and violent." What threats did you hear there?

A. I heard Red Cloud and several other Indians speak in the strongest terms against him, and use threats.

Q. What did they threaten to do? What were their threats?

A. To drive him out, and I think kill him; his life had been attempted before that.

Q. Did you hear anybody besides Red Cloud so threaten?

A. I heard Red Dog also speak very strongly on the same subject.

Q. Did they give as a reason for their threats his defrauding them out of their food and clothing?

A. They did.

Q. Did you inform the agent of their threats?

A. I did not.

Q. Did you inform anybody else of it up to the time this publication was made?

A. I talked it over with the officers who were with me. My visit occurred, as you know, immediately after the trouble of the flag-staff affair, when there was the strongest hostility toward the agent, and only the coolness of Lieutenant Crawford saved the agent and all the white people at the agency from destruction, and the excitement had not died down—the indignation against the agent for that and for the other things, which probably were magnified in consequence of that act of his about the flag-staff.

Q. Well, when you speak of the “debasing influence which this agency was openly exercising upon the Indians,” do you mean by that more than the one occurrence which you mentioned to us in New York?

A. I mentioned to you two or three occurrences; I meant those and similar things—things of the same kind.

Q. Did you observe any bad results from these debasing influences that you speak of?

A. My testimony given in New York is clear upon those points.

Q. Not as to whether you observed any bad results to the Indians.

A. I certainly intended to say so.

Q. Now, you say, “the issues of annuity goods, of beef and other supplies, all were made in a loose and unbusiness-like way, in which a just distribution among the Indians was impossible.” Now, do you state of your own knowledge that that distribution which you saw made there was not a just one?

A. I refer to the annuity goods particularly.

Q. And the beef issues and all, just what you stated?

A. I cannot say positively about the beef issues.

Q. Well, the annuity goods.

A. I think there was.

Q. Can you say of your own knowledge that it was an unjust one; you saw it?

A. Not strictly of my own knowledge, but from the information I derived on the spot from those most interested.

Q. Whom?

A. Red Dog was one, and others whose names I gave you.

Q. Well, from your knowledge and experience among the Indians, will you take the word of any Indian, in a matter in which he is interested, in preference to the written statements and accounts of white men in reference to the same business?

A. I would not.

Q. You say, “Agent Saville was placed in his position to guard the interests of the Indians and of the Government, and it appeared that he betrayed both alike.” Now, do you state that he defrauded the Indians?

A. I do.

Q. And do you state that of your own knowledge?

A. I think I do, sir.

Q. You state that “he defrauded the Indians by withholding from them provisions which he charged against the Government as issued to them.” Do you know that fact of your own knowledge?

A. I went into that point quite thoroughly about the issue of November 8.

Q. The question is, do you know that of your own knowledge?

A. I have information, which I obtained on the spot, that there was no issue November 8—

Q. That is not the question. You stated that he defrauded the Indians by withholding from them provisions which he had charged against the Government as issued to them. Now, do you know that of your own knowledge.

A. From what I know of my own knowledge, with the information I derived from the agent himself and his official papers, I feel—

Q. That is not the question. Do you know it? I don't want your conclusion from anything you heard, or what the agent or anybody else told you, because we have all that ourselves. I want to know what your knowledge is of it.

A. I don't know positively of my own knowledge.

Q. That is the clearest and most distinct charge contained in this whole pamphlet, and charges a high crime on a Government official in plain, unmistakable language, and I just want a plain, simple answer to the question, yes or no. Did you state it of your own knowledge.

A. You refer particularly to this issue of November 8?

Q. I refer to just what you say: "He defrauded the Indians by withholding from them provisions which he charged against the Government as issued to them." Now, then, do you know that?

A. I think I do.

Q. You state, then, that you do know?

A. I think I can.

Q. You state, then, that it is so?

A. Yes, sir; I mean by that, that what I saw myself put with what the official documents showed. When I say he charged them against the Government, of course that is derived from the official documents.

By Mr. HARRIS:

Q. You must have known that goods not issued were charged, else you would not state it.

A. I do know that.

By the CHAIRMAN:

Q. That they were not issued?

A. Yes.

Q. You state that "the truth is, that he issued no beef whatever to the Indians on that day," the 8th of November, 1874. Were you there on that day?

A. I state just below that I arrived on the 9th.

Q. Were you there that day?

A. I was not.

Q. Where were you, then?

A. On my way, very near there.

Q. How far from there were you on the morning of the 8th of November?

A. On the morning of the 8th of November I was camped on the Raw Hide.

Q. That is how far from Red Cloud?

A. You have been over the ground. It is about 52 miles.

Q. You were at the Raw Hide on the 8th of November; then how can you say of your own knowledge that he did not issue beef at Red Cloud agency on that day?

A. I did not mean to say that. I was not there; of course, I could not have personal knowledge if I was not there; I mean what I knew myself when I got there, derived from the officials. You misunderstood me. If you ask me if I knew of my own personal knowledge that he did not deliver that beef on November 8, that idea I did not mean to convey at



all, of course, because I was not there; I arrived on the 9th. Of what absolutely took place at the agency on the 8th, I have no personal knowledge.

Q. Well, I will ask you if he might not have delivered to the Indians the beef charged as of November 8, on some other day?

A. That is possible.

Q. So that the Indians would not have been defrauded, although the date was wrong.

A. That is possible; I have my information from his own documents, touching that very point, which I will take up, proving what I say here clearly, I think.

Q. You state that the first issue of beef, after the counting was finished, was made on the 14th of November?

A. Yes, sir.

Q. Do you know when the counting was finished?

A. About the 12th or 13th; within two or three days of that time. I think those documents referred to the 13th as the date when it was absolutely completed.

Q. Now you state that "his official reports represent other issues that never took place;" do you state that of your own knowledge?

A. I derived that conclusion—

Q. It is merely a conclusion?

A. It is a conclusion.

Q. Based upon information from others?

A. From others and from the official reports.

Q. Then it is not a fact of your own personal knowledge?

A. It is not to any great extent.

Q. Well, is it to any extent?

A. I could not say without comparing the provisions I saw delivered carefully with his official reports.

Q. Can you say of your own knowledge that his official reports represent any issue of beef that never took place?

A. I don't know that I can.

Q. You state here that in the report made by United States Indian Inspector J. D. Bevier, October 21, 1874, the inspector exposed a fraudulent contract made by Agent Saville with his father-in-law, A. R. Appleton, by which the Government would have been largely a loser. Do you know anything of that of your own knowledge, further than Bevier's report states?

A. I don't, except that I heard—

Q. Then that statement that it was a fraudulent contract is an inference of yours, or a presumption of yours?

A. It is based on the official report and on facts which I learned at the agency.

Q. And not of your personal knowledge?

A. Not of my personal knowledge.

Q. What "other special commissioners of the Interior Department had likewise reported unfavorably to this agent and affairs at the agency?"

A. I will give you a list of the names.

Q. You state, "And yet this man has for the last two years, with the full approval of the Department, had charge of the most important agency in the West." What are your means of knowing that the Department approved of his conduct of affairs at that agency?

A. First, that they retained him.

Q. That is all?

A. I think I can give some additional evidence on that point.

Q. Do you know how many times the Department had sent men to investigate his affairs during those two years?

A. Several times.

Q. You state that there were half a million of dollars a year passed through his hands—?

A. Nearly half a million of dollars a year, I think I said.

Q. Do you mean by that half a million of dollars in money?

A. No, sir; in value—in property.

Q. You mean by that, then, that he receives and issues goods and supplies worth half a million of dollars?

A. I received that information from Commissioner Smith.

Q. You said that “he fell an easy victim to the wiles of beef and freight contractors.” Is that matter stated of your own knowledge, or is it merely an inference of yours?

A. From the best information I could get on the subject at the time; it is an inference based on evidence that I propose to give.

Q. You don’t know anything of it personally?

A. I think I do; I propose to take up that question, and then I will give you my evidence on that point.

Q. Do you say now that of your own personal knowledge he was induced by contractors to engage in fraudulent practices?

A. I do not say it of my personal knowledge alone.

Q. I do not ask you about “alone.” Have you any personal knowledge on that subject of his having fallen an easy victim to the wiles of the contractors?

A. I think I have.

Q. Will you give us your personal knowledge on that subject?

A. I will try to do so; I do not speak positively; but I think I can give you some facts from my personal knowledge; the question fairly indicated that.

Q. When you made the charge, did you make it upon personal knowledge or upon information?

A. Generally upon information I got there.

Q. And not on your personal knowledge?

A. Not on my personal knowledge.

Q. Can you state of your own personal knowledge that the number of Indians supplied with provisions at Red Cloud agency has been largely overestimated?

A. I state here in my pamphlet that I have good reason to believe that, and I based that statement upon the best information I could get at the time, but not upon personal knowledge.

Q. Then your reasons are based upon information derived from others?

A. Yes, sir.

Q. And you don’t personally know the number of Indians there?

A. I do not.

Q. Does the fact that you found “less than forty lodges” north of White River on that occasion preclude the possibility of there being a number of other Indians reported by the men who counted them?

A. It does not; that merely applies to one point, namely, the northern Indians; and as the agent was just then making his official report, I obtained from him the number of northern Indians that he said were there. That point I know of my own personal knowledge. Agent Saville told me that across White River there were a large number of northern Indians encamped—some 2,000. That statement he repeat-

ed in Washington when he was here. I went right to where he said those Indians were encamped, and by actual count there were less than forty lodges; therefore I know of my own personal—

Question. How long was it after he told you this before you went there?

A. I think it was within a day or two.

Q. Now, might not those Indians have gone there before the time that Saville told you that they were there and after the time that they had been counted?

A. I took up that point in my evidence in New York. The northern Indians, as they moved away, moved north toward the Black Hills.

Q. Do you mean to state from your own knowledge that all the Indians that were down there from the north had moved that way?

A. I do not, but I know that the Indians were moving away, were going in that direction, and had been going for some days. I waited several days to have them go off.

Q. There might have been Indians there who went in another direction, might there not?

A. Yes, sir.

By Mr. HARRIS:

Q. Did you understand that those Indians that were going north were going to the Black Hills for the winter?

A. No; they moved north. I don't pretend to touch that question.

By Mr. ATHERTON:

Q. In what direction did you move off from Red Cloud?

A. I moved nearly north, on the old Arapahoe trail, crossing the White River near the agency, and keeping on the trail up nearly to the Arapahoe camp, and leaving the Arapahoe camp on the left, I went north to about 12 miles from the agency; I crossed the westerly-northern trail; then a few days later I crossed the other northern trail farther to the east several times.

Q. About how far away from the agency did your expedition take you?

A. Not more than 25 miles.

By the CHAIRMAN:

Q. Now, all these northern Indians, claimed to have been there, may have been there and you not have known it, may they not? It is possible that they might have been there and you not have known the fact, is it not?

A. They might have been farther down the White River; but they could not have been where Saville and the others of whom I inquired said they were.

Q. That is not exactly the question. They claimed that there had been at the agency about that time, to draw supplies and annuity-goods, a certain number of northern Indians. Now, you say you believe "the thousands of Indians officially reported at this agency to be a myth." That is a mere belief of yours, I believe.

A. Yes, sir; certainly.

Q. And all the Indians claimed by them to have been there may have been there and you not have known it, might they not?

A. I might not have known it of my own knowledge, but I was inquiring of men who knew a great deal about them when I went over there.

Q. And you inquired about them?

A. I did, particularly.

Q. Might it not have been that somewhere in that country there were all the northern Indians claimed by them to have been there, and the men you inquired of not have known the fact?

A. It is possible; I merely want to say that my means of judging of that one point, I think, were very good; of course it was a vital point with me.

Q. Now, you state that, when you were there in November last, the number of Indians actually at Red Cloud agency "could not have been more than 1,200 lodges or 8,400 individuals." You state that very positively and as of your own knowledge; now, do you state the number from any count?

A. Not from any count; I state that distinctly.

Q. You did not count them.

A. I did not.

Q. Then, would you say that your own judgment in guessing at the number was more reliable than the actual count made by men who went into the lodges?

A. Certainly not; I merely made up my mind on that point after getting the best information I could from various sources.

Q. Now, you state here, "The statement of the agent, that on October 1st there were at the agency over 15,000 Indians, no disinterested person familiar with the facts believes for a moment, especially as at that time the wilder Indians had not commenced to return to the agency for the winter." Now, then, did you see all the persons familiar there and who were disinterested persons?

A. I cannot say that I saw every person familiar with the facts who was disinterested, but a good many; and I have since received a good deal of information on that point from those who know particularly about it. I hope by to-morrow to have definite information on that point from a man who is, perhaps, better qualified to judge than any other man of the number of Indians at Red Cloud agency.

Q. You say that no disinterested person familiar with the facts believes that statement for a moment. That is a mere belief of yours?

A. Yes, sir; I believe so still.

The CHAIRMAN. It is not stated as a matter of belief, but as a matter of positive knowledge.

By Mr. HARRIS:

Q. Professor, about the time of your arrival at Red Cloud, as I understand, there was a census taking?

A. It was being made when I arrived.

Q. Jules Ecoffee and the two brothers whom you know and have spoken of before, (Nicholas and Antoine Janis) were engaged in taking it and I understand that they reported between twelve and thirteen thousand Indians there at that time. If I understand the case as it stands in your book, the issue between you and Saville is this: Saville claims that between two and three thousand northern Indians left the agency and went north immediately after the flag-staff difficulty, which occurred early in that month. Were there so many Indians who went north after that difficulty? He claims there were two or three thousand, and you say there were not anything like so many. I want to ask this question, simply, Whether it was not a matter talked about there, when you arrived, that some Indians had left for the north immediately after the trouble about the flag-staff?

A. I didn't hear anything said about that.

Q. Did Saville say that?

A. I didn't hear him say so.

Q. Where did you get the information about it?

A. I got it from Saville at the agency, when I was inquiring about going up; and again when he was here in Washington, I think, before Bishop Hare.

Q. Saville did claim, when you saw him in November, that some Indians went north in October and November?

A. I don't think he touched that point at all. I have no recollection of any conversation with him in which he stated that fact.

Q. Did he say that a large number—two thousand—were across the White River?

A. Yes; he stated that several times.

Q. Did he give you to understand that those Indians had gone there after the flag-staff difficulty in October?

A. He did not state that.

Q. But you say it is possible that there might have been some Indians on the White River that you did not see?

A. Yes, sir; I went over high bluffs, and I could see the lodges for ten miles, and if there had been any others in that region I would have seen them. I crossed there, and took particular pains to count them.

Q. The fact that twelve or thirteen thousand Indians were at the agency on the 12th of November, as shown by the census, is a surprise to you, from the number you saw there?

A. Decidedly a surprise.

Q. Would you say that from observation you are able to pronounce a judgment upon that matter which would be a safe guide to these commissioners?

A. No, sir; I may say here that it would be strange if the northern Indians started away just before the annuity-goods were to be issued—very strange.

By the CHAIRMAN:

Q. Now, in reference to the issue of annuity-goods, you say you were present at the Red Cloud agency at the annual issue of annuity-goods, November 12, 1874. Was that the first issue of annuity-goods you ever saw?

A. The first regular issue.

Q. You state that Red Dog strongly asserted that the issue was fraudulent, and that the number of blankets issued was much less than the Indians were entitled to, and that the number issued to him for his own band was not more than half what he should have had?

A. Yes, sir, I say that.

Q. Did you ever know an Indian to receive anything, under like circumstances, that he did not insist that it was not enough?

A. As a rule I never have; I have no hesitation in saying that.

Q. You never knew an Indian to receive anything but he thought he ought to have more?

A. That would be the rule, especially if he was getting it from the agency.

Q. Now, you state that you were reasonably certain that the number of bales of blankets issued could not possibly have exceeded twenty-five bales on that day?

A. Yes, sir.

Q. Can you say positively, of your own knowledge, that there were not thirty-five bales of blankets issued on that day?

A. I could not say positively that there were not; but I feel convinced that there were not, from my observation.

Q. When did you first ask Louis Reshaw about the number of blankets issued there?

A. In May last, here in Washington.

Q. Do you base your statement of the number of blankets upon Reshaw's reports to you, or upon your own observation?

A. Both.

Q. Did you write the certificate which he signed in reference to the blankets?

A. I did; embodying in it carefully his exact statement.

Q. Did you read it to him after you had written it?

A. I did, and he read it all; at least I handed it to him, and he looked it over.

Q. You state there that you were "surprised to find that he had certified to the issue of November 12, 1874, of any less than thirty-five bales of blankets." Now, can you say that that certificate was not true?

A. I merely had my remembrance of the blankets as I saw them issued.

Q. Yes. But can you now, upon your responsibility, contradict that certificate, and say that it is not true?

A. Not positively.

By Mr. HARRIS:

Q. Did you know at that time what number of blankets should be shipped to the Indians?

A. I did not.

Q. Do you know whether Red Cloud or Red Dog knew the number of bales that the Department had designed for them?

A. I don't think they did for that particular year.

Q. Then, so far as your pamphlet seems to imply that both Red Cloud and Red Dog complained that they did not get one-half the blankets that the Department designed for them, (that seems to be implied,) if they simply complained that they did not get one-half as many blankets as they ought to have, that is one thing; and if they complained that they did not get one-half as many blankets as the Department intended for them, that is another thing. Now, I want you to put it as you intended it.

A. An Indian like Red Cloud or Red Dog would judge of what he ought to have one year by what he had received another year. They remember such things very accurately; hence, in stating that they did not get what they were entitled to, they may have based their opinions upon the previous issue. They may not have had any means of knowing what the Government intended for them for that particular year.

Q. Did you know at that time that the year before the Red Cloud Indians had had more than their share by some extent, while the Indians at the Whetstone agency had less?

A. I did not; I never heard of it before.

By the CHAIRMAN:

Q. Now, you say, "Hence it would appear that the Indians at this agency received less than one-half the number of blankets for which the Government paid." That is not a statement of fact, of your own knowledge, for which you would desire to be made responsible, but a mere conclusion from the facts?

A. A conclusion from the facts, as I then looked at them.

Q. Professor, you enter here your protest against the manner of issuing those goods. You say, "The entire issue for the year was made in a few hours of a single November day, in the midst of a snow-storm." Was there anything criminally wrong in that?

A. Not criminally wrong; but it indicated gross mismanagement, in my opinion.

Q. You state that "The Indians had been suffering for want of their blankets and other clothing" at that time.

A. I did; that I know of my own knowledge.

Q. Then, if they were correctly apportioned and issued, was it not desirable to issue them as quickly as possible on this cold November day?

A. The difference between taking one day and two days, if thereby a more business-like distribution could be made, I should think would make but very little difference.

Q. The question is this: The Indians were suffering then in the cold for those blankets. Now, did the appearance of the manner of doing the business justify the withholding of these blankets to another day, if they could then be justly apportioned among the Indians?

A. I should think it would.

Q. Just for the business appearance of it?

A. Not for the business appearance of it, but to insure accuracy of delivery. The whole thing struck me at the time very forcibly as an outrage.

Q. Let me ask you further. You have made that statement; now, do you know the fact that those goods had been apportioned and put in separate piles, such of them as were required so to be, and a list made out, carefully apportioning all the goods among the different bands, and that list in the hands of the agent, and he called out that list, and the clerks delivered all that the list called for? Do you not know that that list had been carefully prepared to apportion those goods among the Indians justly according to their number?

A. I say, distinctly, that as I watched that issue with the greatest care—

Q. Do you say that there was no such list as that?

A. I think my evidence is quite full on this point.

Q. Do you say there was no such list as that?

A. I say that all the agent had to go by was a pencil memorandum in his hand.

Q. If that pencil memorandum contained a statement of a just distribution of the goods, what was there wrong about it?

A. The rapidity with which the goods were called off and thrown out would make it impossible for a careful count of the goods.

Q. If the goods had been previously counted and piled in separate piles, the name called off to which each particular pile belonged, what was there in the rapidity with which they were delivered that would cause any fraud or injustice?

A. They had not been previously put in piles.

Q. You state that of your own knowledge?

A. I do; I mean by that that where goods were contained in a single bale more than enough for single bands, that bale was cut with the greatest haste, the goods turned out of this bale and thrown out in the snow. That I saw repeatedly.

Q. You say that "the only data by which the issue was regulated was the pencil memorandum in the hands of the agent who called off the quantity to be delivered to each chief or headman." Now, will you say

that the memorandum which he had in his hands did not state a just distribution of those goods?

A. No, sir; I don't mean to say that the list, as written down, was not just, but I do mean to say that the rapidity with which the bales were cut, and the goods taken from the bales and thrown out, was such that it was, in my judgment, impossible to insure an accurate and just distribution.

Q. Will you say, of your own knowledge, standing there and seeing that issue, that the distribution was not made in accordance with the list?

A. I cannot, but I now will explain——

Q. You say here, "Hence there was no guarantee that the Indians received even half of the goods intended for them."

A. That I can say.

Q. Now, you say, "The Indians watched the issue with suspicion." Did you ever see any transaction in which an Indian was interested which he did not watch with suspicion?

A. O, yes.

By Mr. HARRIS:

Q. The question is, Did you see anything at that issue that would conclusively settle the question of fraud?

A. I don't think I did.

Q. As I understood, it was cold weather, and the issue was late; the Indians in the camps were scattered over a broad extent of country, from five to fifteen or twenty miles. Now, if it had been understood that on that day there would have been an issue of annuity-goods, and the headmen had assembled for the purpose of receiving them, do you think that those facts, supposing them to be true, would in any way justify the apparent haste in the distribution of the goods which you witnessed?

A. I do not.

By the CHAIRMAN:

Q. Now, we will go on. With reference to the beef-cattle, you say, "The frauds perpetrated in supplying the Red Cloud agency with beef-cattle have been so gigantic, and so long and systematically continued, that it is well worth while to show how they are accomplished, and who is responsible for the outrage." Now, did you mean by that to charge fraud in this matter of your own knowledge—of which you had personal knowledge?

A. I think I did.

Q. You state that that had been long continued. How long?

A. That I should want to take up deliberately, and give a deliberate answer when I have my documents with me.

Q. You also state that they had been "systematically continued." I would like you to think of that matter, and you can give us an answer about it some other time.

A. That was my belief when I wrote it.

Q. Professor, what is your understanding of the legal meaning of the word fraud?

A. Well, I am not a lawyer.

Q. You charge distinctly, in reference to this matter, fraud. Now, I merely make the inquiry because it will govern somewhat my manner of dealing with the charge, to know whether you make it in the legal sense of the term "fraud."

A. I don't think I do.



Q. Well, what do you mean by the word "fraud" as you use it; what did you mean to imply by it?

A. For example, if an agent gave a receipt for cattle with weights greater than the absolute weights of the cattle, of a single pound, I should say that was a fraud.

Q. Do you mean by that, deceiving and cheating?

A. I mean deception.

Q. Well, you mean obtaining by dishonest means, money, or suffering another to do it?

A. I mean, for example, giving a receipt that does not correctly represent the fact, by which the Government or the Indians are deprived of the difference represented.

Q. Well, when you use the words perpetrated a fraud, in this sense, in connection with this subject of beef, you mean that the party obtained by dishonest means money from the Government, for which he had not rendered value on his contract; is that what you mean by it?

A. Well, nearly that.

Q. Well, did you, in making these charges of fraud, make them with the understanding that you would be legally responsible for making such charges against the parties you implicate? Was that your intention? You know that to charge a man with a crime is, by law, a thing for which he may bring an action against you if it is not true. Did you make this charge of fraud with the intention of being responsible for it?

A. I meant, definitely, to charge the agent with fraudulent purposes.

Q. And to take the legal consequences of it, whatever they might be—to be responsible for the charge?

A. Of course I expect to be responsible for what I say; I say nothing but what I believe.

Q. A man may say what he believes, but if his belief should happen to be wrong—

A. I mean to say that I believe the agent was guilty of fraudulent purposes, and I think I prove it.

Q. Now, in reference to the contract of Foreman, you say, "There is abundant evidence that this contract was not made in good faith." What do you mean by good faith there—what did you intend by that—that he did not intend to comply with his contract?

A. I meant by that, that he did not intend to fill it himself when he got it.

Q. Did you mean that the other contracting party, the Commissioner of Indian Affairs, was not acting in good faith?

A. I think the Commissioner of Indian Affairs was not doing the fair thing in letting the contract in that way. He stated in New York that he knew nothing of Mr. Foreman; was not personally acquainted with him.

Q. You say here that the contract was not filled by the party to whom it was given, but was transferred a few days after it was signed to W.

A. Paxton, of Omaha.

A. Yes; for a "valuable consideration."

Q. Now, if the contract was complied with strictly and fully, would there, in your judgment, be any fraud upon the Government in it having been transferred or assigned?

A. I don't think it is a right thing for the Government to do.

Q. Yes, but that is not the question; if Foreman did not complete the contract, if he did assign it to Paxton, and if Paxton did complete his with all its requirements, how was the Government defrauded by it?

A. The Government lost what Paxton paid Foreman—that is, the “valuable consideration.”

Q. How do you make that appear; the Government had made this contract with Foreman; he was bound by it; how could the Government lose anything by an assignment of it?

A. Because, if Mr. Paxton filled the contract for the price it cost him, and the Government had let that contract to Mr. Foreman at a higher price, the Government lost the difference.

The CHAIRMAN. Well, we will not argue that.

WITNESS. I speak of that in this way, because any one familiar with the letting of Indian contracts knows the peculiar methods by which bids are obtained—the net-work of bids that is set to get a contract some way or other.

Q. But you don't charge, in this instance, that there was any net-work set to get the contract?

A. I imply it.

Q. Do you now mean to state that there was such a net-work to get the contract?

A. I mean to say that I heard so at the time.

Q. And you believed it?

A. I believed it, just as I heard that this last year there was a similar net set to get the beef-contract, and that in spite of all the purchasing-committee could do the contract went where they did not intend it to go.

Q. Didn't it go to the lowest bidder this year?

A. It did not; I understand not.

Q. Do you say that it did not go to the lowest bidder?

A. I understand that it did not.

Q. You say this Foreman contract was nominally in force at the time of your visit to Red Cloud agency. Do you say that it was not actually in force?

A. I give my impression from the information I got.

Q. Do you say now that it was not actually in force?

A. Not of my own knowledge.

Q. You cannot say that it was not actually in force at that time. Do you say that that contract was not filled in the name of Paxton, and the vouchers for all the beef delivered under that contract were not made in the name of Paxton?

A. I know they were nearly all so made.

Q. What do you mean when you say it was “nominally” in force?

A. That word, nominally, is a clear word.

Q. Do you mean to say that it was not actually in force?

A. I mean to say by that that Mr. Paxton was not the only one interested in that contract; that, although his name was used, he was not the absolute person.

Q. In your mind was it an evidence of fraud, because other people might be interested in filling a contract and interested in the profits of it?

A. Not necessarily.

• WASHINGTON, D. C., *Tuesday, September 14, 1875.*

Present: Hon. THOMAS C. FLETCHER, chairman; Prof. GEORGE W. ATHERTON, Hon. TIMOTHY O. HOWE, Hon. B. W. HARRIS, and Hon. CHARLES J. FAULKNER.

The examination of Professor Marsh was resumed.

By the CHAIRMAN:

Question. When you say "the real beef-contractor, however, whom I found supplying this agency was the well-known Bosler," do you know whether he was supplying the beef in the name of the contractor or in his own name?

Answer. In the name of Paxton, and not in his own name.

Q. Then, if Paxton was the contractor, and Bosler supplied the beef in his name, how was Bosler the real contractor?

A. That would depend on the meaning of the word contractor. The person named in the first contract was J. K. Foreman, of Omaha.

Q. Well, Foreman assigned it to Paxton, and Bosler filled it for Paxton?

A. As agent, as he says. But I think it is clearly understood by all familiar with the contracts themselves, so far as the letting is concerned, and the filling of the contracts, by people on the spot, that Mr. Bosler is the real man who controls the whole thing; therefore I say the real contractor.

Q. What do you mean by controlling the whole thing?

A. I think Mr. Bosler explained that point yesterday. In few words, I mean that when the bids are made a great many names are put in, and to whomever the contract may be awarded Mr. Bosler gets it. He stands outside, and if a low bid is put in he buys the contract of this man, or obtains his permission to fill it—virtually buys him out. Mr. J. K. Foreman, for example, when the bid was given to him, did not reside in Omaha; was not, as I understand, ready to fulfill such a contract as was given to him. That is, had he alone been held to the strict fulfillment of the contract, he could not have filled it. Mr. Bosler, who has, as is generally known, I think, controlled the beef-supplies for the Sioux Indians for several years; was, perhaps, the only man, in connection with the men who shared with him, who was capable of filling such a contract. I will explain that matter.

Q. Explain how the Government is defrauded in this matter. If Bosler does furnish beef in the name of Paxton, or for Paxton, or for Foreman, or for anybody else, and the contract made with the Government for beef is filled, how is the Government defrauded? That is what I want you to explain.

A. The Government is not necessarily defrauded under that contract, but the Government loses the difference in price mentioned in the first contract and that agreed upon between the real contractor and the nominal contractor.

Q. If the Government gets the beef at the price it contracted to pay for it, no matter who furnishes it or how it is furnished, how do you explain that the Government is either loser or is defrauded in the matter?

A. In this way: If men stand ready to fill a contract at a certain price, and that contract is given to some one else at a higher price, I claim that the Government loses if it does not secure that difference by the proper letting of the contracts; there is mismanagement and loss to the Government.

Q. Now, you say that Bosler is "notorious for frauds in previous contracts." Will you please refer us to those previous contracts and previous frauds?

A. For what I regard as previous frauds.

Q. I do not want what you regard at all; I want the fact exactly about this thing. I just want you to tell us where is the contract, and where is the evidence of the fraud. If he is notorious for frauds in previous contracts you will have no difficulty in giving us the facts about it?

A. For one fraud in the delivery of beef I would refer to the report of Commissioners Kemble and Alvord, the special commissioners who made the report for the Indian Department dated June 16, 1873, and with this report the additional oral information given to the Department at the time the report was handed in, in July, 1873.

Q. Oral information—was there any memorandum made of it?

A. When Mr. Alvord comes, or when you get his statement, you will have information on that very point.

Q. Well, but Mr. Alvord's oral statement to the commissioners, or anybody else, is no evidence to us of these frauds until he makes it.

A. I refer especially at this moment to the report before us, and refer to the Department, and especially to Mr. Alvord himself, for the additional information. In this report—

Q. We don't care for you to tell us what is in that report; we can refer to it ourselves.

A. I would like to read the particular point. It is only a few words.

Q. Very well; you may read it.

A. In this report, page 4, it is stated as follows: "The quantity of beef actually received by the Whetstone agent during the past year was unquestionably greatly less than that receipted for to the contractor; the amount really delivered to the Indians far less than appeared upon the provision-returns."

Q. Well, do you say that that is evidence of fraud on the part of Bosler?

A. I would like to give one other statement—

Q. Do you say that that is evidence?

A. I regard it as evidence.

Q. Of course you can state nothing of your own knowledge, because you have no knowledge of your own about that transaction.

A. No, sir.

Q. What next?

A. The report of the Committee on Appropriations, made to the House of Representatives February 15, 1871, shows that Bosler was allowed to deliver Texas cattle instead of the American oxen, and that he was paid six and a half cents per pound gross weight, when the cattle delivered were not worth more than one-half that price. It appears further that there were frauds practiced by Bosler in the weight of cattle.

Q. What is the page you are referring to?

A. I can't give you all the pages now. The document is the report of the Committee on Appropriations, made to the House of Representatives February 15, 1871. I refer you to pages 233 *et seq.*, and 217.

Q. Well, have you anything further to refer to upon that point?

A. Well, I say in addition to that, "and for this reason he is excluded by the published regulations from any participation in future contracts."

Q. And that is a statement of facts, I presume?

A. I was going on to say what I mean by that. I refer—

By Mr. HARRIS :

Q. Would it not be well for you to say whether there is any further evidence about Bosler being "notorious for frauds in previous contracts?"

A. I will say that in addition to that I can give the information that I derived myself in the West from people who knew, or said they knew, of the character of Mr. Bosler. I don't know whether you want that or not. In addition to that, I refer you to witnesses in the West whose names I gave you.

By Mr. ATHERTON :

Q. But this is the only specifically documentary evidence you refer to in this connection?

A. Yes, sir, at this time. I will say, in addition to this, that my information on this particular subject has been in part derived from the members of the old Board of Indian Commissioners, and I refer you to them for that information. I have given you the names of the president and two secretaries of that board, among others, who have information on that point, and I think can give it to the commission.

By the CHAIRMAN :

Q. Well, you state that he is excluded from participating in future contracts; is that so?

A. After these alleged frauds to which I referred had become known to the Board of Indian Commissioners, they, in conference with the Interior Department, inserted in the proposals the following clause: "No contract or part of a contract will be permitted to be assigned or filled by other parties without the written consent of the Secretary of the Interior."

By Mr. ATHERTON :

Q. Can the Professor refer us to the published regulations which exclude Mr. Bosler from any participation in future contracts?

A. Not by name, of course. Secondly, the proposals stated, "No bid will be considered from persons who have violated the terms or failed to comply with the requirements of a former contract, or who may have defaulted in any bid heretofore made."

By the CHAIRMAN :

Q. Now, Professor, will you state that Bosler violated the terms of any contract or failed to comply with the requirements of any former contract of his, or defaulted in any bid made by him?

A. I will not say that of my own knowledge, but I understand the old Board of Commissioners have put information to that effect in their report, a reference to which I will give you hereafter. I wish to read from a statement of a member of the old board, referring in quotation-marks to a report made to the President of the United States on this very point. I refer to the report of the purchasing committee of the Board of Indian Commissioners made to the President of the United States in 1873, page 22: "The large award of cattle for the Sioux agency it was thought to be to the interest of the Government to divide, giving it to the three lowest bidders, giving the lowest bidder the largest quantity and the agency easiest of access, and the next lowest bidder the next largest quantity and the agency next easiest of access. Subsequently, without consultation with your committee, these contracts were sub-let or permitted to be filled by one individual whose bids had been rejected the previous year by your committee on account of suspicion of fraud in connection with previous Indian contracts."

Q. Have you any further evidence upon that point ?

A. I have nothing more to say upon that point.

Q. You state, Professor, on your arrival at the agency November 9, 1874, you "ascertained that there had been no beef issued for some time, and only seven head of cattle were then remaining over from previous issues." Did you have any other knowledge of the matter than what you have obtained from others there ; did you know of your own knowledge that there had been no issue of beef for some time previous, and did you know of your own knowledge that only seven head of cattle were then remaining over from previous issues ?

A. I did not know of my own knowledge that there had been no issue for some time, because I was not there. I can only say of my own knowledge that I saw no cattle there at the time when I arrived.

Q. You say "these seven cattle had all been receipted for to the contractor." Do you know that to be the fact ?

A. I heard that fact.

Q. Do you know it ?

A. Not of my own knowledge, but I heard it from the agent himself, who gave the receipt, and learned it from other sources.

Q. Well, you state that "all or nearly all of them were subsequently issued to the Indians." Do you know that fact ?

A. That fact I have from the agent himself, who issued them, or said they were issued.

Q. You state that "these were the cattle examined at Red Cloud's request by General Bradley and his officers." How do you know that ?

A. I was not with General Bradley when he examined these cattle, but I know when he went to examine them, and what he told me on his return.

Q. When did you see these cattle ?

A. I never saw these cattle. I was then very busy making preparations for my expedition, and although Red Cloud urged me to go with General Bradley to see these cattle, I was so occupied that I could not go, and General Bradley went with the other officers to see them.

Q. How long were you at Red Cloud agency on that trip ?

A. Altogether nearly two weeks ; from ten days to two weeks.

Q. How much of that time per day did you devote to the examination of the affairs of Red Cloud agency, its agent and its supplies ?

A. It is a difficult question to answer, for the reason that investigating was not my special business.

Q. Well, how much in the aggregate was the time that you devoted to that investigation ?

A. I should judge four or five days ; but I should want to think the matter over carefully before answering specifically, in order to separate the investigation proper from my other matters. I say my object was not to investigate the agency, but to get into the Bad Lands south of the Black Hills, and I regarded all the time I spent at the agency as, in one sense, lost. I was among the Indians a good deal with reference to appeasing them, so that I might go forward with my expedition, and in this way I learned a great many things that I could not have learned so well had I been directly engaged in investigating, for the reason that the agent and his employés had made no effort to prepare for my visit, and for that reason I thought I saw things as they really were. Had it been known in advance that I was coming to investigate the agency I am confident I would have seen much less.

Q. Did the agent facilitate your object with the Indians, getting their consent for you to go to the Bad Lands ?

A. He attempted to do so from the start, and, I think, meant to do the best he could, but he made a mistake in the first council to which he called the Indians with reference to my expedition, which seriously interfered with my getting away. I came prepared with sufficient escort, I supposed, for my expedition, my order for escort and outfit coming directly from the commanding officer of the Department, General Ord. I intended to have gone by the agency without stopping, but on account of the flag-staff affair, which occurred while I was on my way there, I feared trouble from the Indians. On arriving at the agency I, therefore, went with General Bradley, the commander of the Black Hills district, and called on the agent with reference to my expedition, stating to him fully what my object was and where I wished to go. He stated that he feared the Indians would not allow me to cross the White River; that they were very much excited in consequence of the flag-staff affair, and the fact of the miners being in the Black Hills. He said he would find out at once whether there would be serious objection, and immediately called a council of chiefs and warriors, and laid the case before them. This he did in such an awkward way, as I considered, that a strong opposition was at once manifested by the Indians. His advice was that I should take no soldiers with me, but only a few Indians as escort. This, of course, was impossible, as I required wagons and many other things for my expedition which Indians could not look after. I told him I must have an escort to look after my wagons, tents, and commissaries, and assist me in my work. Then he said I had better take as few troops as possible and an Indian escort. I think it was in consequence of his action at this council and his advice, however well intended, that my expedition was delayed, and eventually we were brought into considerable trouble and danger.

Q. I want to ask, in connection with that, what you finally did to procure the consent of the Indians for you to go to the Bad Lands?

A. I gave them presents and a feast, and talked with a great many of them.

Q. Did you take any of them with you?

A. I tried to take twelve or fifteen with me. I engaged them at the first council, and offered them the price the agent said would be amply sufficient, and supposed they would be ready at the time; but the more the Indians heard about the expedition and talked about it among themselves the more suspicious they became, thinking I wanted to go to the Black Hills for gold, and they could not understand why I wanted to go so far on such an expedition merely to get bones. They thought there must have been other reasons; at all events they were suspicious and opposed to it. Finding the first attempt to take an escort of Indians with a number of troops failed, when we were driven back, as I have already stated to you, I then tried to obtain another escort. Sitting Bull was to have gone as leader of the first escort, taking with him ten or twelve Indians. The second time I made an attempt I tried to get Sword, Red Cloud's son-in-law, to take an escort, and at one time he stated he would go; but eventually that fell through.

Q. Did you finally take any Indians with you?

A. I did not.

Q. Did you obtain their consent by making them presents?

A. Presents, as I said, a feast, and promising to bring their complaints to the Great Father; their nominal consent merely, I will say, because they were opposed to it to the last, and I had to slip away quietly without any Indians whatever.

Q. In your statement there is a certificate in reference to those seven

head of cattle, signed by General Bradley and others. Did you solicit from them that certificate?

A. I sent General Bradley a telegram asking him to give me some information on that point of what they saw, but no intimation in any way as to what it should be, nor anything of that kind. The original copy of the certificate I have here.

Q. Did you communicate with anybody else besides General Bradley on the subject of obtaining that certificate?

A. I think not. I don't remember. I think I did not communicate with other parties. I merely sent a telegram to General Bradley, as I remember it.

Q. Do you know whether either General Bradley, Captain Mix, or Lieutenant Hay ever weighed a beef steer?

A. I am very sure they have. I consider General Bradley—

Q. You are sure they did?

A. I don't know of my own knowledge.

Q. Do you know whether either of them ever weighed a beef steer or saw one weighed?

A. I can't say positively that I ever saw them present when that event took place, but I know perfectly well that General Bradley and Captain Mix have been in the West a good many years and have had to do with cattle a great deal, and their opinion upon that point of cattle is entitled to great weight. I will here say that I think a person familiar with cattle, who has had a great deal of experience in buying cattle, can approximate so closely to the weight of a particular steer that there can be but a very slight error in his judgment; and I consider both of those officers, from their experience, especially good judges on that point.

Q. You consider them as good judges, if neither of them had ever weighed a beef steer or saw one weighed in all their lives?

A. I hardly know how to answer that question properly.

Q. You say you consider them as good judges of the weight of cattle. Now, if neither one of them ever weighed a beef steer or saw one weighed in their lives, would you still consider them good judges of the weight of a steer?

A. I would, under certain circumstances. For instance, an Army officer, a commissary for example, might never weigh a steer or see one weighed, and yet might be receiving beef and have the documents showing the weight, and examining the cattle, and in that way form a good opinion without himself actually weighing or seeing the process of weighing going on. That is a matter of experience.

Q. Can you tell, Professor, whether the cattle for the Army are purchased by gross weight or net weight?

A. They are usually purchased by net weight, but possibly, at times, by gross weight. I am not sure on that point.

By the CHAIRMAN:

Q. Can you give us an instance in the whole United States service where they are purchased by gross weight?

A. I meant to state in my answer that I know there are purchases by net weight, but whether they are purchased by gross weight in some particular cases I can't say. I have myself seen Army officers purchase cattle by gross weight.

Q. Did they purchase them by gross weight, or did they purchase them on foot at what they would net?



A. I mean by that statement of mine that they purchased the cattle on foot.

Q. Whether they bought them at what would be their net weight or their gross weight you don't know ?

A. As I understood it, it was buying their gross weight. That was as I understood it.

Q. Might you not have been mistaken about that ?

A. In some cases I could not have been mistaken.

Q. Did you yourself ever weigh any beef steers on foot ?

A. I think I have. I certainly have seen them weighed.

Q. Where at ?

A. In Western New York. I have no definite knowledge or information derived from that. That is of no value ; I merely mention the fact.

Q. Saw them weighed in Western New York ?

A. Yes, sir.

Q. Did you ever weigh or see weighed any of those cattle on the range up in the North Platte country ?

A. I never did.

Q. Have you any knowledge of the weight of a beeve when he has been kept in the lot for twelve hours, and when he is weighed directly off "grass and water," as the herders term it ?

A. No personal knowledge.

Q. Now, you say here that "the Indian Bureau immediately endeavored to destroy the effect of this testimony, and the method adopted so well illustrates the manner in which that Office receives information reflecting on the management of its affairs that it is worthy of record here." Do you mean by that that the Indian Bureau is unwilling to receive information of any mismanagement in its affairs ?

A. I think it is.

Q. That is what you mean by that ?

A. I do, sir ; I judge that from my experience with the Bureau.

Q. In how many instances had you given the Bureau information of its affairs ?

A. I came to the Indian Bureau first with the complaints of Red Cloud. That is once. I subsequently talked over these same matters at the Indian Bureau, but in a more general way. I judge also from what I learned from those who have likewise given unfavorable information to the Bureau.

Q. You state that you thought from your experience with the Indian Bureau that that Bureau did not wish to receive information. Your personal experience was in offering information twice ?

A. I refer especially to my first interview with Commissioner Smith. When I came to him first with the entire complaints about the Red Cloud agency, I supposed he was the proper person. I came to him in perfect good faith, and I expected that he would receive the information kindly and profit by it.

Q. I was only inquiring as to the number of times, so as to get at what your experience was. You state that you arrived at your conclusion from your experience ; now you say you gave information twice ?

A. I did not mean my own experience alone. When I wrote that statement I had additional information on that point.

Q. Did you give the Commissioner of Indian Affairs the information that is contained in this pamphlet at the time you first went to see him ?

A. Not all of it.

Q. Did you give it to him when you called to see him the second time ?

A. I did not.

Q. Did you give it to the Secretary of the Interior?

A. I did not. I gave both of them some information though, and especially the Indian Commissioner, to whom I went first of all, even before I went to the President, because I thought the Indian Commissioner was the proper person to receive complaints, and it was an act of courtesy to go to him before I went to the President.

Q. Well, you state that "the same method had been employed to weaken the force of the facts I had laid before it about affairs at the same agency." What facts were those that you had laid before it?

A. The first statement that I made to the Indian Commissioner in April last.

Q. What was done to weaken the force of the facts you laid before him?

A. On page 33 of my pamphlet I give the explanation, published May 3, from the Indian Bureau to meet my statement about the flour, and so on, namely:

It is stated at the Indian Bureau, with reference to the complaints concerning supplies furnished to the Indians at the Red Cloud agency, that all the flour sent there was inspected at Cheyenne, by Major Long, commissary of subsistence of the United States Army, and passed by him as equal to the accepted sample. It is, therefore, claimed that the samples of inferior flour brought here by Professor Marsh, at the request of Red Cloud, were of some old issue, or, like the specimens of sugar and tobacco, had been damaged by exposure to the weather while in the Indians' possession.

That statement was sent out by the Indian Bureau to counteract my first complaint, I will say frankly—

By Mr. HARRIS:

Q. Is that a matter of your own knowledge?

A. I have information that that was sent out from the Indian Bureau. I was going to explain that.

Q. You have heard Commissioner Smith deny it?

A. I want to speak of that. I don't say Commissioner Smith sent that dispatch; it should read, "the Acting Commissioner," whoever he was, in charge of the Indian Bureau. Commissioner Smith informed me that he was away at the time; therefore, I say, frankly, I do not hold him responsible for that. Commissioner Smith himself stated to me previous to the time this dispatch was sent almost the exact words. The only difference that I can see in this dispatch as sent and what Commissioner Smith said to me in person, is that in the dispatch it says "All the flour sent there was inspected at Cheyenne, by Major Long, commissary of subsistence of the United States Army," while in Commissioner Smith's statement to me he said the flour was inspected by an "Army officer," without mentioning his name. In every other respect the words to that effect were stated to me by Commissioner Smith.

Q. Do you now state that that dispatch was untrue?

A. I do; it is untrue, as I understand the facts.

Q. Well, if the fact be that there were twenty-seven sacks of flour left at Cheyenne which had been rejected by the inspector and were sent to Red Cloud through mistake, and a sample retained, would this dispatch still be untrue?

A. This dispatch states distinctly that "all the flour sent there," namely, to Red Cloud agency, "was inspected at Cheyenne, by Major Long, commissary of subsistence of the United States Army, and passed by him as equal to the accepted sample." I say that is not true. I base that statement on the statement of Major Long himself, who in-

formed me that he rejected a portion of the flour, and when I made that statement I made it on his authority, the authority of the man who had rejected the flour as inspector. In addition, I knew the fact that a large amount of flour had gone through to the agency before Major Long was appointed inspector, and that this flour was not inspected, as required, at Cheyenne.

By Mr. ATHERTON :

Q. Do you mean to say you knew or had been informed ?

A. I had information.

By the CHAIRMAN :

Q. Then I understand you to say now that all the flour that went to Red Cloud agency was not inspected by Major Long.

A. Yes, sir ; I say it was not, and that the Indian Bureau knew that fact when the dispatch was sent.

By Mr. HARRIS :

Q. Can you say you know the last proposition as of your own knowledge, that the Indian Bureau had knowledge of the fact when that dispatch was written ? I want to be frank with you, because we have some facts in our possession that you are not aware of, to the effect that some flour which had been inspected at Omaha, by a United States inspector named Barclay White, had already gone on to Cheyenne. Some portion of that flour, for all we know, may have gone to the agency, but Major Long rejected some of that ; so that, though it was not inspected by Major Long, it still may have been inspected by another United States inspector.

A. I refer for that statement to the documents on file in the Indian Bureau.

By the CHAIRMAN :

Q. Then, from the statement you make here, I take it you mean to say the Indian Bureau did not believe all the statements made to them in reference to mismanagement of Indian affairs ?

A. I could not say positively about that.

Q. Did you refer to this flour dispatch ? I mean the information which you gave them—whether they believed what you told them or not ?

A. That I cannot say ; that is for them to say.

Q. Well, when you spoke generally of their method of dealing with information which had been given them, did you mean by that your general belief of what is told them about mismanagement at the agency ?

A. I don't say that they do not believe what is told them, but that they don't receive information kindly, and, so far as I can learn, are much more apt to seem indignant with the person who brings the information rather than the person who is alleged to have committed the mismanagement or fraud. My experience with the Interior Department and Indian Bureau goes to confirm that plain statement.

By Mr. HARRIS :

Q. That is to say, that is the opinion you formed ?

A. From my own experience of the Bureau and the Department and what I learn from others who have been so unfortunate as to give unfavorable information to the Interior Department and the Indian Bureau.

Q. Professor Marsh, we are obliged to take your statement. It is hardly possible for us to say how they may have been influenced by

other people ; therefore, when you refer us to other people, you give us no earthly means of testing the value of your information.

A. I refer to special individuals who have given this information, and which has not been kindly received ; you can call those persons.

By Mr. FAULKNER :

Q. Professor, was there anything at all offensive in the manner in which you brought this matter to the attention of the Commissioner of Indian Affairs ?

A. I think no one would say that my previous interview with the Commissioner of Indian Affairs was other than a pleasant one, and I had only the kindest feelings toward him. I came to him with the firm belief and expectation that the information I had to give would be kindly received, and that I was really doing him a favor in calling his attention to mismanagement in his own Department. I was greatly amazed at the reception I received, and it was that reception that prevented me from giving all the information I then had. Had he received me kindly, had he thanked me, or in any way intimated that he was willing to receive these complaints, I should have given him every fact in my possession and put all my information and documents into his hands.

By the CHAIRMAN :

Q. Now, Professor, I want to ask you just exactly what the Commissioner of Indian Affairs said to you ?

A. What he might have meant by it ?

Q. Tell us just what he said.

A. You will find in my testimony given in New York the full account of that interview, and I refer you to that.

Q. He said nothing more than you stated there in your testimony in New York—said nothing more to induce this impression which you say was made upon your mind.

A. Nothing farther in words, perhaps ; I won't be positive about that ; but it was the general manner.

Q. What was there about the manner ? Explain that manner of his, if you can.

Q. I think that is given fully in my testimony in New York, as I remember the testimony ; I have nothing to add to it.

Q. You may not have anything to add to it, but we may be desirous to know something more about it, in order that we may judge whether your conclusions are correct or not. It is necessary for us to have the facts. We would like to know what the manner of the Commissioner was, when you made this communication to him, and what he said to you.

A. I don't think I could make it clearer than it is in the testimony. After you have looked it over, if there is any further explanation that you want, I can give it.

Q. I will state that I looked it over with that view, and I thought perhaps you might want to add something further to it, if you desire to satisfy the minds of the commissioners that your conclusion was the only one that a man could come to under the circumstances.

A. I will look it over again and consider that point.

By Mr. HARRIS :

Q. You have just now stated, in reference to this dispatch, that, before the dispatch was sent Mr. Smith had substantially stated to you the same thing, with the slight modification which you have mentioned. Now I ask whether he did not say to you that the samples of inferior flour

brought there by you, at the request of Red Cloud, were samples of some old issue, and were not fair samples of the flour being delivered that year?

A. He did state that.

Q. Did he also say, "The specimens of sugar and tobacco had been damaged by exposure to the weather while in the Indians' possession," in that conversation with you? Did he claim that, or say that he thought it might be so?

A. I took up each one of those points in my testimony in New York.

Q. No; but when you are saying you were met unkindly, I want to ascertain whether it was manifest unkindness toward you, or whether the Commissioner stated the reasons for not accepting your statement as true.

A. He gave essentially this statement here.

Q. Did he say, or in substance intimate, that he believed Red Cloud and Red Dog, and those other Indians with whom you had been talking, had misled or deceived you?

A. He implied it.

Q. Well, now, Professor, did he not substantially deny some of the statements which you had already made?

A. I don't think he did.

Q. Did he not deny any of the statements you had made?

A. I think he did not.

Q. Was or was not that all you saw on the part of the Commissioner indicating hostility to you?

A. That was only a small part of it.

Q. Can you state what else he said?

A. I will say that, in addition to the samples which I showed him, and which I did not consider of any very great importance in themselves, I gave him a great deal of information touching the mismanagement of affairs, and I don't think he received it any more favorably than he did the other.

Q. Did he indicate to you by his manner or his words that he was not satisfied of the truth of your statement?

A. As I remember the interview, the impression left on my mind is that it was much more irritation at having the complaint made than any doubt.

Q. I think, Professor, when you make such a statement as that you depart from the legitimate purposes of answering the question and are arguing the case somewhat. You say you think he was more anxious to cover up the frauds than to punish the offender. My inquiry is simply whether the Commissioner appeared to doubt the truth of the statement which you had heard, or said he doubted it, or gave you to understand he doubted it, either by his words or manner.

A. I think he implied that, as I have said.

Q. Now, you would not claim that, if Mr. Smith really doubted the statement by reason of other information which he had, if that were the truth, it would be fair to say that he was rather seeking to cover up the wrong than to get at the truth and punish the offender?

A. It was not any doubt, stated or implied, in regard to the character of the rations, but the whole tenor of the interview.

Q. Then I will ask you whether you felt, when you left the room, that Commissioner Smith was not willing to receive the statements you made as the truth.

A. I don't think I felt that. Possibly he thought I had placed too much reliance in Red Cloud's word, while in fact I considered it of very

little importance then, and very little now; but I don't think he was any more anxious for information when I left the subject of rations and spoke about the subject of annuity goods, which I did very fully.

Q. The samples of flour, sugar, and tobacco that you brought here would not become evidence of fraud or wrong if Red Cloud's statement was not true. Now, if neither you nor Mr. Smith believed Red Cloud, there would be some reason for both of you doubting whether these samples should guide the Department. Did you feel at that time that Red Cloud had possibly misled you?

A. Not in regard to the whole matter.

Q. In regard to the samples, did you think that possibly he had deceived you?

A. I will state to the Commission distinctly, that I do not vouch for these individual samples; but I believed then, and I believe now, that the flour and tobacco I saw there, that Red Cloud gave me, were fair samples of those that I saw issued. I believe that the coffee was absolutely issued to Red Cloud. Whether he may have picked out some bad grains, I could not say. If so, then it might not be a fair sample.

Q. Is there not some evidence that Red Cloud had done that with reference to the coffee?

A. I think that possible. I don't think at that time I had considered the matter very carefully, because I was very busy.

Q. Thus far, professor, you have not favored us with those samples.

A. I have them at my hotel, and will bring them down.

By the CHAIRMAN:

Q. Passing on from that, you state, Professor, at the bottom of page 23 of your pamphlet, that, on the morning of November 14, while you were at Red Cloud agency, "Mr. Bosler, one of the contractors, brought to the agency a herd of several hundred head of Texas cattle, the first that had been received for some weeks previous. This lot was accepted by the agent and receipted for, but he only weighed a portion of the herd." Did you see him weigh any of them?

A. I did not.

Q. Did you see them weighed?

A. I did not.

Q. You did not see any of them weighed?

A. I did not.

Q. Then how do you know that he actually weighed a portion of them?

A. I have his statement for them in the presence of Bishop Hare, a written document, which I shall submit as evidence, with Bishop Hare's signature.

Q. You state here that you "have seen many hundreds of herds at various points between this agency and Southern Kansas," and have purchased many animals for the use of your expedition. Did you ever weigh any of those cattle purchased on the foot?

A. I never did; I estimated them, as I stated a few moments ago.

Q. Now, you say that "all the cattle in this herd were wretchedly gaunt and thin, and the majority of them were small, many being yearlings." When you say that, do you mean to say that the cattle were poor in flesh?

A. Certainly poor for that time of year—absolutely poor. They were poor in flesh; they were not what I would regard as fat cattle.

Q. You say that the majority of them were small, and many were yearlings. How many yearlings were there?

A. I should have to make an estimate of that. There were a good many, as I remember.

Q. How many would you say?

A. I should want to consider the matter before I gave a definite answer to that to be perfectly correct. There were a good many. I saw them as they came out and as they went by. I think that would be fair—

Q. Will you be able to give us a fair approximation of the number of yearlings that were in that herd?

A. I don't know how near I could come to it, but I should say fifty would perhaps be an approximate number.

Q. Now, can you say that those yearlings were weighed and counted and receipted for by the agent?

A. I cannot of my own knowledge.

Q. How many of the cattle of that herd do you say were not weighed?

A. On that point I can only give you my opinion, except what Agent Saville said himself to Bishop Hare, viz, that some that were wild, a small number; he did not say how many. I think it is a small number. I have the exact memorandum of it.

Mr. HARRIS. I think he says a few.

Professor MARSH. "Some few that were wild he did not weigh, but estimated."

By the CHAIRMAN:

Q. Do you know anything about the mode of weighing cattle at the corral?

A. I do.

Q. I think you said you never saw them weighed?

A. Never saw them weighed, but I saw—

Q. Do you know the fact, or do you know that cattle which cannot be driven on the scales are usually the strongest and largest, rather than the smallest of the cattle?

A. They would be largest as a general rule; that is, if the reason why they were not weighed was that they were wild and vicious.

Q. You say a large number of the cattle in that delivery were what is called by cattle-men "scalawags." How many scalawags were there?

A. I have never had my attention called exactly to the number before. But there were a large number of them. Perhaps—

Q. Two hundred of them?

A. No, sir; I should say not?

Q. One hundred?

A. Less than one hundred.

Q. Fifty?

A. I should say that would be nearer right.

Q. Do you say there were fifty?

A. I do not say there were fifty, but that would be near it.

Q. Can you say that there were twenty-five of them that were scalawags?

A. There were forty or fifty that I should regard as scalawags.

Q. What do you mean by scalawags?

A. That is a technical expression in the West among cattle-dealers. The term "scalawag," as I understand it, may apply to two or three different kinds of cattle. For example, an animal that was stunted and not strictly a healthy animal, I would call a scalawag. An animal that was crippled, and for that reason could not move around so as to get

as much food as the others, and for that reason was poor, I would call a scalawag. Thirdly, cattle that are so old that their teeth are poor, and for this reason do not get enough food to keep them in good condition, I would also call scalawags. And I saw some of that kind of cattle in that herd. There were forty or fifty of that kind of cattle in that herd as I judge from what I saw.

Q. How many of that forty or fifty were of the stunted kind?

A. I could hardly form an estimate of that.

Q. How many of them were of the kind that had no teeth?

A. That I could not form an estimate of, because of the rapidity with which the thing went on. I could not form an estimate of that.

Q. Then you say that there was another class of cattle that were weak and decrepid. How many of that kind, in addition to the scalawags?

A. I class those under the scalawags. Well, I certainly saw a dozen of that kind.

Q. Weak and decrepid?

A. Weak and limping, and apparently not well. Possibly some of the cattle that limped might have been injured in the scrimmage in getting them on the scales, so that I would not say exactly that because an animal limped it was a scalawag.

Q. Do you know where Bosler got those cattle?

A. I do not.

Q. Did you ever see another herd of such cattle as those at that season of the year?

A. It appeared to me to be the poorest herd of that kind that I had ever seen. I state that in my pamphlet. As to that particular issue, it is due to the herders that I should say that there had been a little snow (not a severe storm, but a little snow) which had made the coats of the cattle rough, but independent of that they were poor cattle.

Q. How close were you to those cattle?

A. I stood at the left end of the gate where the cattle came out, and saw them all—every head. Part of the time I was down the line where the lines are wider, and saw the cattle there; but I think I can say I saw every head of cattle that came out of that corral. I don't think I could be mistaken as to the character of those cattle, making every possible allowance for the snow-storm that preceded their delivery, and for the fact, which is stated on the next page of my pamphlet, that they had been driven forty-eight hours with little food and sleep. That would, of course, make them gaunt and make them look poorer than they really would under favorable circumstances, if they had been well fed and the weather had been fine.

Q. Did you count that herd of cattle?

A. I did not.

Q. Can you say that there were not the number of cattle mentioned in the receipt of the agent, exclusive of the yearlings that were there?

A. I could not absolutely. I inquired at the time of some one, I do not recollect whom now, whether allowance was made for them, and they said not.

Q. What time of day was it when you went down to the corral?

A. I was about two o'clock.

Q. Who went down with you?

A. Major Burt.

Q. They were there weighing the cattle when you got there?

A. There were no cattle weighed that day after I got there. I do not think the cattle were all weighed.



Q. Were you not informed that the cattle had been weighed before you came there ?

A. I think so, but I am not sure.

Q. Didn't you meet Dr. Saville, and the clerk, and several other gentlemen coming back from the corral to the agency when you were going from the agency to the corral ? Didn't you meet some gentleman, who told you that the cattle had been weighed ?

A. I did not. Not a word was said at that time about it. Dr. Saville told me that he would issue cattle that afternoon, and that when he went from the agency I had better go down immediately, so as to be present and see the whole show, which I had heard a great deal about and was anxious to see. When Saville came out of the agency and started down, I immediately got on my horse, and Major Burt did the same, and we rode down after the agent, the agent being some little distance ahead. We rode down with quite a large band of Indians—right among the Indians. The agent left the agency just before I started. His starting was the signal for me to go, and when I got to the corral, following promptly after him, the agent was standing on top of the stockade making preparations for the issue. That I know absolutely.

Q. Didn't you know that Gibbons, the clerk, was down there, and had weighed those cattle ?

A. I know nothing of the kind.

Q. Were you not so informed ?

A. I think not.

By Mr. HARRIS :

Q. I understood you to say, Professor, you were informed that they had been weighed.

A. I heard something about the weighing before they went down, but there are several important points to be considered in this connection. I don't know whether you want to take them up now or not. One, for instance, is whether the cattle were actually weighed or not. That I doubt.

Q. Do you know anything about it ?

A. I will give my reasons for doubting it, which I think are conclusive.

Q. We have very positive proof that they were weighed. If you have anything to the contrary, we would like you to give us that information.

A. If you have only the evidence of the agent and his employés, alone, I should not change my opinion nevertheless.

Q. And suppose we have it from several very respectable gentlemen, who are disinterested, that they saw them weighed ?

A. Then I should think differently, but not from the statements of the agent and his immediate employés.

Q. If you have any reason that is conclusive to you mind, which satisfies you that they were not weighed, we would like you to give it to us. It might satisfy us on that point ?

A. In the first place, the 14th of November was a short day, cloudy in the morning. Now, the agent states distinctly that he weighed all those cattle himself. I know of my own knowledge that, if he weighed them, he must have been through before half past ten o'clock in the morning. Consequently, the only time he had to weigh those seven hundred and one head of cattle, which is the number, according to his receipts, was between the time he went to the corral in the morning to weigh and the time he left the corral to come back to the agency. I

claim that there was not time enough to weigh those cattle during the period the agent was at the corral.

Q. How many cattle were there on that occasion?

A. Seven hundred and one.

Q. How long do you claim that it would take to weigh seven hundred and one cattle with the arrangements they have there for weighing?

A. That would depend on the character of the cattle somewhat.

Q. Well, these cattle were extraordinarily poor, according to your statement. How long would it take to weigh that kind of cattle?

A. I don't say they were extraordinarily poor. I got to the agency either about ten o'clock, or not later than half-past ten.

Q. You were stopping down at Camp Robinson?

A. I was. But that was the morning when I came up to the agency.

Q. You got to the agency about ten o'clock?

A. Ten, or not later than half past ten. The agent was then there. I was with him, or near him, all the time between that hour and the time when he went down to the corral to issue the cattle; that is to say, two o'clock. During that time he could not have gone down and weighed those cattle without my knowing it. That is the only reason.

Q. You state that he could not have weighed the cattle before ten o'clock, the time you came up there?

A. I feel confident he could not.

Q. You don't think he could?

A. That is my opinion.

Q. Do you say in your judgment it was impossible for him to have done it?

A. I think in my judgment it was not done during the time he was there.

Q. Do you think in your judgment it was impossible for him to have weighed those cattle in the morning before you got there, no matter what time he commenced?

A. I do. The maximum time, of course, would be between daylight and ten o'clock, of course deducting the time it took him to go there and back.

Q. But he could have commenced to weigh at daylight?

A. Yes, I suppose he could, but it is not very likely that he would.

Q. Professor, you state that in that region cattle should be in good condition at that season of the year. Now have you any information that you could give us that this herd of cattle was not in good condition?

A. Cattle would be in the best condition in October, I should judge, in that region, and would fall off but little by the middle of November, but yet they would to some extent.

Q. Well, what I ask you is this: If you have any information why it was that this particular herd of cattle should be poor, contrary to what would be the natural condition of cattle at that season of the year in that region of country? Do you know anything of the previous location, handling, management, or dealings with this herd of cattle?

A. I do not.

Q. Do you know of any cause why these cattle should be poorer than any other cattle in that part of the country?

A. I judge from the "scalawags" and small cattle in the herd that it was not a fair representative "bunch," as they would say there, of cattle from a large herd, but that it was a poor lot sent up at that time; otherwise, I should say at once that cattle at that time of year would

be in pretty good condition. There had been some cold weather, but not enough seriously to affect them.

Q. And you can give no reason why these particular cattle should be in bad condition at that season?

A. Except that there may not have been a fair sample of the Texas cattle in that herd at that time, but a poor lot. That is what I think they were.

Q. Can you give any explanation of how a man could get together seven hundred and one head of poor cattle at that season of the year in that region?

A. The cattle were not all poor, as I have stated, but when you judge of a herd of cattle your attention is naturally directed to the small ones and the sealawags and so on, especially as in this case I had heard both Red Cloud and Red Dog and other Indians complain of the character of the cattle, and this had been a subject of comment among several Army officers and myself for two or three days previously; so that having had our attention called to the poor cattle that were being issued about that time, when I saw these cattle I had fresh in my mind the previous conversations on the cattle question.

Q. Did you inquire of the agent or anybody else there what was the weight of those cattle as shown by the scales?

A. I did not. My conversation with the agent about the cattle I have given already.

Q. You state here that Mr. Bosler apologized for, or explained, the condition of the cattle. Which one of the Boslers did that?

A. I do not know his first name.

Q. Who did he talk with?

A. To me. Possibly to Major Burt also.

Q. What did he say?

A. He said words to this effect: "This herd is not a fair sample. We had bad luck coming here—bad weather," and so on. I don't remember his exact words, but what he said was touching those points.

By Mr. HARRIS:

Q. Did he use the words "this is not a fair sample?"

A. I think he did. He implied that.

Q. It is rather important to know that he used words of that character?

A. The whole tone of his remarks was in that direction.

Q. You have stated it in two ways. In your pamphlet you state with reference to your talk with Mr. Bosler about these cattle, "In explanation of their condition he informed me that he had been obliged to overdrive them so as to reach the agency in time for the issue." That is the statement you make in your pamphlet.

A. That he stated distinctly.

Q. And now the way you put it is that he said "that is not a fair sample of the cattle." Now, if you think he said that you should have it down upon the record?

A. I think he said it. I am not confident. He said something to that effect. Whether he meant clearly to convey the idea that the cattle were absolutely inferior to the previous issues, or whether, owing to these facts that he stated they did not appear as well, I would not be as positive about that.

Q. Did he volunteer that statement, or did you make some inquiries of him?

A. No, he volunteered that statement to me.

Q. Had you made any statement before ?

A. I had not ; possibly Major Burt, who was with me, said something about the cattle, and in that way introduced the subject ; there were two or three of us talking, and he introduced those remarks himself about the cattle.

By the CHAIRMAN :

Q. You say you "subsequently learned that this was a standing excuse when persons not directly interested in Indian affairs witnessed a cattle delivery." Whom did you learn that from ?

A. No, sir ; I cannot say absolutely the person who told me of it. It was some one familiar with matters there, and I think one or two of the Army officers.

Q. Did they state how many times that excuse had been made to them ?

A. They did not.

Q. Did they state that it had been made previously ?

A. They did not.

By Mr. HARRIS :

Q. Do you know whether the person who told you, whoever he was, knew anything about it, or was he only stating a rumor ?

A. I accepted the statement at the time as reliable.

Q. That is hardly a fair answer. I ask if you know whether the person who told you that knew personally anything about it, or whether he was merely making a casual remark conveying what he supposed to be a common rumor ?

A. As I remember the circumstance, I think he spoke of what he knew in some cases, and what he heard in others ; that he himself had heard some such excuses made, or knew of their being made.

By the CHAIRMAN :

Q. You quote Agent Saville as saying that "he himself weighed all of the herd that were weighed on the morning that they arrived." Now, do you say that that is not so ; that he did not weigh them ?

A. I have already stated that I don't think it is true ; I don't think he weighed them.

Q. But do you say that it is not true ?

A. I don't believe it is true.

Q. Well, you say you found, "according to Agent Saville's receipts of the cattle received during the same quarter of 1874 had reached nearly the same average of more than 1,040 each." Now, do you say to us that those cattle did not weigh that much ?

A. The cattle I saw issued—

Q. No, no ; I am talking about what you have stated in your pamphlet. You say, "I found that, according to Agent Saville's receipts of the cattle received during the same quarter of 1874 had reached nearly the same average of more than 1,040 pounds each." Now do you say those cattle did not weigh that amount ?

A. I don't know it positively, because I was not there during the whole quarter. I have here Bishop Hare's statement of what Saville said in my presence in Washington. That is not a verbatim statement, but the substance, as Bishop Hare and myself subsequently agreed upon. I will read that statement. It is as follows :

WASHINGTON, D. C., June 1, 1875.

Had interview with Bishop Hare at Ebbitt House. Dr. J. J. Saville also present part of time.

On inquiry by Mr. Bishop H. and myself, the following statement was made by Saville:

1. The herd of about 700 cattle that came to agency while I was there were very gaunt and thin, owing to hard driving, some 48 hours, with little grass or sleep. He had sent word to the contractor to hurry through, as he had only seven head on hand, and the Indians had had no beef for some time, he having kept back rations to induce them to be counted. This had made them angry. These cattle arrived in the morning, and he had weighed most of them that forenoon. Some few that were wild he did not weigh but estimated. Among the cattle then issued were 40 or more small and "scalawag" cattle. The issue was the same afternoon of the receipt. Dr. S. was confident that the cattle, thin as they were, would weigh 850 lbs. on an average. The bishop asked my opinion, and I thought they were much less. Saville insisted that those he weighed came up to that average, and those estimated were fully as large. He himself weighed all that were weighed of that herd. This he did the morning they arrived.

2. Saville said that there were only seven head of cattle (those examined by Gen. B.) at agency Nov. 11th. Two of them he did not feel sure he had receipted for. I then reminded him that he had told Mr. Hinman and myself that he had receipted for all 7, and that I had questioned him particularly on that very point.

3. Saville said that a short time before my visit (in August he thought) he was in Cheyenne, and ten car-loads of flour (2,000 sacks) arrived, and the need of the agency being great, by order of Dept. were sent on to agency without inspection, except that Mr. French, of Chicago, retained a sample, by Dept. order.

4. Subsequently, some 200 sacks of dark flour, inspected by B. White, at Omaha, came to agency without being inspected at Cheyenne. This was very poor flour, but not musty. This was about the time of my visit. I asked Saville if the "dark, sticky" flour I saw given out was part of this lot, and he said he thought it was.

5. In regard to tobacco, Saville said that there were two kinds in the warehouse, one of this year and one of previous year. The latter was, on one occasion, chosen by Red Cloud to send to northern Indians as a present.

6. The sugar issued during my visit was a dark, low grade, but good wholesome sugar.

7. Coffee was not very good.

8. The pork was "prime mess-pork," and not very useful to Indians, who use only the fat.

The above report of a conversation with Major J. J. Saville is correct according to remembrance of it.

W. H. HARE.

NEW YORK, June 24, 1875.

By Mr. FAULKNER :

Q. Did I understand you to say that Saville was present when you read that paper to Bishop Hare ?

A. No, sir.

By Mr. HARRIS :

Q. At same time when you did read something from Saville's statement, he did object to it ?

A. It was when I read my notes of the conversation with Mr. Hinman. I saw Saville with the Rev. Mr. Hinman, the official interpreter, previous to the interview with Bishop Hare. It was in the conversation between Bishop Hare and myself in Saville's presence when Saville expressed a doubt about receiving or accepting all the seven head of cattle.

Q. How many conversations with Saville have you undertaken to take down ?

A. Three : One in the presence of Mr. Hinman, of which I have full notes—not, however, with his signature ; I will give it to you if you desire. The second was with Bishop Hare. I have his signature, (the one I have just submitted ;) and the third was my own conversation with Saville, to which I make no reference.

By the CHAIRMAN :

Q. Do you say, Professor, when Saville said those cattle would weigh 850 pounds, that he did not say "and more ?"

A. I am perfectly confident that he did not say anything of that kind, and that he did not imply it in anything that he said.

Q. You publish in your statement here, page 26, a schedule of beef-cattle, amounting to 2,719 head, and you speak of this large herd of cattle, which no one could fairly estimate at a greater average weight per head than 750 pounds. Now do you say that those cattle did not weigh more than 750 pounds?

A. Judging from all I saw of the cattle—

Q. O, no; not judging from what you saw, but do you say so yourself?

A. I did not weigh them, and hence I cannot say that they did not weigh that.

Q. You cannot say but they might have weighed more than 750 pounds?

A. I cannot.

Q. Now, do you say that Saville claimed that these 2,719 head of cattle weighed only 850 pounds?

A. I don't touch that point at all.

Q. What do you mean, then, when you say that Saville only claimed that they weighed 850 pounds?

A. I refer here to the herd which I saw; my statement at the bottom of the page relates to the herd I saw them issue. I refer to the herd we were then talking about in Bishop Hare's presence.

Q. Then you do not mean that Saville only claimed that those 2,719 head of cattle weighed 850 pounds—you do not mean that?

A. I do not touch that point.

Q. You don't mean by this statement, that?

A. No, I don't touch that point at all.

By Mr. HARRIS:

Q. The question is, whether, at the time you and Bishop Hare were having this conversation with Saville, you had the information concerning their reported weight?

A. I am not sure; I think I had; but I am not absolutely sure.

Q. When you talked with Saville, and he was claiming they would weigh 850 pounds, did you know that he had reported them as weighing 1,043 pounds?

A. I did not at that time. I base that statement on an official document from the Second Auditor's Office, dated June 8.

Q. Had you any information to satisfy you that Saville had receipted for them at that rate?

A. I think I had, but I won't be positive.

Q. Did you suggest it to Saville or mention the weight which he had reported?

A. I did not.

Q. Did you to Bishop Hare?

A. I think I did not.

Q. So that you and Bishop Hare then, as you now remember, already had information that Saville had receipted for those cattle at the rate of 1,043 pounds each?

A. I won't be positive whether I had that information at the time or not; I have an impression, however, that I knew approximately.

Q. Do you remember whether, during the conversation which has been referred to, anything was said about the cattle coming up to the contract-weight?

A. I won't be positive on that point.

Q. Or whether the fact of their weighing a thousand pounds was mentioned?

A. I feel sure that was not mentioned.

Q. Was there any reference made to the contract-weights of 850 pounds in the summer, and 1,000 in the winter? Do you differ with the Bishop on that subject?

A. Since the Bishop's statement, I have thought that over, and don't recall any reference to that, but yet it may have been said. I will say, while on this beef question, I have a certificate to present as evidence, which I consider important. This certificate is from Lieut. P. H. Ray, second lieutenant of the Eighth Infantry, who was stationed at the Red Cloud agency.

By the CHAIRMAN:

Q. Where is he now?

A. He is now in Arizona, and I received this document by mail. He saw those cattle issued, and as he was commissary and directly engaged in looking after cattle in the Army, his evidence is of special weight.

Q. Do you know him?

A. I don't know him personally.

Q. Do you know that he was stationed there?

A. I do.

Q. Did you see him there?

A. I did not; he came afterward.

Q. Do you know that he was commissary?

A. I do; I will give you that if there is any doubt about it; I can give you additional evidence.

Q. Do you know that he has had experience in the matter of purchasing, and weighing, and dealing in cattle?

A. On that point I refer to his letter accompanying the certificate, both of which I now hand in.

YUMA DEPOT, ARIZ.,  
August 28, 1875.

DEAR SIR: Please find inclosed certificate of some of the facts that came to my knowledge while at Red Cloud agency. I hope it may be of some assistance to you. I judged his herd by one which I had as acting commissary of subsistence, which were much larger cattle, and by actual slaughtered weight did not come up to an average of 800 pounds.

Very respectfully, your obedient servant,

P. H. RAY,  
Second Lieutenant, Eighth Infantry.

Prof. O. C. MARSH,  
New Haven, Conn.

YUMA DEPOT, ARIZ.,  
August 28, 1875.

I certify that during the months of April, May, and June, 1874, while at Red Cloud agency, Nebraska, I was present at several issues of fresh beef "on foot" to the Indians. I also frequently passed through the agency-herd, and all the cattle I ever saw issued or on hand at this agency were inferior Texas cattle, many of them only one and two years old, and would not, in my opinion, at any time average over seven hundred pounds gross. Agent Saville informed me in conversation that he received and issued these cattle at an average of one thousand pounds gross. I was also frequently present at the issue of flour, sugar, coffee, and salt meat, (having United States subsistence-stores in a part of same building,) and I never saw an issue made by weight. The invariable rule was to issue the flour, sugar, and coffee with a scoop-shovel, except to large parties, when the flour was issued in bulk, and the stores were always of a very inferior quality.

P. H. RAY,  
Second Lieutenant, Eighth Infantry.

By the CHAIRMAN :

Q. You say, "These frauds in weights, which are consummated by direct collusion between the agent and contractor, and through which both Indians and Government are usually greatly defrauded, form only a part of the general system of theft." Now, do you charge, on your responsibility, collusion between the contractor and agent to defraud the Indians or the Government?

A. I infer that from what—

Q. No; I do not want what you infer. Do you charge now, on your responsibility as a man, that that is the case?

A. I believe that fraud took place.

Q. I don't want your belief about it; I want to know if you charge it here now?

A. Not on facts within my own knowledge; but from the information I have—

Q. I did not ask you about your knowledge or information now, or anything of that kind; we will come to that directly. I want to know now if that is the charge we are investigating, and if you make it?

A. I do not make the charge directly, of my own knowledge.

Q. Do you charge that there is a "general system of theft," in which parties connected with the Indian matters are engaged?

A. I consider the agent guilty of theft in that sense.

Q. Then you charge him with theft?

A. I consider him guilty of theft.

Q. Well, who else do you charge with theft, here, now?

A. I make no other charge directly.

Q. You state that the agent should have had on hand, on the 11th of November, 1874, "about 430 head of cattle, when he actually had only seven." Now, do you state of your own knowledge that he had not issued those cattle to the Indians?

A. That conclusion which I end with here is drawn from his own official documents, which you have in your possession.

Q. And not based upon personal knowledge or anything outside of them?

A. No, sir.

By Mr. ATHERTON :

Q. I should like to ask the Professor if he will give us the calculation by which he arrives at that result; if not now, at some other time. I have looked over the figures with a good deal of care, and should like to see the process.

A. Yes, sir. With regard to the issue of November 8, I will state here that it has been shown above that the issue of November 8 did not take place. Agent Saville, in his statement to you, claims that this was a mere clerical error, and the date opposite the 8th should have been opposite the 1st; and that the issue took place then. I wish to meet that point directly here, by reference to a letter to the Indian Bureau from Agent Saville, dated November 13, 1874. The document you will find on file in the Interior Department. I wish to call your attention to the fourth clause in that letter, which reads as follows: "4th. November 1st. There was no issue, it being suspended until the Indians should consent to be counted."

Q. I would like to ask the Professor if there is anything in this to show that the issue did not take place November 1st, with reference to beef particularly?



A. Here is the document which comes with that letter. [Exhibiting abstract of provisions, showing no issue of any articles on the 1st.]

Q. Does this word "issue," in the clause quoted, as you understand, refer to the rations, or to beef alone?

A. To the rations; to the whole issue.

Q. Now, Professor, suppose it to be true that there is a clerical error, as is alleged by Dr. Saville in his statement, and that November 8th is written on his books instead of November 1st, and that abstract was made up from his books as of November 8th instead of November 1st, would not this statement actually be made to conform to the record as he has it there, that there was none on November 1st?

A. That is possible.

Q. Does it not necessarily follow, if his books show that there was an issue on the 8th, and that statement is made up from the books, would not that necessarily correspond to the books, and would not this statement actually be made as corresponding to those of the book and the abstract, that there was none on November 1st?

A. I would not say necessarily, but naturally.

Q. Then, if after making this return, he should discover that November the 8th on his books and November the 8th on the abstract were a clerical error, would it not follow that this was a clerical error also, and that he should have said on November 8th there was no issue instead of November 1st?

A. I think perhaps it would.

Q. That being the case, does this document which you have offered necessarily convict Dr. Saville of a false statement, any farther than the clerical error goes?

A. Not necessarily.

By the CHAIRMAN:

Q. Professor, in the next paragraph of your pamphlet you say that Paxton was "well known" to be the agent of Bosler. What evidence have you of that?

A. That is what I learn from people, who were familiar with those matters, in that region.

Q. Will you give us the name of anybody who knows that fact?

A. I cannot say that they know of their own knowledge. I do not know it of my own knowledge.

Q. Did any persons tell you that they knew it of their own knowledge?

A. I am not sure that they did.

Q. You say that "this contract had been violated in all its important features, and shameful frauds practiced in its fulfillment." Will you point us to a violation of that contract, so that we may have the evidence?

A. I refer there, as I do above, to the information I derived from various sources on that point.

Q. Can you name a single instance in your knowledge of the violation of a single contract on the part of Paxton?

A. I consider that the—

Q. No, no. Can you name an instance of your own knowledge is what I asked you.

A. The herd of cattle which I saw issued—

Q. O, no; that is not the question. The question is, can you name a single instance within your knowledge which is a violation of that contract—yes or no?

A. I think I can

Q. Well, name it.

A. The issue of beef which I saw on November 14—

Q. You consider a violation of the contract?

A. I do.

Q. Any other one?

A. I have no other personal knowledge.

Q. "And shameful frauds practiced in its fulfillment." Have you any personal knowledge of that?

A. I refer to the same beef-issue so far as my personal knowledge is concerned.

Q. Your personal knowledge of it relates to this particular issue?

A. To that particular issue. My additional information is given in the certificates I have presented.

Q. When you say that the Commissioner of Indian Affairs was derelict in duty, in not calling on the bondsmen of Paxton, the contractor, for satisfaction, as the law required him to do, you mean that the bond had become forfeited by means of these violations of the contract which you have mentioned?

A. I so considered it.

Q. You state that Commissioner Smith "on March 17, 1875, privately made a new contract with the same W. A. Paxton (but in reality with Bosler) to supply beef for the same Red Cloud agency, at a much higher price (\$3 per 100 pounds) than this contractor had originally bound himself," and, "this contract was illegal, as it was given by the Commissioner without advertising for proposals." Does that embrace all the allegation you propose to make against the conduct of the Commissioner of Indian Affairs in that respect, that it was illegal, being let without advertising?

A. In regard to these transactions here, I will say, first, I considered the previous contract was not completed; that is, the contract was for so many millions of pounds of beef. If the cattle did not weigh what the receipts stated they weighed, then the whole amount of beef had not been issued. Second, each contract stated that the Government has a right to call for 25 per cent. more of the same supplies, if deemed advisable. I believe the Commissioner did not call for the extra 25 per cent. on that contract. Third, the legality of a contract made without advertising would, I think, depend upon the emergency. There is a law of Congress, if I am rightly informed, which states that the purchase of goods to any large amount shall take place only after proposals have been advertised for, except in certain cases of great emergency; this being designed to meet a case that comes up suddenly, as I understand it—some pressing emergency. Now, I will say that I don't think there was a sudden, pressing emergency in this case. The fact that the supply of beef would be exhausted about a certain time must have been known to the Commissioner some time before it was exhausted, and it seems to me he had plenty of time to advertise for proposals. I stated in my testimony in New York that I believed much better terms could have been obtained by the Government if proposal had been advertised for.

Q. So, then, I understand you to mean that he was derelict in duty in not calling for the 25 per cent. additional within a reasonable time, and he was derelict in duty in not advertising, because you think the emergency did not exist for purchasing it?

A. I think so.

By Mr. FAULKNER :

Q. Was there an additional supply of beef that might have been supplied under the 25 per cent. clause of the contract ?

A. I so understand it.

By the CHAIRMAN :

Q. Professor, on page 29 of your pamphlet are published memoranda of beef-cattle, then at Red Cloud agency, from January 1 to April 21, 1875. It would appear, from the statement that you made preceding this, that it was your intention to say that the cattle there mentioned did not weigh the amount stated in the memoranda. Is that your intention ?

A. I have further evidence in support of that view.

Q. Then you mean to charge that they did not weigh that amount ?

A. Not to assert of my own knowledge that they did not weigh that amount, but to give evidence that they did not.

Q. Then you intended to show that they did not ?

A. Yes, sir.

Q. You state that "another fruitful source of fraud in cattle at Red Cloud agency is the system of stampeding, which appears to have been practiced there, at least since the present agent had charge." Now, will you state how many stampedes of Indian cattle in the hands of the agent have ever occurred at Red Cloud agency ?

A. I don't know of my own knowledge.

Q. Well, have you any knowledge that you deem reliable from anybody else as to the number ?

A. I have no definite information that I can give here of more than two.

Q. Had you that information when you prepared these charges ?

A. I had that information, and I supposed I had more.

Q. Hence, you charge a "system of stampeding" ?

A. I did.

Q. Well, you don't think that the two instances that you had heard of justified the conclusion that it was a system ?

A. I do not.

By Mr. ATHERTON :

Q. I would like to ask the Professor if he can state specifically of having heard of more than two instances.

A. I could not refer distinctly to more than two where the cattle were in the hands of the agent. I mean, of course, stampedes of any amount. Of course, small stampedes might take place, and I think it is well known that they do ; but I am speaking of a large stampede—one large enough for the cattle to go back to the contractor's herd on the Platte. A small stampede might take place from various causes ; a small bunch of cattle might be stampeded and go up on the hills and be picked up by the Indians. But I refer to a more general stampede.

By the CHAIRMAN :

Q. In support of that charge, you produce a certificate of Louis Reshaw, stating that "most of them, over 100 in number, went back to the contractors' herd on the Platte." Do you think that was the number ?

A. I accept the number. I state here over a hundred.

Q. Well, do you think Louis Reshaw knew the number ?

A. Not exactly.

Q. Did he know that 150 or 160 had been returned on account of that stampede, or did he state that fact to you at that time ?

A. You mean by that, returned by the contractor to the agent ?

Q. Yes; or accounted for to him.

A. He did not.

Q. Had you been informed at the time of the publication of this pamphlet that that was the fact?

A. I had not.

Q. Now, can you say, as you do here in this pamphlet, "from such stampedes and the fraudulent results following, both the Indians and the Government have suffered great loss." Can you say there was any fraud about any of those stampedes?

A. I think there was, but I cannot say so of my own knowledge.

Q. Will you give us your own reasons for believing that there was fraud?

A. The fact of the stampede was well known when I was there, and I heard a good many men speaking of it, and asserting, as I supposed, from reliable sources, that the Government had suffered great losses.

Q. Yes; but the fraud about this stampede—what was there about it that you heard to induce the conclusion in your mind that there was any fraud about it?

A. If, after these cattle had been stampeded, the contractor's herder should sell them to outside parties, that is fraud, and that I understood to have been done.

Q. If the contractor's herder would sell the cattle that had been stampeded; but if the agent caused the contractor to account for them, how was there any fraud upon the Government about it?

A. If the agent caused the contractor to return as many head, and as good cattle as stampeded, there was no fraud.

Q. Well, now, can you say the Government or the Indians have suffered great losses, or any loss, by reason of those stampedes?

A. I believe such to be the case, but I cannot state it of my own knowledge.

Q. What are your grounds for such belief?

A. If any cattle are lost absolutely in consequence of such stampeding, both the Government and the Indians suffer loss.

Q. Certainly; but were any cattle lost?

A. I think there were.

Q. Well, why do you think so?

A. From what I hear of the stampeding.

Q. Whom did you hear it from?

A. I cannot now give you the names of the people who told me, but it was the common talk among the people I met in that region. I mean that I heard several allusions to it, and I state what I do on the strength of information I received from such various sources. I myself had no personal knowledge of it.

Q. Did you derive any knowledge on the subject from anybody who had any personal knowledge, and who professed to have personal knowledge of the loss, ultimately, of any cattle?

A. At that time the cattle had not been returned, nor the matter settled.

Q. At what time?

A. At the time I was there, subsequent to the stampede.

Q. Then you cannot say but what all those cattle have been returned and all accounted for?

A. I cannot.

By Mr. HARRIS:

Q. I would like to ask a question here. Louis Reshaw, in his certificate, makes this statement: "Thus, some cattle were afterward driven

to the agency, and were receipted for by the agent." Now, do you know what means Louis Reshaw had for ascertaining that fact?

A. Merely that he was at the agency and familiar with the receipts of cattle, and I suppose he spoke from personal knowledge.

Q. Do you suppose he knew whether or not the agent had knocked off from the receipts of cattle 150 head at one time, if such a thing took place, or did he simply see the cattle brought there and turned over?

A. I could not say.

Q. Who wrote this certificate signed by Louis Reshaw?

A. I did.

Q. From your personal knowledge of Louis Reshaw and his statements, what would you feel like saying to us that we may confidently rely upon as the truth?

A. I don't think I could say much. I will say, in regard to this statement here, that the contractor's herder offered to sell me those cattle at \$10 a head; that Reshaw gave me the name of the herder, told me where I could find him, and that I could get a good deal of information of him about that stampeding and what became of the cattle.

Q. That statement, supposing it were true, I take it, would have no tendency, in your judgment, to show that Mr. Bosler or Agent Saville participated in that design?

A. Not at all. Mr. Bosler has 100 herders, men that he can pick up everywhere around the country, and a single herder may have wished to sell some of these stampeded cattle. It would not imply any wrong except on the part of the herder.

Mr. J. W. BOSLER. I would like to ask the professor a question.

The CHAIRMAN. Well, I suppose there is no objection.

By Mr. BOSLER:

Q. Where did Louis Reshaw give you this certificate?

A. In Washington.

Q. At what place—at what house?

A. I am not sure.

Q. Were not Todd Randall and Leon Pallarday present at the time?

A. They were not. I had no conversation with them on the subject.

Q. Were these certificates all given at one time—those of Louis Reshaw—in reference to the blankets and the beef?

A. They were given on the days mentioned, while he was in Washington, last May or June. The one about the blankets, I think he signed in the office of the notary public. Those about the beef he signed afterwards, and I think the same day.

Q. Was not it on the occasion of a lunch or dinner to which you had invited him, and at which spirituous liquors were very freely used?

A. It was not.

Q. Do you state that it was not?

A. I do, positively; he lunched with me at the hotel.

Mr. BOSLER. Very well; that is all.

Subsequently, Professor Marsh asked permission to explain a little further his answer to Mr. Bosler's last question concerning Louis Reshaw, which was granted.

Professor MARSH. I merely wish to state that Reshaw was not under the influence of liquor. He was here in Washington, with others from the Indian country, and I invited him to lunch with me. I sometimes take a glass of ale or a glass of wine at lunch, and we may have had something of that kind to drink, but spirituous liquors were not excessively indulged in. May I ask what is the point of Mr. Bosler's inquiry—why he asked me that question?

Mr. BOSLER. I was informed by some of those parties that such was the case; that spirituous liquors were indulged in to excess, and it did not strike me as a proper thing, under the circumstances for a gentleman to do. You set yourself up as a great moral reformer, and to a man pretending to occupy such a position it is not very creditable to be drinking with squaw-men and half-breeds, because, when under the influence of liquor, they might sign papers they did not fully understand.

Professor MARSIL. No, I do not call myself a moral reformer.

Mr. BOSLER. O, very well; I don't care anything about it.

Professor MARSIL. Then that matter might as well be stricken off the record.

Mr. BOSLER. Very well; I have no objection; I care nothing more about it.

By the CHAIRMAN:

Q. Professor, you say of the issue of provisions, November 15, 1874, "The barrels of pork were rolled out of the warehouse by one of the agency employés, the heads of the barrels knocked in with an axe, and the contents turned upon the ground." Now, how many barrels did you see thus rolled out, and thus knocked to pieces, and the contents thus tumbled on the ground?

A. Agent Saville says in his statement to you that there was only one barrel of pork rolled out. That is a mistake. I saw several barrels.

Q. How many?

A. I cannot say how many—the exact number. Major Burt stood beside me at the time, and you may have his evidence; but there were several barrels.

Q. Well, were not each of those barrels issued in bulk; the entire barrel issued to a particular band of Indians large enough to receive a whole barrel at an issue, and thus the head knocked out in order that they might divide it and carry it away?

A. I could not say absolutely as to the Indians who received this pork, but the fact that all the pork I saw issued on that day was rolled out and issued in this way is the main point, and the character of the pork I noticed particularly at the time.

By Mr. HARRIS:

Q. Did you notice how many were knocked open in that way with an axe?

A. At least three, and I should think six or eight.

Q. Did you notice whether the Indians or the agent's assistants did that?

A. The assistants; the employés of the agency.

Q. In all cases?

A. In all cases. Mr. Saville was in Cheyenne at that time, and I was at the agency during the whole issue.

By the CHAIRMAN:

Q. Now, professor, you say, "The contract under which this wretched pork was furnished to the Indians was given to J. W. L. Slavens, of Kansas City, well known as a favorite contractor of the Interior Department, and was signed by Commissioner Smith, July 11, 1874," and "contained the usual phrase, that 'the articles furnished should be subjected to a thorough inspection and careful comparison with the samples thereof,' and the usual bond was required." Now, what evidence have you that Slavens was a favorite contractor of the Interior Department?

A. The fact that he had had previous contracts, and was intimate, as I understood, with people connected with the Interior Department.

Q. With people connected with the Interior Department? Who?

A. I cannot say.

Q. Then you conclude he is a favorite from the fact that he had had previous contracts?

A. I do.

By Mr. HARRIS:

Q. When you say intimate with people connected with the Interior Department, (that is rather an ambiguous phrase;) do you mean intimate with the Commissioner or the Secretary?

A. Not necessarily.

Q. Do you mean familiar in a business sense, or familiar in a social and friendly sense?

A. Perhaps the latter.

Q. Have you knowledge that he was on terms of intimate friendly relations with either the Secretary or the Commissioner?

A. I have not, of my own knowledge.

Q. Well, if he was, would that be conclusive in your mind that he was a favorite of theirs?

A. Not necessarily.

Q. Wasn't this pork inspected?

A. I understood from Commissioner Smith, in New York, that it was inspected in Kansas City.

Q. Well, now, Professor, taking it for granted that that was a bad lot of pork, who do you conclude from that was to blame in this case?

A. It is difficult to say whether the man who made the contract or the inspector. I would not attempt to fix the responsibility. If the inspector did not do his duty, he is to blame.

Q. You state that "the price paid was \$21 per barrel." Now, can you say that was more or less than the market-price for the pork advertised for and contracted for by the Department at that time?

A. Not necessarily; but it supposed good, sweet, merchantable pork; and I would say the fraud comes in the character of the pork itself.

Q. I did not know but that, by reason of your stating the price, you designed to intimate that there had been too much paid for it, even if that furnished was of the character of the pork contracted for?

A. I don't mean to say that, necessarily?

By Mr. FAULKNER:

Q. Do you remember whether, in your former testimony, in New York, you stated the pieces of hog that this pork consisted of?

A. I don't think I touched the question; but, as I remember it, the pieces were odd-shaped pieces. They were not all uniform, as I have seen pork packed; and another fact I noticed was, that some of the barrels had more brine in than others. I know that question came up in my mind immediately on my reading Saville's statement that there was only one barrel rolled out. I remember when the axe struck the head, and the brine came out, there was more in one than in another.

By Mr. HARRIS:

Q. Did you see any that had no brine in?

A. I think there was one.

By Mr. FAULKNER:

Q. Did you examine to see what pieces this pork consisted of?

A. No, I did not. I noticed another thing about it——

Q. What was that?

A. That it smelled bad and was rusty.

y Mr. ATHERTON:

Q. Did you observe any connection between the absence of brine and the badness of the pork?

A. I could not say that I did.

By the CHAIRMAN:

Q. In regard to the flour, you say, "The flour was in the single sack, without any brand whatever," and that you "afterward saw in the warehouse, apparently put up in the same way and entirely without brands, a considerable number of sacks." About how many sacks did you see there in the warehouse in single sacks without brands?

A. I could not say the exact number.

Q. Twenty or thirty?

A. Possibly not as many as that. I could not say the number exactly; but, approximately, fifteen or twenty.

By Mr. HARRIS:

Q. Was there any considerable amount of flour there, Professor?

A. There was not.

Q. How much in all should you think?

A. I don't recollect. I have in mind one pile I saw, and that is the one I refer to. There may have been other piles in other parts of the warehouse that I did not notice, but I think not.

By the CHAIRMAN:

Q. Well, did you examine the quality of that flour you saw in the warehouse?

A. I did not.

Q. You cannot say, then, what kind of flour it was?

A. No.

Q. You go on to say that you saw flour in three different Indian lodges, and all appeared to be of the same quality as that you saw issued at the Indian agency, and essentially the same as the sample Red Cloud had given you, although you made no direct comparison between them. Now, did you test that flour?

A. I don't remember whether I did or not. I think I did, but I am not sure.

Q. Did it appear sour, or musty, or spoiled?

A. It appeared to be very poor flour; it was sticky flour and dark in color.

Q. You also state that you "learn from good authority that this contract could not be honestly filled according to the accepted sample at the price paid" for this flour. I believe in New York you gave us the names of persons by whom you expected to prove this fact. Have you any further information on the subject since that time?

A. Nothing further, so far as that particular point is concerned. I will say that I have here a sample of flour that Red Cloud gave me, and also a sample on which the contract was made. If the commissioners desire it, I will show it to you?

By the CHAIRMAN:

Q. Yes, we would like to see it. [Samples exhibited.] Where did you get that sample that the contract is let upon?

Q. From the Government inspector at Cheyenne.

Q. Who is he?

A. Mr. Coakley.



By Mr. FAULKNER :

Q. Did you see any of that flour at all, beyond the sample given you by Red Cloud ?

A. Not Red Cloud's flour. I stated here, as you will find, that I was at the issue and saw the flour delivered. "And my attention was again directed to the subject by seeing a sack of flour, which an Indian woman had just received and was carrying away, burst open and part of its contents fall on the ground." That I examined. I also say, "I afterward saw flour in three different Indian lodges, and all appeared to be of the same quality as that I saw issued at the agency;" and that it was all dark in color and poor in grade.

By the CHAIRMAN :

Q. Do you think this sample Red Cloud gave you a fair sample of the flour you saw issued at the agency ?

A. So far as I can compare the two by my eye, I should think so ; certainly the color is the same.

Q. Have you had much experience in examining and comparing samples of flour ?

A. Very little.

Q. Now, you state that "this sample of flour is the only sample, of all the supplies purchased last year, that the Department retained, by which to compare the supplies actually delivered to the Indians and thus prevent fraud." You got this sample you have of flour from the inspector, did you not ?

A. I did ; from the acting inspector in the employ of the Department.

By Mr. HARRIS :

Q. In the employ of Major Long ?

A. Yes.

By the CHAIRMAN :

Q. Do you know that the inspectors of sugar or coffee or tobacco each retained samples, as did this inspector of flour ?

A. I think they did not. They stated so in New York. We had that point up in New York very fully.

Q. Don't you remember that in New York the inspectors each produced us samples ?

A. Not the original samples. If I remember rightly, there was only one of the original samples upon which the contract was based, the others being samples taken out of the supplies that were shipped. Having applied to the Department to know whether any samples were retained, and having been informed by the Department that a sample of the flour was retained, and that they knew of no others, I stated what I have in the pamphlet. Commissioner Smith appeared before the commission in New York, and stated that he would produce the samples and satisfy the commission that they were the original samples—that is in the testimony—but when the inspectors came to bring in the samples, I think only one of them proved to be the original sample. By original samples, I mean the samples upon which the contract was awarded.

Mr. HARRIS. They produced samples of the goods shipped ?

WITNESS. In some cases. I will say here, in addition, that the inspectors who retained accidentally those samples have now nothing to do with the Department ; are not in the employ of the Department. The point I wish to make is this : When I applied to the Department for samples of the supplies, I applied to the clerk of the Indian Bureau

who has charge of the shipping supplies from New York. He showed me samples of the goods purchased this year. When I inquired of him where the samples were upon which the goods of last year had been purchased, he could give me no information definitely. He did not know that any had been retained, although he had charge of shipping the goods. I then applied to the Department, and I have a communication from them in which they refer me to this sample of flour retained, and said I could see that; but no other of the original samples were known to be retained. In New York that matter came up, and of the samples then brought in, after Commissioner Smith had said that he would bring the original samples, if I remember rightly, only one of them, the coffee, was the original sample on which the purchase was made. That is all down in the testimony, and I refer you to that.

By the CHAIRMAN :

Q. Professor, you say that this man French, at Cheyenne, who retained the sample of flour by direction of Commissioner Smith, was "a leading member of the Indian Ring." Do you know whether Commissioner Smith knew that fact or not?

A. I do not.

Q. How did you learn that French was a member of the Indian Ring? Did he tell you so?

A. He did not tell me so, but I have known Mr. French for quite a number of years. I have been in Cheyenne a good deal, and I think I have had a pretty good opportunity of knowing who are the leading men in the Indian ring in Cheyenne. I have no hesitation in saying, if there is such a thing as an Indian Ring, that Mr. French is a prominent member of it in Cheyenne.

Q. What did you ever see him doing about Indian affairs?

A. He was up at Red Cloud agency when I was there; with Mr. McCann, whom I understand is his partner.

Q. You understand he is a partner of McCann?

A. I understand so. He came up to the agency with McCann, and was there part of the time during my visit. I had talks with him then about Indian matters, as I had before, and I have no hesitation in saying that I deem my information reliable.

Q. If Commissioner Smith did not know French, nor know of his connection with the Indian Ring, then his request to him to retain a sample of flour would not, to your mind, indicate Commissioner Smith's affinity for the Indian Ring, would it?

A. If he knew nothing of the relations of French to the store-keeper, and the freight-contractor, and the agent, then I have no hesitation in saying it would not.

Mr. Chairman, I now present, as evidence on the sugar-question, a statement from the inspector. After our meeting in New York, the Government inspector, Mr. Caleb B. Kneval, examined, in New Haven, the sample of sugar that Red Cloud gave me, and compared it with the sample of the sugar which he shipped to Red Cloud agency. I will read the certificate :

NEW HAVEN, *August 2, 1875.*

DEAR SIR: The sample of sugar shown me by you to-day, which you inform me was given you by Red Cloud to show to the President, I have carefully compared with the sample of sugar reserved by me when it was shipped to Red Cloud agency last year, and I find it does not correspond, being of an inferior grade and different from any of the sugar shipped by me.

Yours, truly,

CALEB B. KNEVAL, *Inspector.*

Prof. O. C. MARSH.

Now to the coffee. I also lay before the commission the original sample of coffee which Red Cloud gave me, and I will say that I have compared it with the sample of the coffee on which the purchase was made, and I find it essentially the same, so far as the grains are concerned. [Presented sample of coffee.]

Q. You did not find in the original sample so many black grains in so small a quantity as you do here?

A. I don't think I did. I present also a portion of the original sample of tobacco that Red Cloud gave me. [Presented sample of tobacco.]

Q. You say that these poor Indians were "on the verge of starvation through the rascality of the Indian Ring." How do you make that appear, and who is the rascal?

A. I have no additional testimony on that subject.

Q. Now, you say, Professor, that "the supply of food purchased by the Government, carefully and honestly delivered, would have prevented all this suffering." What information have you on that subject, further than you have given us heretofore?

A. I have nothing in addition.

Q. You cannot say that any of the supplies of food purchased by the Government were not delivered there?

A. Not of my own knowledge.

Q. Do you know of anybody else who has that knowledge?

A. I could not, at this moment, give you any additional information on that point.

Q. When you state "that the Indian Bureau has for years, knowingly, paid to a member of the Indian Ring over fifteen thousand dollars per annum for service that was not performed," have you any knowledge or information on that subject, other than you have given us heretofore, going to substantiate that charge?

A. The only additional point I can now give you on that subject is to refer you to the report of Messrs. Kemble and Alvord, who give the distance at 160 miles, instead of 212. I have nothing more beyond that to offer.

By Mr. HARRIS:

Q. Where were your headquarters during the period that you were at Red Cloud agency before your departure for the bone-fields?

A. My camp was just above Camp Robinson, on the White River.

Q. How many persons were in your party besides your escort?

A. The party that came on from Fort Laramie consisted of General Bradley, Lieutenant Hay, his adjutant, Captain Mix and his company of cavalry, Colonel Stanton, the paymaster and his outfit, Mr. Wolcott, United States marshal of Wyoming Territory, and a few others. We all camped together.

Q. And your camp was how far from the Red Cloud agency?

A. It was just above Camp Robinson.

Q. About a mile and a half?

A. Just about that.

Q. How many times did you go into the agency buildings or any of them?

A. I was there every day until I started off for the north. I spent most of my time at the agency.

Q. Will you tell us whether or not among the military men there was frequent reference to this flag-staff matter at that time?

A. There was especially, as it directly affected my expedition.

Q. As far as you could judge, was there a feeling among the military

officers that by that outbreak the military post as well as the agency had been put in peril?

A. I don't remember positively whether that point came up. Of course, Lieutenant Crawford and his men, who went up there, were in great danger, and among the ladies of the garrison there was great fear of the Indians, because it was thought they were so numerous, while the troops were so few, that they could have swept the whole post away in an hour if they chose.

Q. So that there was a somewhat excited state of feeling or fear of the Indians, both at the post and the agency?

A. I think there was, sir.

Q. Do you know whether either of the officers there said anything about having made an arrangement with Saville by which that flag-staff should be put up, or whether Saville and the commanding officer had made such an arrangement?

A. I heard nothing on that point.

Q. Did you hear a statement to the effect that it was understood by the commanding officer and Saville that it was proposed to put it up upon the bastion, as it is called, for the purpose of notifying the post if any danger should occur?

A. I did not hear that.

Q. In your judgment ought there not to be some mode of communication between the two places, the post and the agency, by telegraph, or signal, or something of that kind?

A. I should think it would be very proper.

Q. Is it your idea that the error in that flag-staff matter was in the attempt to put up a pole at all, or in not putting it up after he attempted it. You speak of it as an "act of folly," and of course his conduct ought not to be put in a wrong light either way. If the act itself was a proper one he should have credit for it; if it was an improper one it should stand as you put it. What do you now say about it?

A. There was nothing improper in itself in putting up something to put a flag or signal on. I think that would be a very good idea. In my judgment the fault consisted, first, in not ascertaining beforehand whether there would be hostility shown by the Indians if he attempted such a thing, and, secondly, in not carrying out the undertaking when once commenced.

By Mr. ATHERTON:

Q. In regard to your first point, have you any means of knowing what pains he took, or whether he took any pains beforehand to ascertain the state of feeling among the Indians in regard to the proposed erection of the flag-staff?

A. I have no means of judging.

Q. Well, would you count out the first point?

A. No; because I think the agent should have known the feelings of the Indians about a matter of that kind.

Q. Then you assume that he did not have any means of knowing?

A. I do.

Q. What knowledge had you of Dr. Saville's purpose in the erection of the flag-staff?

A. Nothing definite.

Mr. ATHERTON. Now, Mr. Chairman, I should like to have it said to Professor Marsh at the close of this examination that we would be very glad if he would give us as early as possible whatever corroborative testimony he can on any of these points.

Professor MARSIL. When Dr. Bevier comes before you he will corroborate some points, and if Mr. Alvord comes I should like to ask him some questions, but possibly his statement which he has sent you may cover the whole ground. When these witnesses are through, I may have a few more points to add, but not many.

After the testimony was closed, Professor Marsh presented in writing the following supplementary statement:

In regard to witnesses in the West, I have now no more to offer, although some that I considered especially important, for example, General John E. Smith, Rev. S. D. Hinman, Dr. J. Irwin, Lieut. W. L. Carpenter, J. S. Collins, and R. E. Strahorn, the commission did not find. These witnesses all have personal knowledge of matters stated in my pamphlet, and I believe their testimony would have cleared up several points now in doubt. One other thing should, I think, go on the record. The influence of the Indian ring during the investigation was so great at Cheyenne and at the agency that many who had information dared not testify. One witness was afraid even to write or telegraph to me directly, and was compelled to communicate through a friend in Ohama. Of the seven ex-employés at Red Cloud agency, whose names and addresses I gave the commission as witnesses, and who had much personal knowledge of the affairs at the agency during the last two years, only one appeared before the commission. He had been re-employed by Agent Saville, and hence was not inclined to testify against him. The other six ex-employés who were known to have information of mismanagement, if not fraud, at the agency, were kept out of the reach of the commission, as I have good reason to believe, by those interested in concealing the true state of affairs there. These facts, in connection with the important one that my visit to the agency was unexpected and in a different fiscal year from the visit of the commission, are worthy of consideration.

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FIFTH-AVENUE HOTEL, NEW YORK,  
*Wednesday, July 21, 1873.*

Present: Hon. THOMAS C. FLETCHER, chairman, Hon. B. W. HARRIS, and Hon. CHARLES J. FAULKNER.

#### TESTIMONY OF AARON P. WILCOX.

I reside at 347 Fifth Avenue, New York. I have retired from business. I have been in the dry-goods business in New York for about thirty years. I received an appointment about the last of July, 1874, to inspect Indian goods. I first inspected the general dry-goods here in New York. I was then called to Philadelphia, and inspected about eighty-five bales of blankets. I received a case of samples there from which the contract was given. I examined those eighty-five bales for several different tribes. These first eighty-five bales were fully up to the samples. I saw this mark on the blankets, "U. S. I. D.," and could not exactly understand how it was put on, but I suspected by acid. I took pains to test their strength, fearing that it might weaken the blanket. At that time it did not penetrate through or into the thread. The blanket was perfectly strong. I asked Dobson how he did it. His answer was, "That is my secret." I found none of them tender from the

marks at that time. The blankets were up to the sample in quality, up to the proposals in weight, as I understood. I saw them marked and shipped. I received bills of lading and compared them with the bills, and they put the bills and bills of lading into the hands of Mr. Smith's clerk. I came to New York about the 10th of August and examined the balance of dry-goods. I then went back to Philadelphia about the 1st of September. I examined the balance then, about two hundred bales, as near as I can remember. I found, on commencing the examination the last time, that the blankets then delivered were not fully up to the sample. I examined these goods in a mercantile point of view, as though I was buying them for myself. The blankets were as good for service as the sample, but not up to it in a mercantile point of view. The difference was in the finish. The blankets were not properly teazled; the specs were not cleaned out; they were not as clean as the samples. The size and weight were fully up to the Government requirement. The samples were heavier than the proposals called for. The goods furnished weighed up to the requirements of the Government contract, but not up to the samples. The blankets weighed up to the invoice. I had samples of the goods. I was told what the contract was. I was told by the clerk of the Commissioner what the weights required by the proposals were. I had not the contract or proposals before me. The clerk of the Commissioner told me verbally the weights required. I should think on a lighter blanket there was one-quarter of a pound difference between goods furnished and the sample; on a 6-pound blanket about a half a pound difference; on an 8-pound blanket about three-quarters of a pound difference—all less than sample. In each case the weights were equal to the invoice weights on the bill. The price was by the pound. When I noticed this difference in finish, I communicated it to the Department through this clerk. The answer was, in substance, that if I thought these blankets suitable for the purpose to accept them, making proper deductions from the price. I thought the blankets just as good for service as the sample, and claimed the deduction on account of mercantile value. I think the deduction amounted to about \$5,000 or over. A deduction was made on the last lot inspected—about two hundred. That deduction would make them fully up to the sample in quality, in a mercantile point of view. They were up in weight, as I understood it and as I was told by the clerk. The Government proposals showed the weights; the samples furnished me showed the quality. In a mercantile point of view, in proposals by the Government for blankets weighing 5, 6, 7, and 8 pounds, if the blankets are delivered that weight and correspond in quality with the samples furnished, they should be entirely satisfactory to the Government, especially if paid for by the pound. The mark in the center, "U. S. I. D.," seemed to have been recently put on. The last lot were made within thirty days. I examined the mark carefully, having some fear that it might injure the blanket. I examined the goods to see if the marking had made the blanket tender, and found it had not. The colors were blue, white, scarlet, and green. Probably the second lot were marked after I examined the first lot. None of the second lot were in the store when I examined the first, as I understood. The first lot were shipped in advance of the second, because they had to go a greater distance. The last lot was being shipped from the 1st to the 20th of September. Some of the blankets were up to the sample in finish; some were not. All came up to the sample in size. I think in this case the size of blankets increased as the weight did. On each sample there was a ticket with the weight marked on it, and the goods received corresponded to the mark. Sample blankets were

heavier than the mark on the ticket. I was guided by the ticket and by what the clerks said. The ticket on the sample guided me as to the weight, and the sample as to quality. The bills of lading will show where they were shipped to. If it is made to appear that holes came where these marks were, the acid, in my opinion, may have done it. The mark was only on the nap of the wool, and did not penetrate the thread. I examined the blankets with a microscope to fully determine the quality. They were a remarkably good lot, at a low price, and could not have been bought in the market at the price they were delivered. I don't know how the marks were put on, whether with acid or not. The first twenty years that I was in business I imported and dealt largely in blankets. I think my knowledge of blankets is as good as it ever was. Having been instructed to make the proper deduction, I was also instructed to call in some other person if I thought necessary. I did call in another gentleman, who inspected goods in Philadelphia. I don't remember his name. This instruction, I understood through Mr. Hayden, came from Commissioner Smith. I got a discount of \$900 or so in red flannel shirts in the same way that I got a discount on blankets. There was a deduction of about 5 cents a yard on a large lot of Milton cloth from a firm in Hartford; also 16 cents apiece on red shirts from Chaffin & Co., New York, a month or two afterward, equal in service, but not up to the sample in finish. I called in a man from Devlin & Co., large dealers in shirts. When I discovered that the shirts varied, I suspended operations until I got instructions from the clerk—which I understood were from Commissioner Smith—to accept them if I thought them equally serviceable, making the proper deduction for lack of quality in shirts.

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#### TESTIMONY OF WILLIAM A. ROBINSON.

I live at 261 Putnam avenue, Brooklyn, N. Y. I am a dealer and manufacturer of tobacco at 122 Water street, and have been in the business about eighteen years. On the 3d of July, 1874, I was called upon to inspect tobacco for the Government by F. H. Smith, as I afterward learned, not being acquainted with him then. I was called upon to go up and examine samples; I looked over as many as one hundred and reduced them down to seven samples, and then reduced the seven to two. I then told those present, (I knew none of them,) that those two pieces were suitable goods; were fine quality, and would keep in any climate. Mr. Smith said he would take both lots, some of each. I did not know the owners of any of the samples. Samples, as I understood, were furnished by those bidding to furnish the goods for the Indians; I then learned that one sample was made by P. Lorillard & Co., of New York, and the other by Dohan Carroll & Co., of New York. About the last of July I was notified to come to the Indian warehouse in this city. I went, and was told that the tobacco to be furnished by P. Lorillard & Co. was now ready for delivery; I was notified to have a stencil cut, with my name as inspector of supplies; the stencil cut was "W. A. Robinson, inspector of supplies, August 17, 1874." I went to the factory of P. Lorillard & Co., and examined the tobacco furnished; they gave me the sample on which the bid was accepted; I have the original sample here; I saw the tobacco manufactured, at the request of P. Lorillard & Co., and was at the factory every two days; I examined two hundred and one boxes of manufactured tobacco, 20,800

pounds; 46 packages, 5,000 pounds, I marked and shipped to the Comanches and Kiowas; 14 packages, 1,800 pounds, I shipped to the Wachitas; 6 boxes, 400 pounds, to the Uintas; 5 boxes, 300 pounds, to the Los Pinas; 10 boxes, 600 pounds, to the White River agency; 37 boxes, 4,000 pounds, to the Cheyennes and Arapahoes; 83 boxes, 9,000 pounds, to the Navajoes. All of this from P. Lorillard & Co. I took out bills of lading and saw all shipments myself; I got the invoices from P. Lorillard & Co. examined, and found them to compare with my account within half a pound. I accepted it; I weighed every box; I turned over the invoices with my certificate of examination attached to each invoice. [Mr. Robinson here produced a draught of certificate of examination.] About the middle of August I was told to examine tobacco furnished by Dohan Carroll & Co. The sample produced here has been in my safe, wrapped up in a paper, since my examination. Sample produced is sample of tobacco furnished. It is better than the tobacco on which the bid was made. I had a sample on which bid was made furnished me by the Indian Department, which I returned to them with sample of tobacco furnished. Tobacco sent to a dry climate will not become wet; a dry climate is very favorable for the preservation of tobacco. About the middle of August, 1874, I was notified to come to the department at New York, to get Dohan Carroll & Co.'s sample and examine tobacco. I examined these goods as follows: 89 boxes, 7,000 pounds, for Whetstone Sioux; 76 boxes, 6,000 pounds, Grand River Sioux; 13 boxes, 1,000 pounds, Santee Sioux; 25 boxes, 2,000 pounds, Yankton Sioux; 38 boxes, 3,000 pounds, Upper Missouri Sioux; 13 boxes, 1,000 pounds, Arickaree Sioux; 50 boxes, 4,000 pounds, Blackfeet, &c.; 38 boxes, 3,000 pounds, Crows; 9 boxes, 700 pounds, Poncas; 64 boxes, 5,000 pounds, Sioux Fort Peck; 89 boxes, 7,000 pounds, Red Cloud Sioux; 15 boxes, 1,200 pounds, Sisseton Sioux; in all, 520 boxes, 40,900 pounds, I examined, weighed, tared, shipped, and took the bills of lading myself. Went to the pier and saw it done. I shipped Red Cloud tobacco by Union Line, marked thus: "J. J. Saville, U. S. agent, Red Cloud agency, via Omaha and Cheyenne. Union Line, care of C. F. F. line, Chicago. (Pier 38 North River.)" Whetsone Sioux, Spotted Tail: "E. A. Howard, U. S. agent, Ft. Randall, Da., via N. Y. & Hudson River R. R., care Ward's Line, Buffalo, via Duluth and Sioux City. (Shipped at St John's Park, N. Y.)" The sample of tobacco shipped to Red Cloud agency here produced is a fair sample from one of the boxes. The whole shipment was equal in quality. It is a very nice piece of tobacco for the money, 47 or 47½ cents per pound; sound and merchantable tobacco; sold 100 boxes of the same quality for 50 cents per pound afterward. The Indian Department were very fortunate in their purchase last year, in way of price—first quality of navy tobacco. Nineteen-twentieths of the tobacco made in this country and consumed here is navy tobacco. In the South we lose the percentage. It is either smoking or chewing tobacco; used for chewing as well as for smoking tobacco; very strong, heavy tobacco; all dark tobacco like this; none of it was light. I saw the tobacco all the way through the manufacturing and boxing. I examined one box in twenty, taken at random. This is called black navy tobacco, 12-inch plug—12 by 3. All of that shipped by me was 12 by 3. The moisture in this tobacco, when taken to a dry climate, ought to dry out, become hard—not much in winter. Licorice and sugar are used to sweeten. It is impossible that a fair sample of this tobacco, three months after it was shipped to Red Cloud agency by me, in a dry climate, would, when broken open, contain liquid that would drip out. I know of no way to produce such a result—unless it were



wet. The outside would be likely to puff up when wet. I never saw any tobacco, which, when broken open, would drip a liquid. It isn't possible; can't rot tobacco; never heard of any such thing. It will mould but not rot. Water will damage it; should not be kept where it is damp. I would have selected dryer tobacco to be sent to the Indians because they use it only for smoking. Tobacco sweetened with sirup or molasses is likely to sour in a warm climate, and will often sour in a temperate climate. None of the tobacco shipped and examined by me was sweetened with sirup or molasses, but was sweetened with the best of licorice and sugar.

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#### TESTIMONY OF CALEB B. KNEVAL.

I reside at No. 122 East Thirty-sixth street, New York City. I was, in 1874, a merchant; am now comptroller of Woodlawn Cemetery. I was asked by Commissioner Smith, through a clerk or some other person for him, if I would be willing to decide the bids on sugar and coffee. I was unacquainted with the Commissioner or the gentleman who came to me. He asked me if I was interested in any way in bids, and was familiar with qualities of sugar and coffee. I said I was not interested in bids; was familiar with sugar and coffee. This was about July, 1874. I took with me Mr. Barr, of the firm of Howell Barr & Co., dealers in coffee, &c. I had no difficulty in determining the bids on sugar. Found one sample (H. K. Thurber & Co.) was cheapest, and accepted the whole that offered, only a small portion of the amount required. Balance from E. C. Knight & Co., of Philadelphia, refiners—like the sample here shown—average sample of whole lot and variation from best to poorest not more than one-quarter cent a pound. Commissioner Smith asked me to see that all sugar and coffee shipped corresponded exactly with the samples accepted, after the bids were accepted by me, to which I assented. E. C. Knight told me the sugar was ready for delivery, also H. K. Thurber & Co. Received shipping-directions from Mr. Smith's clerk, and went to H. K. Thurber & Co.'s store, also to Philadelphia, to Knight's refinery, and there personally superintended the shipping of every package of sugar—saw that it corresponded with samples. Examined packages at various times during the process of delivery and had at least 20 per cent. of the packages put on the scales to know that they were correct. In my opinion the sugar delivered was fully one-eighth of a cent per pound better than the sample accepted. Each barrel bore on it the brand of the refinery—Knight & Co. Each package was marked under my own supervision, for the different agencies; marked with stencil-plate, with full shipping-directions. "Inspected by C. B. Kneval" was put on each package. Sugar shipped by me from H. K. Thurber & Co. fully came up to sample. The refiner's brand was upon each barrel. Full shipping-directions on Thurber's, under my own supervision. Twenty per cent. at least was weighed. I saw the shipping-receipts returned, signed by shipping-company's agents. I saw every barrel on the car, and counted them myself. In receiving instructions I was told to do as I would in my own case; as though I was receiving them for myself. In all this matter I was struck with the pureness of the whole matter. There was no effort made by anybody to control me in any way. I was not acquainted with anybody connected with the Indian affairs. I was a large dealer in sugar. At the time the award was made I received a letter from Mr.

Smith, asking for the value of coffee at that time. The coffee sent by Mr. Smith would favorably compare with the sample. The price of this coffee was \$22.10 per 100 pounds, a low price for this coffee at the time of inspection. Most of the coffee sold in this neighborhood is roasted and ground and sold to the dealers in that form. Most of the coffee used by the roasters is of this grade and below it. Never having had anything to do with Government matters before, I was expecting some one to suggest something in somebody's favor; but nothing of the kind occurred. There was about 4,000 barrels inspected by me for the Government, only about 150 barrels of which came from Thurber. The sample produced here is a sample of the sugar furnished. Samples upon which bids were accepted I have not in my possession now, but the samples here shown are one-eighth per cent. better than the sample on which the purchase was made, showing the delivery to be one-eighth per cent. better than the bid. Some of the sugar, I remember, was marked for the Red Cloud agency; I cannot say what proportion, but think a considerable part of it. This is a sample of the coffee inspected by Mr. Barr and myself. Mr. Barr is a disinterested party and a man of experience and good judgment as a coffee-dealer. He is a neighbor of mine, and at my request inspected the coffee. Mr. Arnold, of the firm that furnished the coffee, can give you information. He stands at the very top of the trade.

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#### TESTIMONY OF THOMAS T. BARR.

I reside at 273 Carlton avenue, Brooklyn; I do business at 114 Water street, New York. I am a member of the firm of Howell, Barr & Co., dealers in sirup, coffee, and molasses. In July, 1874, I was asked to examine samples of various grades. I went up to Indian office and examined samples. Mr. Smith asked me to select the best goods for the purpose, and I took the coffee of which this is a sample. I graded it as good-ordinary. I was sent for as an expert. This is a sample on which bid was made and accepted. Some coffee was offered to be delivered at some Indian agency out West four cents less than could be furnished for gold in New York, San Francisco, or Saint Louis. We thought it could not be done; thought it an indication of fraud, and rejected it. The contract was given to B. G. Arnold & Co. I was sked to make selections on acceptance of bid by the Government. I was told that they had the contract, and was notified to select such coffee as would conform with the sample. I selected such coffee as conformed with the sample, so far as they had it. Then the balance of the contract was made up by mixing the different grades. After selecting such samples, they mixed it. I then sampled each lot that conformed to the sample, and then sampled the mixture. The coffee selected from B. G. Arnold & Co. was from one-eighth to one-fourth of a cent better than the sample. The whole lot averaged that much better. Coffee, after being selected, was weighed and put aside till wanted. I knew it was the same coffee I had selected, and saw that it was weighed and shipped as per order of Indian Department. I checked bills and weigh-master's statements. Next to the poorest grades imported are graded from good-ordinary to fair. Large portion of coffee imported is medium grade. It is possible to pick out imperfect grains of this lot of coffee, and out of all coffee of this grade. Of this sample, it is fair to suppose one-fourth of it would be imperfect grains. That does not render the coffee unmerchantable; its drinking

qualities are not seriously impaired. I received a letter from Mr. Smith asking for value of coffee at the time the award was made. The coffee sent by Mr. Smith would favorably compare with the sample. The price of this coffee was \$22.10 per 100 pounds, a low price for this coffee. Most of the coffee sold in this neighborhood is roasted and ground, and sold to the dealers in that form. Most of the coffee used by roasters is of this grade and below.

OMAHA, NEBRASKA, *Tuesday, July 27, 1875.*

Present, Hon. THOMAS C. FLETCHER, chairman; Hon. CHARLES J. FAULKNER, and Hon. B. W. HARRIS.

### TESTIMONY OF BARCLAY WHITE.

By the CHAIRMAN:

Question. Mr. White, what is your business?

Answer. Superintendent of Indian affairs in the Northern Superintendency.

Q. State, Mr. White, if at any time you have inspected any flour intended for the Red Cloud agency, or for any of the Indians in the West.

A. I have inspected flour for Red Cloud agency; and also for the Shoshone and Bannack agency, under charge of Mr. James Irwin.

Q. The Red Cloud agency is under charge of Mr. Saville?

A. Yes, sir; Dr. J. J. Saville. My first connection with the inspection of flour was under instructions contained in a letter from the Commissioner of Indian Affairs, dated August 1, 1874, of which this is the original:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,  
*Washington, D. C., August 1, 1874.*

SIR: There are certain Indian supplies to be delivered at Omaha during the year for Red Cloud agency. The contractors will be notified to call upon you for the proper inspection and certificate.

If you are not sufficiently acquainted with the nature of supplies to perform the inspection, you will please find some competent person in Omaha whose services may be secured when required. For such services he will be entitled to receive \$5 per day.

All goods should be plainly marked "Indian Department," and each package, sack, or barrel must bear your marks of inspection. You will provide yourself with the necessary implements for such branding or stenciling.

Certificates as per accompanying blanks, filled by the inspector, should be delivered to the parties entitled to receive the same, and a duplicate forwarded to this Office.

Very respectfully, your obedient servant,

E. P. SMITH,  
*Commissioner.*

BARCLAY WHITE, Esq.,  
*Superintendent of Indian Affairs, Omaha, Nebr.*

That was a general appointment. It did not specify any particular supplies. I received afterward, under date of September 14, 1864, instructions specifying a particular lot of flour to inspect for Red Cloud agency. This is the letter:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,  
*Washington, D. C., September 14, 1874.*

SIR: Twenty-five thousand sacks of flour for the Red Cloud agency are to be shipped from Omaha within a few days by O. P. Hurford. The transportation of this flour is already provided for.

The service required of you is to attend to the inspection, to be satisfied that the flour is in accordance with the sample which Mr. Hurford has in his possession and will

furnish you on application, and that it is branded "Indian Department" by the contractor, and has the required mark of inspection by the party whom you employ for this service. Hurford is informed of the manner of inspection, and will call upon you when he is ready for service.

Very respectfully, your obedient servant,

EDW. P. SMITH,  
*Commissioner.*

BARCLAY WHITE,  
*Superintendent of Indian Affairs, Omaha, Nebr.*

I will here explain that "twenty-five thousand" sacks of flour is a clerical error; it appeared afterward that twenty-five hundred was the number meant. I called upon Mr. Hurford, and he furnished me with a sample of flour. A portion of that sample is in that package, marked No. 1. [Handing the chairman a package.] By that sample my deputy, who has been in the service of the Office some five years, and has been a forwarder of Indian goods, which is a portion of my duty also—my deputy inspected for Red Cloud agency 2,749 sacks of flour, weighing 25,944 pounds. All of that flour was inspected by that sample, with the exception of somewhere about one car-load of 20,000 pounds, or somewhere about two hundred sacks. After inspecting for some time by that sample, Mr. Hurford, the contractor, called upon me again with another sample, a portion of which is in that package, marked No. 2. [Handing the chairman another package.] He stated that the boys in his mill had given the sample better than that he had bid upon, and he thought this (No. 2) was nearer the mark. I objected to the sample as being, in my opinion, below XX flour, which I noticed the commissioners had advertised to receive bids upon. I demurred to receiving it, and told my deputy to be very careful and not grade down to that sample. About the time that these two hundred sacks had been inspected below sample No. 1 and by No. 2, B. Rush Roberts, a member of the Board of Indian Commissioners, came to my office. Roberts is a miller by profession, and he was present when the bids were received at New York, as a member of the Board of Indian Commissioners. I immediately told him my fears that that sample was below the grade of flour intended to be furnished by the commissioners. I threw it out. I notified Mr. Hurford that no more flour would be received below sample No. 1. [The samples were also marked A and B.]

By Mr. HARRIS:

Q. How much had been received then?

A. I had received then, on the first of October, when Roberts arrived, (I think on the very first day of October,) about one—

Q. I mean how much of this second grade of flour had you inspected?

A. About one car-load; a little over two hundred sacks.

By the CHAIRMAN:

Q. That had been inspected and received upon sample No. 2?

A. Yes, sir. My deputy says that the only difference between that received on No. 2 and that received on No. 1 was that it was taken up closer; it was manufactured from equally as sound wheat, but it was taken up too close; it was too dark. That one car-load is all that has been inspected for Red Cloud agency below the grade of sample No. 1, which I have deposited.

Q. The flour that you inspected in September, 1874, for Red Cloud agency by these samples was shipped to where?

A. That flour was delivered to the officers of the Union Pacific Railroad for delivery to McCann, the contractor, for transportation.

Q. Where?

A. He had the contract for the delivery of all goods, all Indian goods or supplies, to Red Cloud agency.

Q. From where?

A. First from the eastern cities—New York, Philadelphia, and, I think, Baltimore—but I am not certain of that. He was the contractor for the transportation of all Indian goods from the eastern cities to Omaha, and most of the Indian goods, with the exception of those destined to Red Cloud agency, were then consigned to me. I have been in the practice, ever since I have been in this office, in forwarding goods on the Union Pacific and all western roads—

Q. Where was it to be delivered?

A. Probably at Cheyenne. That is the point of reception of all goods for Red Cloud agency.

Q. To be delivered to McCann?

A. It was delivered here to the freight-officer by me for delivery to McCann as contractor.

Q. You understand that McCann's contract was to deliver goods from Cheyenne?

A. No; his contract at first was for shipping goods from eastern cities—annuity-goods from eastern cities to Omaha; that is, all Indian goods and annuity-goods for the Red Cloud agency to Cheyenne. Whether it went farther than Cheyenne I do not know. When I commenced inspecting this flour I made requisition on the Union Pacific Railroad Company for transportation for several car-loads of it to Cheyenne. The Government inspector at Cheyenne—no, it was Mr. McCann himself at Cheyenne—notified me that he had a contract for carrying goods and supplies to Cheyenne. I wrote to him that I was instructed to inspect and forward upon Government requisition this flour, and should do it until otherwise ordered by the Commissioner of Indian Affairs. I was afterward notified by letter that an arrangement had been made to deliver this flour to Contractor McCann—to deliver these supplies for Red Cloud agency to McCann—and it was done so afterward, or at least I delivered them to the freight-agent of the Union Pacific road, to be delivered to McCann. That was my understanding of it.

Q. You have had these samples in your possession ever since the inspection?

A. Ever since. I took them to-day from the bottles in which they were first placed when brought to me by Contractor Hurford. They have been in my possession ever since.

By Mr. HARRIS :

Q. Was all the other flour up to sample No. 1?

A. All of it. In this connection I will further state that every sack of flour which I inspected was inspected; every sack was probed and tried; every sack was stenciled "Indian Department. Barelay White, U. S. Inspector." My full name was placed upon every sack inspected by me.

By Mr. FAULKNER :

Q. Were you satisfied about the weight of each sack?

A. The weights were made in presence of my deputy, who was satisfied about the weights. The weights of these sacks varied. Some of them were 88-ponnd sacks; that is, some of them contained each 88 pounds of flour. Most of them were of that character. A sack of flour is generally 100 pounds gross. These were about 90 pounds gross, the majority of them. My inspection-certificate always contained the number of sacks and the weight.

By the CHAIRMAN :

Q. The inspection-certificate was given for the aggregate weight of the flour inspected at the time ?

A. The weight always, and also the number of sacks. It was all weighed at the depot, and inspected and branded.

By Mr. FAULKNER :

Q. Was there any explanation of the discrepancy between the number of sacks and their aggregate weight after inspection ?

A. The discrepancy in the number of sacks was explained in this way: Mr. Hurford supplied car-load after car-load of sacks weighing 90 pounds; when he came to the end of his number of sacks he stated that, although he had supplied the number of sacks, he was short of weight. I told him that I was authorized to inspect "twenty-five thousand sacks," that that was evidently a clerical error, and although I supposed it meant twenty-five hundred sacks, and as a hundred pounds was the weight of a sack, if he thought it was necessary to complete the amount of weight I was perfectly safe—if he thought he was safe for his money—as regards my instructions, and I had no hesitancy to inspect 250,000 pounds, which would be the weight of two hundred and fifty sacks, and which I supposed was evidently what the Commissioner intended. He even exceeded that amount. I said I supposed that was the amount intended in that contract for the Red Cloud agency, and as to his money that was a matter for him to look out for. But, as I have said, he even exceeded that amount.

By the CHAIRMAN :

Q. What was the correct amount ?

A. Two thousand seven hundred and forty-nine sacks were shipped.

Q. Weighing how much in the aggregate ?

A. Two hundred and fifty thousand nine hundred and forty-four pounds. Here is the detailed statement :

*Flour inspected for Red Cloud agency—(O. P. Hurford's contract.)*

		Pounds.
1874.		
September	24.—237 sacks.....	20,856
	25.—472 sacks.....	41,536
	30.—250 sacks.....	22,000
	30.—250 sacks.....	22,000
October	15.—250 sacks.....	22,000
	15.—250 sacks.....	22,000
	16.—220 sacks.....	22,000
	19.—250 sacks.....	22,000
	23.—340 sacks.....	33,652
November	27.—230 sacks.....	22,900
	<hr/>	<hr/>
	2,749 sacks.....	250,944

After Mr. B. Rush Roberts, member of the Indian commission, returned to his home, he sent me a long letter, which I have here, dated Sandy Spring, Md., Eleventh month 4th, 1874, in relation to a great many different subjects, and in which he writes this: "In relation to inspection of flour at Omaha, the Commissioner appears to see some intention to cheat in the matter, and asked if any had been passed lower in grade than the first sample produced. My reply was, that I believed not. I have not yet seen the contract, but the Commissioner says it is for the best flour, and nothing below that should be received. If the flour to go to the Shoshones has not all been sent forward, I would not mark any that was below the sample in my office. That is the best sample."

By Mr. HARRIS :

Q. What else does that letter contain ?

A. It contains a great variety of matter entirely foreign to this subject. That passage which I have read is all that relates to this flour.

Q. Does it relate to any possible frauds upon the Indians ?

A. Nothing of that kind at all. It is a general Indian letter ; you are at liberty to read it if you think you might find anything applicable to your purpose in it.

Mr. HARRIS. It is well enough for us to see it.

WITNESS. Here it is. [Handing the letter to Mr. Harris.] After that I inspected 1,129 sacks, weighing 111,092 pounds, for James Irwin at the Shoshone and Bannack agency.

By the CHAIRMAN :

Q. Who was that flour delivered by ?

A. It was delivered by O. P. Hurford, and was inspected entirely upon the sample No. 1 that I have placed in your hands.

Q. And did all of it come up to that sample in grade ?

A. All of it.

Q. Where was that shipped to ?

A. Shipped to Bryan, a station on the Union Pacific Railroad.

Q. To the care of whom, and to be delivered to whom ?

A. That was shipped upon Government requisition made by myself.

Q. To be delivered to whom ?

A. Delivered to the order of James Irwin. He receipts upon the bills of lading for his goods.

Q. That was not to be transported by wagon ?

A. No. I will remark in connection with this, if it is not out of place, that Mr. Irwin has just now, within a few days, entered into a contract with the same party, O. P. Hurford, for his supply of flour for the present year ; and he has not made one word of complaint, as far as I have heard, in regard to the quality of the flour sent him last year.

By Mr. HARRIS :

Q. Let me ask you here who your agent is who weighed and inspected the flour ?

A. The subinspector ?

Q. Yes ?

A. William J. Yates, an elderly gentleman, a member of the Episcopal church in this place, and who has been a miller and a store-keeper. He personally inspected all of it. He has been connected for five years in my office as freight-shipper ; he is employed, as I need his services, by the day.

By the CHAIRMAN :

Q. Is he in the city ?

A. Yes, I think it is likely ; he is in this house, probably.

By Mr. HARRIS :

Q. So that in point of fact this is his inspection rather than yours ?

A. It is not his inspection. I am responsible for the inspection, and he inspects it under my personal inspection.

By the CHAIRMAN :

Q. Were you present at the time he inspected it ?

A. I have been present at various times and satisfied myself that his inspection was proper. It is too much responsibility to leave it entirely to another person.

Q. Do you know anything about any other supplies besides the flour ?

A. I have inspected corn for that agency during the same year.

The CHAIRMAN. There has been no complaint, I believe, about corn.

Mr. HARRIS. I do not know exactly what the complaint was, but there was a bitter complaint last year, that the Commissioner or somebody had exchanged flour for corn in fulfillment of a contract. That is to say, the contract called for flour, and at the request or suggestion of somebody, a certain quantity of corn was substituted for a certain quantity of flour. It was alleged that in that transaction there was some fraud upon the Indians

WITNESS. I inspected 3,672 sacks of corn weighing 490,240 pounds.

Q. About what time was that inspected ?

A. The first inspection was August 21, 1874 ; the last, January 16, 1875.

Q. Was all that shipped to Red Cloud agency ?

A. That was all shipped to Red Cloud agency ; or rather, it was all delivered to the freight-officer in the same manner as the flour.

Q. For Red Cloud agency ?

A. For Mr. McCann to ship to Red Cloud agency. I have a copy of the contract here if you desire to see it.

By the CHAIRMAN :

Q. Was that contract made upon proposals ?

A. Yes, sir. [Copy of the contract shown.]

Q. And the corn was delivered by J. T. Granger ?

A. Yes, sir ; or for him. That corn was all inspected according to the printed proposals for supplies, and my certificate of inspection was worded in that way.

Q. The corn was of the quality required by the contract ?

A. Yes, sir.

Q. Do you know whether in transporting this corn McCann transported it by the number of sacks or by the weight ?

A. I do not know anything about that. I know only this, I audited the freight-accounts of the Union Pacific Railroad for the transportation of the Indian supplies ; I audited them in my office. Their bills invariably came in for weight so far as I have audited them.

Q. Do you know whether you audited the bills for transporting this flour ?

A. I have not seen them ; I have not audited any of McCann's bills ; they do not come to my office.

Q. What accounts of the Union Pacific Railroad did you audit ?

A. I audited all the accounts for transportation of Indian goods and supplies transported upon Government requisition.

Q. Didn't you make the Government requisition for the transportation of this flour from Omaha to Cheyenne ?

A. I did for a few car-loads, at first. I afterward called upon the freight-officer for a return of my requisitions after I was notified that McCann was to ship that flour. They were not returned. He said they were of no use ; whether in my possession or his ; that they would have to go through my office, if they were paid, for audit, and I could stop them there. They have never appeared.

By Mr. FAULKNER :

Q. Did you inspect any other articles ?

A. I inspected no other articles for Red Cloud agency but the flour and the corn.



By Mr. HARRIS :

Q. Was the corn good, safe, merchantable corn ?

A. It was good, safe, merchantable corn ; it was rather a superior article.

Mr. HARRIS, (after having read the long letter handed him by the witness.) I don't see, Mr. Chairman, that there is anything whatever of interest to us in this letter except the passage that has been read.

Q. If there is anything else that occurs to you in relation to these matters we would like to have you state it.

A. I will state that, although it does not come to me officially, I have been informed that this flour has been inspected again at Cheyenne. One of my letters stated that Colonel Long—whether he is an Army inspector, or who appoints him I do not know—but I have been incidentally informed by correspondence from there that this flour had been inspected again at Cheyenne by Colonel Long.

Q. Does your information say whether it was all received ?

A. I have no information except that of Mr. Hurford, who is here present, and who probably has better means of knowing that than I.

By Mr. FAULKNER :

Q. Is this (Omaha) the place where the flour for the Red Cloud agency is generally inspected, or Cheyenne ?

A. I can hardly answer that question. There has been considerable inspection of supplies at Council Bluffs heretofore, but to what extent I am not able to say. I know that Mr. Clarkson, in 1873, inspected supplies at Council Bluffs. He is brother to the bishop in this place.

By Mr. HARRIS :

Q. What do you say of the quality of that No. 1 flour as compared with what is called good merchantable flour—XX flour ?

A. I should say, as far as my knowledge of flour goes, that it was a fair sample. I cannot positively say whether it is up to XX. I am not familiar with all these trade qualities, and I am not able to say that it is fully up to XX.

The CHAIRMAN. We have the sample, and we will have some experts to speak about that. If there is anything more, Mr. White, that you could give us information about, or anything that would put us in the way of getting at the truth of these matters, we would like to have you state it.

WITNESS. Red Cloud agency is out of my line of business ; I have very little intercourse with any of the business of the agency. I have heretofore—previous to last year—always shipped upon Government requisition the supplies, or at least the annuity goods, to Cheyenne, and there has been a great deal of complaint on account of McCann's transportation contract. I have had trouble myself with his want of promptness in filling his contract.

By the CHAIRMAN :

Q. For the transportation of what was it that you were caused inconvenience ?

A. His detention of payment of freights here for goods that came into my hands at this point. He contracts to pay freights upon them east of this point, and there are goods now lying at Council Bluffs, and the freight-officers are writing to me continually to know about them. McCann contracts to pay the freight upon them to this point ; some of them probably I will have to ship upon Government requisition, others he has the contract for shipping to points westward ; but there are goods

now, and have been for weeks, lying at Council Bluffs that should be delivered at this point.

By Mr. HARRIS:

Q. What kind of goods do you mean, supplies or annuity goods?

A. I presume they are annuity goods.

Q. There has been some complaint that the blankets given to the Indians last year were not delivered until very cold weather—late in November, when they were suffering severely with the cold; do you know the reason why they were not delivered sooner?

A. I do not know; there are no goods delivered at this point to be shipped upon Government requisition but I ship within twenty-four hours after I know that they are here. That is the invariable custom at my office.

Q. Do you know of any blankets or annuity goods lying here or at Council Bluffs for two or three months?

A. No, I do not; none ever lay here for four years past.

Q. That is here at Omaha, you mean?

A. Yes, sir.

Q. How about at Council Bluffs?

A. I have no recollection of any lying at Council Bluffs. The freight-officers at Council Bluffs have been in the practice of notifying me whenever there is a delay there, and if there is a difficulty that I cannot provide for I always correspond with the Department immediately with regard to goods that are lying there.

By Mr. FAULKNER:

Q. When goods consigned to Council Bluffs have lain there a week or ten days, have you been notified of that fact?

A. I have heretofore. Those officers generally notify me.

Q. Would they have done so, Mr. White, after it became perfectly well known that Mr. McCann had the contract for transportation, with which you had nothing to do?

A. There was very little of that done last year. I was notified of a very few goods. I was notified of a quantity of soap—I think it was in 1874—consigned to various agencies up the river, and I received instructions from the Department to pay the freight upon it. It came from Saint Louis; it did not come from the eastern cities. I paid the freight and shipped it to the different agencies.

Q. Have you seen McCann about the want of promptness in transportation?

A. I never had but one interview with McCann. He called at my office upon one occasion.

Q. Do you know anything about the distance between Cheyenne and Red Cloud agency?

A. I do not know; I have never been to the present agency.

By Mr. HARRIS:

Q. Are you informed with any regularity of McCann's course in regard to transportation?

A. I do not know anything about McCann's operations, except that he is negligent in attending to his business, as far as my intercourse with him on that occasion about those goods sent to this point is concerned.

Mr. HARRIS. The Commissioners want all the information they can get upon the subject.

The CHAIRMAN. I understand Mr. White to state that there were

some occasions when some goods shipped to McCann had lain at Council Bluffs, and that that was the neglect of McCann.

WITNESS. Yes, sir; and there are some lying there now, and have been for some weeks.

Q. Do you know what they are?

A. I have the expense-bills at my office; I can furnish you with the items of them.

Q. Are they under lock and key or in open depot?

A. I cannot state that. They came over the C. B. and Q. (Chicago, Burlington and Quincy) road. The freight-officers of that road have sent me the expense-bills.

The CHAIRMAN. Of course the railroad company is responsible for them.

WITNESS. I have written to them that McCann was the contractor, and he belonged in Nebraska City; and that was as far as I could go.

### TESTIMONY OF WILLIAM J. YATES.

By the CHAIRMAN :

Question. I will ask you to state, Mr. Yates, if you inspected some flour that was delivered to the superintendent of Indian affairs for the Northern Superintendency here, by Mr. Hurford, in 1874?

Answer. I think in December we finished. We commenced earlier—I forget the dates, but I think Mr. White has the dates; I made a report to him every evening.

Q. You inspected all that flour?

A. Every sack, sir, right along.

Q. How did you inspect it?

A. We only had a "butter-trier." We would shove it through the sacks, and that usually brought out a sample clear through the whole sack, and I generally drew about three samples to a sack.

Q. Have you had experience in the handling and manufacturing of flour?

A. I have been dealing in flour ever since I was a boy, and I have been with Mr. Davis in the State mill here. I have done all his business; bought his wheat and superintended the mill.

Q. You have dealt in flour before that for a long time?

A. Yes, sir; I could go down to any of those mills and draw the samples that would match the samples that I inspected by. I have a distinct recollection of the color of the flour.

Q. Mr. White has furnished us with samples. [Sample No. 1 shown.] What kind of flour is that?

A. That sample is good flour; that is No. 1.

Q. The flour you inspected on this occasion was equal to that?

A. Equal; or at least one-half was better, and none of it was inferior to that sample. [Sample No. 2 shown.] Now the difference between these two flours is this, that (No. 1) is a little darker; it is a little more specky—what the millers would call shorts; it is made out of sound wheat, but has a few shorts in it.

Q. Do you remember, Mr. Yates, how much of that flour corresponded to that sample No. 2?

A. My impression is that a great deal of it was much superior. I suppose there was a car-load of that grade; there might have been less; but I think there were about 200 sacks.

[The samples were examined with a magnifying-glass by the commissioners and the witness.]

WITNESS. These are the samples furnished by Mr. Hurford's agent, and by which we inspected the flour. Mr. Hurford was sick at the time, and a young man, his clerk or book-keeper, gave me the first sample.

Q. Mr. Yates, from your knowledge of flour, milling, &c., would you say of this sample No. 2 that it would make bread suitable for the use of persons ordinarily?

A. What I drew out of the bags I threw on the floor, and in the warehouse they complained; so when I went again I took a little sack with me, and brought away some flour and made bread out of it, and sweeter bread I never tasted. I like bread made out of spring-wheat, and I never tasted sweeter bread than that which I made from sample No. 2.

Q. So you think both samples, Nos. 1 and 2, would make good bread?

A. Yes, sir.

By Mr. HARRIS :

Q. How as to color?

A. It (No. 2) was a little yellow; bright goldish. There is a little yellow in both, but one is a little lighter.

By Mr. FAULKNER :

Q. Was this flour made of spring-wheat?

A. I presume it was. Altogether we raise but very little winter-wheat in Nebraska.

Q. It was bought here, was it?

A. I think so, sir. I think Mr. Hurford buys all his wheat here. I might remark about withdrawing those samples, that Mr. Hurford said there was some mistake, and asked to withdraw his sample. I told him to see Mr. White, as I had no authority; so Mr. White delivered to me the second sample, and I inspected by it. The 200 sacks I alluded to was all that fell below the grade of the first sample, but these 200 sacks were compared with sample No. 2, and only about 200 of the 2,700 fell short of sample No. 1.

By the CHAIRMAN :

Q. Those 200 sacks that fell short of sample No. 1 were equal in quality to sample No. 2?

A. Yes, sir.

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### TESTIMONY OF OLIVER B. HURFORD.

By the CHAIRMAN :

Question. Do you reside in Omaha?

Answer. Yes, sir.

The chairman informally explained to Mr. Hurford the object for which the commission was appointed, and requested him to give whatever information he could furnish on the subject.

WITNESS. I was not the contractor with the Government for furnishing flour. Now, I understand that this commission proposes to investigate Commissioner Smith as well, and you want to get at the whole facts.

The CHAIRMAN. Yes.

WITNESS. Well, in June, 1874, I submitted a bid for flour, together with a sample. My bid was \$2.35 per hundred pounds, and Mr. John

H. Martin, of Cheyenne and Denver, also submitted a bid at \$2.12 per hundred. He was a failing contractor the year before, and he did not expect his bid, as I was informed, to be accepted by Commissioner Smith. Mr. McCann, in a conversation with Commissioner Smith, or the Commissioner in a conversation with Mr. McCann, expressed some doubt about Martin failing in this contract, and they might be left short of supplies?

Q. Who expressed that doubt, McCann or Commissioner Smith?

A. Commissioner Smith to McCann. McCann's reply was, that if Martin failed Hurford would supply the flour, he knew; and they suspected that, if they did not give Martin the contract at his bid, from the character of the man, he would make it so unpleasant for them that they took it up, supposing that he would not perfect his contract by giving good bonds; but he did. Well, the first connection I have had with the matter is this letter, a suggestion from Mr. McCann that Martin would be slow about filling his contract, and wanting me to step in and supply the flour:

OFFICE UNION PACIFIC RAILROAD HOUSE,  
Cheyenne, W. T., July 28, 1874.

DEAR SIR: I think Martin, the contractor for flour, will be slow in filling at \$2.50, delivered here. Can you furnish five car-loads, of 220 sacks each, soon, and put it in the contract at \$2.12? If so, I will take it as soon as loaded. I propose to send it on at contract price, to keep the agency supplied, without reference to contractor's movements.

Please write immediately.

Yours, truly,

D. J. McCANN.

O. P. HURFORD, Esq.,  
Omaha.

I count on flour .....	\$2 12
Freight .....	38
	<hr/>
	2 50

WITNESS. Now, gentlemen, I believe that was a trick on me. The proper way for the Commissioner of Indian Affairs, when Martin failed, was then to take my bid, as I understood I was the next lowest bidder. That would have been the proper course to have pursued; but instead of that, Mr. McCann was eternally turning up and wanting flour to keep the agency running, and I furnished that flour, and it was inspected at Cheyenne—the first lot, it was not inspected here (Omaha)—pursuant to the above request of McCann, dated July 28, 1874. Now, in passing, I would suggest to this commission that they ascertain whether that flour was paid for in Cheyenne at \$2.12 or \$2.35. I think it was paid for at \$2.35 per hundred pounds. I furnished the 1,100 sacks mentioned in that paper, at \$2.12 per hundred pounds.

Q. I understand you shipped this flour?

A. Those 1,100 sacks at \$2.12? I shipped them to J. J. Saville, care of McCann; it was inspected out yonder, at Cheyenne. Then after that was shipped I got a letter from Mr. McCann, suggesting that he would want 5,000 sacks more, and there was a good deal of correspondence on the subject before we arrived at anything definite. After considerable correspondence I received this letter from Mr. McCann:

CHEYENNE, W. T., August 22, 1874.

DEAR SIR: Since writing you, I have been authorized to purchase 202,000 pounds of flour, for the Indian service, in double sacks, weighing 88 pounds to the sack, including sacks, or, say 2,296 sacks of 88 pounds each. If you see your way clear to furnish it at the price, (\$2 per 100 pounds,) shipping two to three cars per week, after next

week, please sign and return the inclosed memorandum. Koenig desires the order, but in view of our correspondence, you are entitled to the refusal.

Yours, truly,

D. J. McCANN.

O. P. HURFORD, Esq.,  
*Omaha.*

Mr. Koenig was not furnishing any flour; he could not furnish any, his mill was stopped for repairs at the time; his mill was at Grand Island. The flour could not have been furnished there in any event, because it had to be inspected here, (Omaha.) He told me that he never had agreed to furnish McCann any flour; that McCann had written to him on the subject, but that he had declined to furnish him any flour, as he could not do so. I wrote McCann a letter agreeing to furnish this flour just as he asked for it, in 88-pound sacks, making some remarks about the stringency of his terms, and so on, and a few days after this letter was written Mr. McCann came down here on his way to Washington. I asked him about the 88 pound sacks, why it was to be put up in that way; that it was unusual and might probably lead to trouble. He said it was for the convenience of issue together with other rations; he made some excuse of that kind. I furnished that flour in the 88-pound sacks, and that is the flour in reference to which Mr. White has testified. That flour was furnished through August and September. Then there was another lot that went to the Shoshone and Bannack agency, 1,101 sacks, that was furnished at \$2 per hundred, in 100-pound sacks at the request of Mr. McCann. It was furnished in October and November. That for the Shoshones and Bannacks was furnished mostly in October. I might say, in round numbers, it was early in October; the last car-load went early in November. Now, these shipments of flour, these 88-pound sacks, were shipped 250 sacks in a car-load; I think that makes just 22,000 pounds. I have the shipping-receipts somewhere showing that fact, so that so far as we were concerned the flour was all thrown into pounds. I received pay for it at \$2.12 per hundred pounds for the first lot, and \$2 per hundred for the other lot.

About that sample. When the Commissioner of Indian Affairs wrote to Barclay White that I would furnish this flour, and that he should inspect it, he stated to Mr. White that Mr. Hurford would furnish sample. Well, that always confused me, and aroused my suspicions that they were furnishing the flour on my contract, and I sought to get that fact from Commissioner Smith, but failed. I telegraphed him directly, saying if this flour was being furnished on the sample that I submitted in June then the price I mentioned in June ought to prevail, namely, \$2.35. I do not think there is a doubt of it. I state that so that you may look in that direction when you go to Washington. I had no sample to submit. In one of those letters from McCann he asks me if I have the sample I submitted at Washington. Of course I could not have it unless my bid was accepted, then it would be returned to me. Then Mr. McCann says, "If you have not got it, I have." What business had it out there at Cheyenne? That was what confused me. I had no sample to furnish. When I was applied to for this flour, and requested to furnish my own samples, I furnished one and afterward another; and these [Nos. 1 and 2, presented by Mr. White] are the samples. I was sick and my young man furnished the first sample. It was too good, as I supposed. But one car-load was furnished and inspected by this best sample, (No. 1,) and I found that I was having injustice done me. As I was at liberty to furnish my own sample, I requested permission to withdraw that sample and submit one that came nearer the ordinary Indian flour that has been furnished here. In the mean

time Commissioner Smith came out here and saw the two samples in the office of Barclay White, and objected to this second sample; and Mr. White notified me of the fact, and I told him, "Very well, I will furnish according to the first sample;" and I did. So there was one car-load furnished according to the second sample, and all the balance was furnished according to the first sample submitted, (No. 1.)

By Mr. HARRIS :

Q. You say Commissioner Smith was here and saw it?

A. Yes, sir.

Q. Mr. White said somebody else was here—Mr. Roberts?

A. Commissioner Smith was here himself, and in Mr. Barclay White's office, and objected to this (No. 2) sample.

Q. Was it Commissioner Smith, of the Board of Indian Commissioners, or Mr. Smith, Commissioner of Indian Affairs?

A. Mr. White told me that Mr. Smith, of the Indian Board, was here and objected to the sample, and I understood it was the Commissioner of Indian Affairs.

(After some desultory conversation between the commissioners and the witness, it was ascertained that it was Mr. Smith, of the Board of Indian Commissioners, and not the Commissioner of Indian Affairs, who was present and objected to the samples.)

WITNESS. This flour was re-inspected at Cheyenne by a Mr. Coakley, quartermaster's clerk at Fort Russell, near Cheyenne, and he threw out one hundred and three sacks of the whole lot, so that whatever passed here that was a little below grade, I fancy, was thrown out yonder at Cheyenne, and there were one hundred and three sacks of it.

Q. Do you know what became of that flour?

A. Yes, sir; my agent sold it to parties going into the Black Hills.

Q. So, then, we understand that you never had a contract with the United States, or with the Commissioner of Indian Affairs, for furnishing flour, and you did not furnish this flour upon a contract with the Government?

A. No, sir; I did not.

Q. But you furnished it upon an arrangement with this man McCann?

A. Yes, sir.

Q. And he paid for it?

A. Yes, sir; after a heap of delay and worry, and in some instances letting my drafts go to protest.

Q. You have been engaged in the manufacture of flour here?

A. Yes, sir; for ten or twelve years.

Q. Running a mill here?

A. Yes, sir.

Q. Manufacturing flour pretty largely?

A. Yes, sir; I have been, up to recently, connected with three mills. I sold one here a few weeks ago. I think I have more mill-power than any one man in the State as a manufacturer of flour.

Q. What at that time was the value of flour by the barrel here, such flour as you shipped East for the market?

A. We do not ship any East from here; it is all sold West. Our best grade was at that time selling at from \$2.25 to \$2.35 a sack of 98 pounds, or half a barrel.

Q. That is all spring-wheat flour?

A. Yes, sir.

Q. What was the difference in price between spring-wheat flour and winter-wheat flour at that time?

A. Considerable. Winter-wheat flour is all manufactured in Chicago and down South where winter-wheat is raised. Winter-wheat commands from ten to fifteen cents per bushel more than spring-wheat.

By Mr. FAULKNER :

Q. Why is that ?

A. It is supposed to be of finer quality. It makes a finer quality of flour, and suits the eastern market, and makes more flour to the bushel and less offal.

By the CHAIRMAN :

Q. Have you any information in regard to the transportation of other Indian supplies besides flour ; how is it done ?

A. Mr. McCann has a contract with the Union Pacific Railroad for carrying these Indian supplies, and he gives me, here in one of these letters, 38 cents a hundred pounds from Omaha to Cheyenne. That is the rate the railroad charges McCann. This flour that was shipped by me to the Shoshones and Bannacks was shipped to Bryan, on the Union Pacific Railroad. It was put off there, and there it laid ; and Mr. McCann did not pay the freight on it, and I understand that there were other Indian supplies there at the same time in the same fix. Mr. McCann was at that time in Washington figuring around. He went there some time in October, and remained there through October, November, December, January, and I think it was late in February when he came back, and this stuff laid out there, and the Indian agents could not get it without the United States freight being paid on it. And that was the trouble with Mr. Irwin's flour ; it laid there and he could not get it, and his teams staid there in the cold and apt to be frozen up, and Mr. McCann charged the trouble on me, that I did not ship the flour forward, when the fact was that it laid there for, I think, a month. I wrote Mr. McCann a letter on the subject. He charged me with the delay ; and I think I was informed that he made the same charge against me to the Commissioner of Indian Affairs. Mr. McCann was very angry at me holding any communication with the Department, and finally I wrote Mr. McCann a letter that was very severe, calling him to account for his course, and in reply to that letter I received one that I would like to show to the commission, to show how he comes down.

By Mr. FAULKNER :

Q. Do you know when flour was transported to the Red Cloud agency, when it was released from the charge of the railroad, so that it could be transported to the Red Cloud agency ?

A. I am speaking about the Shoshones and Bannacks.

Q. I know that ; but do you know anything as to the time that it was released ?

A. I do not know. The flour I shipped out during August and September I think went along pretty promptly, but my impression is that there was some delay at Cheyenne while Mr. McCann was in Washington, but to what extent it was delayed I am not advised.

Q. Have you ever heard any complaints in regard to the flour you sent to Cheyenne for the Red Cloud agency ?

A. No, sir ; I never have. I have heard a general complaint about the flour, but there never has been a sack of flour condemned at the Red Cloud agency that was traced back to Barclay White or myself.

By the CHAIRMAN :

Q. This flour put up in 88-pound sacks was shipped to Cheyenne for the Red Cloud agency ?



A. Yes, sir; and I think if you will follow them closely you will find that the number of pounds was not marked upon the bags; that they were issued as 100 pounds of flour to the Indians. I state this merely as my opinion. I was informed that flour that had been shipped out there by me had been sold in Cheyenne; but I give this merely as a rumor. In cases of this kind there are plenty of rumors without much foundation.

Q. Do you know anything about the specimen of flour that Professor Marsh saw at the Red Cloud agency; did you ever see that?

A. No, sir; I did not. I believe the Professor says that the way he came by that sample was that he saw a squaw carrying the sack away, and it fell off her back and bursted; and it was a single sack, and the flour was rotten.

THE CHAIRMAN. He said that the flour was very bad, and nobody would eat it.

WITNESS. Well, now, every sack of my flour was in double sacks; there was not an exception, and therefore this could not have been my flour. There were some depredations committed by some Indians on the plains recently, and the way they discovered who the Indians were (they were Sioux) was that their tents were made out of flour-sacks branded Anchor Mills, and that it was T. S. Clarkson's inspection brand. I think that was furnished in 1873. I furnished it to Baldwin. I bought some other from Mr. Loveland. And when Professor Marsh speaks of miscellaneous lots, I presume he means different brands, and that was it; and at the end of the season out of the whole lot there were 103 sacks rejected. Mr. McCann wrote to me in August or September that Martin had furnished 1,700 odd sacks, and therefore there was (so much more) needed to complete the contract. Now, this flour that that squaw got might have been furnished by those Indian traders out there who are appointed in the interest of the Indian agent, and if that flour was not furnished by Mr. Martin, the failing contractor, it must have got to them through the authorized traders at the post. You see, with Martin's facilities, it was utterly impossible for him to fill that contract.

Q. Does he own a mill?

A. No, sir. He is just a speculator. When I set myself right, then I am for Professor Marsh after that. I know something of the deviltry that is practiced in this business. I have been here seventeen years, and am acquainted with all the Indian agencies, and it is impossible for a respectable man to take a position as Indian agent at \$125 per month and live on that alone and come out worth a fortune at the end of three or four years. The whole system is wrong. This flour ought not to be bought by contract yonder in New York. The contract ought to be awarded right here, and let millers supply the flour; it has to be made here anyhow, and it must be supplied by persons on the ground with facilities for furnishing it. The idea that Indian flour is poorer than other flour ought to be gotten rid of. Flour has an intrinsic value, and if a contractor agrees to furnish it at less than the market price, he is obliged to cheat in quantity or quality.

Q. You state you had a letter from McCann?

A. Yes, sir. He comes down. He is a member of the church, and so am I, and he thought that men making professions as we did ought not to get into this kind of a row. I was willing to risk the church relations if he was. He is divorced from his wife, and is generally a bad egg.

Q. Have you got the letter here?

A. No, sir; it is at my house.

Q. Do you know anything in reference to delay in the transportation of other Indian supplies in consequence of the non-payment of freight, besides this flour that laid at Bryan?

A. Nothing that I would want to state under oath. The information comes to me that not only my flour was allowed to lie without the freight being paid on it, but other goods besides. McCann neglects his whole duties as transporter of Indian supplies.

By Mr. HARRIS :

Q. Do you know anything about the transportation of blankets?

A. No, sir.

By Mr. FAULKNER :

Q. You speak of McCann as having made the contract with the Union Pacific Railroad Company?

A. Yes, sir.

Q. He did that, I suppose, in his character as a contractor for the Government?

A. I fancy that this contract with the Union Pacific Railroad would be the result of a contract with the Government. He would contract with the Government to transport the flour and other supplies, say from Omaha, then he would make an arrangement with the Union Pacific Railroad so as to afford him a profit.

By the CHAIRMAN :

Q. Have you any further information or suggestions that you could give us?

A. I do not know. I have sought to make such suggestions as might guide you in Washington, and in looking after McCann. I think that McCann is the *point d'appui* of the whole mischief in the Red Cloud agency. I think the stealing is done through him pretty much.

Q. Do you know anything about the beef?

A. I do not. I believe they guess at the weight. I never furnished any beef. Under date of Cheyenne, Wyoming, August 26, 1874, Mr. D. J. McCann wrote me a letter, in which he says: "Have you the samples of flour furnished by you to the Department in June? I can send you the samples I have had, and which will guide the inspection, or you can arrange to have the flour inspected as loaded by Inspector Clarkson. This is upon the supposition that you contracted for the 2,275 sacks." I understand the flour which I furnished, and about 1,700 sacks that Mr. McCann says Martin furnished, would fill the contract of 5,500 sacks. I have always regretted my connection with the 88-pound sack business, and I am very glad to have had this opportunity of explaining it.

By Mr. FAULKNER :

Q. Professor Marsh says it was "in a single sack, without any brand whatever." That is not descriptive of your flour?

A. No, sir.

By Mr. HARRIS :

Q. On its way could it be changed?

A. It could be changed without difficulty. If you find that Mr. McCann is not a man that would do that, probably it was not changed; but if you find that he is a man that would be likely to do it, you may infer that it was done.

By Mr. FAULKNER :

Q. Do you know any reason why your flour was subjected to a second inspection at Cheyenne ?

A. No, sir ; I do not.

Q. Is it usual to subject flour to a second inspection ?

A. No, sir ; I think the inspection grew out of this change of samples that I have explained here. When the difference in the two samples was discovered, the Indian commission took the precaution to re-inspect it at Cheyenne, and then 103 sacks were thrown out. I did not care particularly about it.

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CHEYENNE, W. T., *Thursday, July 29, 1875.*

Present: Hon. THOMAS C. FLETCHER, chairman, Hon. B. W. HARRIS, and Hon. CHARLES J. FAULKNER.

TESTIMONY OF H. C. BOSTWICK.

By the CHAIRMAN :

Question. Mr. Bostwick, you are a Government store-keeper here, I understand.

Answer. Yes, sir.

Q. How long have you been here in that capacity ?

A. Since the 18th of November last.

Q. Do you remember receiving some flour shipped by Barclay White, consigned to Mr. McCann, who is the contractor for transportation of freight, I believe ?

A. Yes, sir.

Q. Do you know anything of the inspection of that flour after it arrived here ?

A. It was re-inspected by Mr. Coakley, by the orders of the Commissioner. Mr. Long was appointed inspector ; Mr. Coakley was appointed, I suppose, by Mr. Long.

Q. Do you remember anything of another lot of flour received about the same time, shipped by J. H. Martin, from Denver ?

A. The most of Martin's flour, and the most of the flour that was received, inspected by Barclay White, of Omaha, was received before I came here, but a good portion of it was remaining as rejected flour in the warehouse here, after I took my office.

Q. Do you know whether that flour which was rejected was mostly from the lot shipped by Martin or from the lot shipped by White ?

A. Well, I could not tell you, sir ; I could not say which part came from Martin and which came from White. I was not able to know, because, being rejected flour, I had nothing to do with it.

Q. When goods are received at the Government store-house for Red Cloud agency, are they shipped upon the order of the agent at Red Cloud agency ?

A. Not necessarily. It is supposed that all goods that come into my possession for Red Cloud agency I should ship to Red Cloud agency.

Q. How do you ship those goods ?

A. By cattle-trains and mule-trains.

Q. Have you the power to call for those cattle-trains ?

A. I have not ; they are furnished by the contractor.

Q. Then the goods are not forwarded until the contractor sees proper to call at your store-house for them, and take them away ?

A. Here is the way: The contractor, Mr. McCann, makes a contract with A, B, and C, and so on, to take goods from me and take them to Red Cloud agency. Well, they are all very anxious to keep their trains going as fast as possible, and they would call for goods every fifteen minutes if they could get them and there were that many trains. They bother me almost to death about them.

Q. When you deliver them goods for Red Cloud agency is it necessary that Mr. McCann, the contractor, should be there to receive them from you, or do you turn them over directly to the men he has employed to take them?

A. Usually Mr. McCann says to these men that are under contract, "You go to the warehouse," or "to the store-keeper, and there will be loading for you." And if there is loading for them I load them, knowing that they are the men that are under contract with Mr. McCann for this transportation.

Q. Does McCann transport most of these goods by means of these sub-contractors, or does he transport any portion of them himself?

A. Yes, sir; he has only a small outfit that usually runs. It had been run for a good many years before (so I understand; I don't know this of my own knowledge) by Mr. John Compton, but perhaps it is not necessary to put down things I don't positively know. Mr. Compton was running the train for Mr. McCann; I don't know at what time or what points. After I came here McCann had a train; at least I supposed it was him. I never made out any wagon-bills, or no wagon-bills were made out, to Mr. McCann; they were made out to Mr. Compton, but it is generally called McCann's train. Whether it is correct or not I am not able to say; and after Mr. Compton left, (his health became poor and he left this spring quite early,) then Mr. T. M. Sawyer had the train in charge. I only know it as it is generally known as McCann's train.

Q. Was there ever any complaint by Agent Saville to you about the detention of goods here at your warehouse?

A. No, sir.

Q. Goods were always promptly forwarded when they came here?

A. Yes, sir; with the exception of, perhaps, last winter, when we had a severe storm, and it was quite difficult to get transportation ready at that time, because they had no sheds or barns here, (they never put up any hay in this country,) and the cattle strayed away, and it was quite difficult at one time last winter to get the cattle together to get transportation over to the agency; but I succeeded in getting some two or three trains on the road. I got them started with goods, and they got as far as the Platte, when another severe storm overtook them and drove the cattle away again. About this time the Department ordered the use of an odometer to measure the distance from here to Red Cloud, and the party started from my office and got as far as the Platte, and had to make their quarters at Fort Laramie, which was as far as they could go, and they never completed the measurement.

Q. Do you know whether that distance was ever measured?

A. Not to my knowledge.

Q. Do you know what became of the rejected flour that was in the warehouse when you took charge there?

A. Yes, sir; Mr. J. H. Martin sold it to Mr. Athorp. Mr. O'Brien, the sheriff of this county, acted as agent for Mr. Martin. The business was transacted in my office, and the flour was turned over to Mr. Athorp at that time, and he moved away over two hundred sacks of it. I won't say *sold*, but it was moved away from my office by Mr. Athorp, and some of the same flour is to-day in the store of Pease & Taylor in this

town; and Mr. Athorp told me he had taken some of it out on his ranch and had sold some of it to different parties.

Q. The flour that you shipped to Red Cloud agency, do you remember whether all that flour was in double sacks and stenciled with the name of the inspector branded on it?

A. It is my impression now that all of that was in double sacks, and the brand on the bags was "Indian Department." I think it says "Indian Department Flour," or "Indian Department."

Q. Well, the flour received at the warehouse from Martin, was that put up in the same way and branded in the same way, do you recollect?

A. It is my impression that it was. I am speaking of Martin's flour all the time. That I saw was in double sacks. I will tell you why: when Coakley was piercing it with his inspecting-iron, it was very hard to pierce it through; and if it was a single sack, it would be easy. I think I noticed when sacks were torn, and I was obliged to sew them up. They were in double sacks.

Q. Now as to that which was received from Barclay White?

A. That flour that was received from Barclay White, it appears, was furnished by O. P. Hurford. That was also branded "Indian Department," or "Indian Department flour"—I think "Indian Department flour;" and it is my impression (I think I am correct in it) that that was in double sacks; and that flour—the rejected flour of O. P. Hurford—(there were 103 sacks of it)—remained in the warehouse of I. W. French. The warehouses belonging to the Indian Department are at Camp Carling, a mile and a half distant from here. This flour I am speaking of was stored in the warehouse of I. W. French, but in the same building that my office was in. There was an arrangement that I should have my office in that building, rather than at Camp Carling, to let Cheyenne know that there was an Indian office within the limits of Cheyenne without going out so far. About those 103 sacks of flour: Late this spring I received an order, or rather two orders together. One was an order from D. J. McCann to O. P. Hurford, for me to deliver over to O. P. Hurford the 103 sacks of rejected flour branded Barclay White, and rejected by Mr. Coakley; and accompanying that order from D. J. McCann was an order from Mr. Hurford to me to turn over the flour to, I think, Curthburton & Young. On the presentation of the order of Mr. Hurford by Messrs. Curthburton & Young, I let them have the 103 sacks of flour, and they put it into their commission-store for sale, and sold it. I asked them what they got for it, and they said they got \$2, \$2.25, and \$2.50 in money a sack for it, and they made a trade for some meat, and they got \$3.50 a sack for it. I always felt a little delicate about seeing the flour piled up very conspicuously in a store on the main street, with Barclay White's name on it. It was Indian flour, and it looked rather suspicious that some one was stealing that flour.

Q. Do you recollect about that flour what the weight of the sacks was?

A. Some were different weights; some went 88 pounds, some went 89 pounds, some 100 pounds, and so on.

Q. That portion that you shipped to Red Cloud agency, did you weigh it here before you put it in the wagons?

A. Every pound of it, sir; the inspector weighs it. I call on the inspector, and he comes where the flour is, and there he inspects it. It don't virtually come into my hands, I don't really receive that flour until after it is inspected, and then I receipt to the inspector for what flour he weighs, and he receipts to the contractor, whoever he may be, and sends a copy or a duplicate to the Department.

Q. And when you ship it to Red Cloud agency do you weigh it again ?

A. Always.

Q. Put it in the wagons ?

A. Yes, sir.

Q. And you send to the agent a bill of lading stating the weight ?

A. Yes, sir. The wagon-master—there is always a wagon-master with these trains—the wagon-master signs three bills of lading: one he takes himself as a memorandum of what he has in the load, one is sent to the agent, and the third is retained for the contractor to know what has been shipped. The wagon-master takes his bill of lading after he arrives at the agency; has his load weighed or counted out, whatever it may be; then the agent that receives it, if it is received in good order, certifies to that effect on his bill; then the wagon-master returns that bill to the contractor, and gets his pay upon it for transportation.

Q. Do you remember whether there were any bales of blankets shipped by you to Red Cloud agency after you came here last fall ?

A. Yes, sir. I shipped some that came from Minneapolis, Minnesota.

Q. I suppose you could not tell without reference to your books the date and the number of bales ?

A. I could not, sir.

Q. You can tell by reference to your books ?

A. O yes, sir.

Q. I wish you would think of it and examine your book, and make me a memorandum.

A. Yes, sir.

Q. Do you remember of any coffee being shipped to Red Cloud agency last fall or winter, after you came here ?

A. Yes, sir; last winter.

Q. Did you ever notice the quality of that coffee ?

A. It was fair coffee, such as is ordinarily used by the people in the country.

Q. Do you know anything about tobacco for the agency ?

A. I shipped thirteen cases of tobacco—very large cases, with caddies inside of the cases; but the quality of it I don't know anything about. It came from New York. It was all put up in very nice shape, and seemed to be all right.

By Mr. HARRIS :

Q. Do you know how much flour was shipped by you to the agency after you came here ?

A. I cannot tell now, but I will bring in my books.

Q. Will you bring in your books to-morrow ?

A. Yes, sir.

Q. Do you keep a book showing all the goods shipped to Red Cloud agency ?

A. Yes, sir.

Q. You say that in loading a team with flour you weigh it all ?

A. Yes, sir.

Q. You pay no attention to the number of sacks, but rather to the weight ?

A. O, yes, sir; I keep the number of sacks. I will tell you the reason why I weigh them. It is especially for the accommodation of the wagon-master. Now I weigh everything, with the exception of sugar. The sugar that comes to me with the barrel perfect, and the inspector's

brand on it, and marked so many pounds net—gross with the tare—I take it for granted, if the barrel is perfect and the mark has apparently not been disturbed, that that is the proper weight of the contents. That, of course, I don't weigh. But if I was going to receive of Mr. Coakley, and if he would weigh out to me forty thousand pounds of flour, and I had a train waiting for those forty thousand pounds of flour, and they wanted forty thousand pounds of flour, and I had just got through inspecting it, it is not probable I would weigh it again unless I would weigh it for the benefit of the wagon-master, who generally puts three or four thousand pounds on a wagon. It is simply for the accommodation of the wagon-master in that case.

Q. As I understand it, sacks of flour are generally 100 pounds weight; are reckoned as such?

A. I receipt to Mr. Coakley for just exactly what flour there is. If there are only 88 pounds in a sack, or 90, or 92, or 98, or 100, I receipt for it, and ship it as I receive it.

Q. I want a direct answer to my question. In making up a load of flour for delivery from your warehouse, would you, at the time, weigh it and get a receipt for the weight? Would you weigh it out yourself on to the wagon?

A. O, yes, sir.

Q. Do you in all cases?

A. Every shipment of flour, unless it was just as I have stated—that we had just made an inspection, and I knew just exactly what there was in that pile, or that lot; in that case I would not weigh it again.

Q. Do you mean to say that in all instances you knew from your own weighing of it, or from having just seen it weighed, the exact number of pounds which were delivered to the driver?

A. Invariably, sir.

Q. There was no instance in which you counted out the sacks, and reckoned them each at 100 pounds?

A. No, sir; never.

Q. Well, then, in all cases, as I understand, you give the driver his bill of the weight, and you send to the agent a bill of lading which comes back to you?

A. No, sir; it don't come back to me. After it passes out of my hands I have nothing more to do with it.

Q. Do you make any record, or give any receipt upon which Mr. McCann is to be paid for his transportation?

A. No more than his wagon-bills.

Q. When they pass out of your hands and go to Mr. Saville you don't see them again?

A. No, sir; not in my business capacity.

Q. So that you don't officially know whether that flour reaches its destination or not?

A. I do not, sir.

Q. Do you know where in the course of business those receipts go to?

A. They go into those wagon-bills, as we call them; those wagon-bills that the wagon-master takes are returned. If the goods go to the agent correctly, he certifies to that; if there is a deficiency he certifies on the bills so much deficiency; then that is kept deposited here in the First National Bank for payment—for the payment of the wagon-master's transportation, not the payment of Mr. McCann's transportation; but virtually it is the transportation of these men that Mr. McCann hires to take those goods from here.

Q. That is to say, the bills come back, and they are paid by the bank, where McCann has funds?

A. Yes, sir.

Q. I speak of the paper that goes to the agent.

A. That, I suppose, the agent sends to the Department.

Q. Do you send a duplicate to the Department ?

A. I do not, sir.

Q. Do you keep any account of the amount of flour shipped by you from your store-house to the agency ?

A. Nothing, only in the wagon-bills ; I make out a duplicate—

Q. When you receive a shipment of flour from any quarter, and it is inspected and comes into your hands, do you give any receipt for it ?

A. I never have received any flour that has been inspected by others ; but there was an order, which is now in my office, not to ship any flour to Red Cloud agency unless it is inspected by Mr. Coakley.

Q. Suppose you were receiving to-day a thousand sacks of flour which had passed inspection and came into your hands as store-keeper, would you then give any receipt for it ?

A. I think not, sir. I have orders from the Department to ship no flour unless it is inspected by Mr. Coakley. I don't receipt for goods which come into my hands as store-keeper. I do receipt for goods which are shipped to me, in order that Mr. McCann may get his transportation. These receipts are simply evidence that a certain amount of goods has been received for transportation.

Q. So far as I understand you, Mr. Saville is the person who gives the final receipts ?

A. Yes, sir ; I think it is on my receipts that Mr. McCann gets his pay for transportation that he pays out for bringing these goods from New York or Chicago, or wherever it may be, to Cheyenne, and he would get his pay for transportation from Cheyenne to Red Cloud agency on Mr. Saville's receipts ; and the contractor, who furnished the goods, would get his pay on Saville's receipts.

Q. Does your office furnish to the Department the means of determining whether all goods received by you are forwarded by you ? How could it be known at the Department whether or not the goods which had come into your hands had been sent forward to any Indian agency ?

A. I receipt to the inspector for all flour turned over to me.

Q. Will you be kind enough to state from whom you received your appointment ?

A. From Dr. Saville, sir.

By the CHAIRMAN:

Q. What other annuity goods pass through your hands ?

A. All of them.

Q. Do you know a man by the name of J. K. Foreman ?

A. No, sir.

Q. Where do you reside when you are at home ?

A. At Cheyenne, sir.

Q. Where did you reside before you came to Cheyenne ?

A. I resided in Sioux City. I am a native of Vermont.

Q. Do you know anything of the inspection of flour by Mr. French ?

A. Not of my own personal knowledge. It occurred before I came here. I have in my office samples of flour, in little boxes, labeled "samples of flour inspected by I. W. French;" and also samples furnished from the Department for inspection to compare them with the flour furnished. And Mr. Marsh telegraphed Mr. Coakley, the inspector, to send him a sample of flour which he inspects by, and I gave Mr. Coakley a sample to send to him, (Mr. Marsh.) Mr. Coakley inspected all the flour that was forwarded to Red Cloud agency after I came into office



here. A sack of flour used to weigh 100 pounds. It appears that Mr. Palmer, the store-keeper before me, did not really understand about this business, and he took the liberty of telegraphing Mr. Smith, the Commissioner, in regard to it, and I found the telegram in my office. The Commissioner, in substance, says: "The number of pounds in a sack is not essential if the contractor delivers the amount that he agrees to."

By Mr. HARRIS:

Q. Have you that telegram, sir?

A. I have, sir.

Mr. HARRIS. You had better bring it up to-morrow.

WITNESS. All right, sir.

Q. You spoke a little while ago of an attempt having been made by somebody to measure the distance from Cheyenne to Red Cloud agency?

A. Yes, sir.

Q. Who was it?

A. When I spoke of it I was trying to think of the man's name. He is a lieutenant of the Army, who was up here at Fort Russell, but he is not here at present; he was ordered to Fort Smith or Fort Steele.

CHEYENNE, W. T., *Friday, July 30, 1875.*

Present: Hon. THOMAS C. FLETCHER, chairman; Hon. CHARLES J. FAULKNER, and Hon. B. W. HARRIS.

The examination of Mr. Bostwick was resumed.

Mr. Bostwick brought with him his official books and papers, and proceeded as follows:

I will commence where I left off. I told you last night that I had in my office a telegram from Commissioner Smith, stating that the quantity of flour in a sack was not material. This is it:

WASHINGTON, *December 26, 1874.*

S. PALMER, *Cheyenne, W. T.:*

The quantity of flour per sack is not material, provided the actual weight be certified by inspector.

E. P. SMITH,  
*Commissioner.*

Now, as we are on the flour question we will continue. Here is the style of receipt that I give to the inspector when he turns the flour over to me. [Showing receipt.] That is a retained copy that I keep in my office for reference.

[The witness here explained to the commissioners, going over his books, his *modus operandi* of keeping his accounts.]

The book of the store-keeper, Mr. Palmer, shows that on the 13th of August, 1874, there was received and inspected by the inspector 220 sacks of flour, weighing 22,000 pounds; August 17, 225 sacks, weighing 22,500 pounds; same date, 225 sacks, weighing 22,500 pounds; August 20, 220 sacks, weighing 22,000 pounds; same date, 225 sacks, weighing 22,500 pounds; 24th, 221 sacks, weighing 22,100 pounds; 26th, 225 sacks, weighing 22,500 pounds; same date, 220 sacks, weighing 22,000 pounds; and on the 28th, 221 sacks, weighing 22,100 pounds. Of the above flour 1,106 sacks, weighing 110,600 pounds, was flour received by the Union Pacific Railroad, and I suppose it came from Barclay White, but I do not know.

We received flour by the Union Pacific Railroad from Barclay White. The balance of the flour was received by the Denver Pacific Railroad; and all the above-named flour was received on the contract of J. H. Martin. The next receipt of flour on Martin's contract, was September 2, 224 sacks, weighing 22,400 pounds; September 26, by Denver Pacific, 225 sacks, weighing 22,500 pounds; the next October 8, by Union Pacific, 237 sacks, weighing 20,856 pounds; also 236 sacks, weighing 20,768 pounds; also 250 sacks, weighing 22,000 pounds; also 250 sacks, weighing 22,000 pounds. The reason why these separate items appear in this way is that they came in separate cars. The next was October 8, received of J. H. Martin, per O'Brien, 5 sacks of flour, weighing 500 pounds; the next October 21, by Union Pacific Railroad, 250 sacks, at 88 pounds, weighing 22,000 pounds; the next, same date, 220 sacks by Union Pacific, at 99.8 pounds, weighing 21,956 pounds; next, by Union Pacific same date, 250 sacks, weighing 88.4 pounds each; total 22,100 pounds; same date, by Denver Pacific Railroad, 225 sacks, 97.8 pounds each, weighing 22,005 pounds; same date, by Denver Pacific, 224 sacks, 97.4 pounds each, total 21,817.6 pounds; next, October 24, by Union Pacific Road, 250 sacks, 87.65 pounds each, total 21,912½ pounds; next, October 28, by Union Pacific, 120 sacks, 91 sacks of 100.4 pounds each, and 29 sacks at 88.4 pounds each, total 11,700 pounds; also, on the same date, 220 sacks, by Union Pacific, at 100.2 pounds each, total 22,044 pounds; on the same date, 225 sacks, by K. P., (Kansas Pacific,) 225 sacks, 99 pounds each, weighing 22,275 pounds. (All marked "By K. P. Road" really came by the Denver Pacific.) The next flour received was, on November 7, by Denver Pacific, 111 sacks of flour, 98 pounds each, weighing 10,878 pounds; the next was November 10, by Denver Pacific, 125 sacks, 98.6 pounds each, weighing 12,325 pounds. That closes the account for the year 1874 on J. H. Martin's contract for flour delivered for the Red Cloud agency.

By Mr. FAULKNER:

Q. Was any of this flour in single sacks?

A. I think not. Let me explain this. The reason why I say this is because I might as well say right here that I don't know, for the simple reason that I don't know anything of this flour that is shipped away. I could not say positively whether all of it was in single sacks or in double sacks.

Q. You know nothing about it prior to the 18th of November?

A. No, sir; I don't know anything in regard to this business, only as the books show, before the 18th of November; after the 18th of November, I have personal knowledge and am ready to explain.

By the CHAIRMAN:

Q. Now, Mr. Bostwick, do you know anything about the pork that was received here for Red Cloud agency after your arrival here?

A. Yes, sir.

Q. And do you know anything of the inspection of that pork?

A. Nothing, only what is marked on the barrèl; and at the same time Dr. Saville at one time was down here, and he was anxious to see the pork, and he and I examined it together.

Q. How did you make that examination?

A. By opening a barrel.

Q. How many barrels did you open?

A. We looked at some at Camp Carling, and also one barrel that was in this warehouse. I cannot say positively—maybe three.

Q. What kind of pork was that which you looked at?

A. I can't describe it as pork-men describe it, but I can describe it my way as to the quality.

Q. Just state your idea of it.

A. It was lean, sweet, pork. That covers, I guess, all of it. The pork was more lean than fat.

Q. Thin?

A. Well, it was all thicknesses, I guess; but the fat of the pork was thin; we examined it and found it was good, sweet pork, and good, sweet brine; but it was more thin than fat.

By Mr. FAULKNER:

Q. What kind of pieces were they; from what part of the hog?

A. I could not tell except that it was lean pork; it was sweet and all fit to eat, and did not smell bad.

By Mr. HARRIS:

Q. Do you know what use the Indians make of pork?

A. I do not, sir.

Q. You could not venture an opinion as to whether this was the kind of pork which would be proper and profitable to supply to Indians?

A. I do not, sir.

By the CHAIRMAN:

Q. State what your books show in reference to the receipt of blankets for Red Cloud agency since July, 1874.

A. There was received on the 22d day of September, 1874, 33 bales of blankets, weighing 11,773 pounds; and, on the same date, 2 bales of blankets weighing 724 pounds; on the 29th of the same month, 2 bales, weighing 640 pounds. The books show that there were shipped to Red Cloud on the 21st of September, by Dick Dunn, a freighter for McCann, 2 bales of blankets, weighing together 724 pounds; on September 29, by Juan Vigil, 35 bales, weighing 12,373 pounds. These were all received and shipped before I came into office, and I state what the book shows.

[The witness then produced the triplicate bill of lading, signed by D. J. McCann, contractor for transportation for the 37 bales of blankets mentioned above. He also produced the original of quarterly report for the quarter ending 30th September, 1874, showing the receipt of 35 bales of blankets during the quarter, and the shipment of the same to Agent Saville at Red Cloud agency. Also the quarterly returns of the fourth quarter of 1874, showing the receipt and shipment of 2 bales of blankets, same as above.]

Q. What blankets have you received since you came into office—since the 18th of September, 1874, and how have they been disposed of?

A. I received, February 5, 1875, 17 bales of blankets, weighing 6,100 pounds; and on March 23, (that is the time we had that big storm,) I shipped 17 bales of blankets to Red Cloud agency; 2 bales by Dick Dunn, and 15 bales by J. Small. Now let me further state, there is a box of blankets, weighing 440 pounds, that was shipped at the same time, in February or in March. They were fine blankets. I think they were shipped in March, but they were not received for a long time; we were looking them up and looking them up and could not find where they were, and I wrote to the agent in Minneapolis, by instructions from Dr. Saville, and telegraphed to him several times that he must find that box of blankets, and finally they were found at Council Bluffs.

Q. What became of those blankets?

A. I forwarded them to the agency.

By Mr. FAULKNER:

Q. What do you mean by fine blankets? Are they different from the ordinary blankets issued to the Indians?

A. They were some fine blankets that I understand (not of my own knowledge) were specially ordered for the chiefs, to take with them to Washington; but they did not get them in time. This is the letter I received in reference to it:

UNION PACIFIC RAILROAD COMPANY,  
GENERAL FREIGHT DEPARTMENT,  
*Omaha, May 22, 1875.*

(E. P. Vining, general freight agent.)

DEAR SIR: In reply to your favor of the 14th instant, I would say that one box of blankets consigned to J. J. Saville's account, D. J. McCann, Cheyenne, was held at Council Bluffs, owing to a misunderstanding regarding the charges. The box was ordered forward on the 17th inst.

Yours, truly,

E. P. VINING,  
*General Freight Agent.*

C. H. BOSTWICK, Esq.,  
*Cheyenne, Wyoming.*

Q. Can you show what time they were received here?

A. O, yes; it was only a short time ago. By reference to the books I find they were received on June 3, 1875, and shipped on the same day by Dick Dunn. He took them from the railroad freight depot to Red Cloud agency. [The witness here produced several samples of flour.] These are samples of flour which I found in my office when I took possession of it, and they have been there ever since, and when I first came there were marked as they are now marked. I find among the papers in my office a telegram and a letter from the Commissioner of Indian Affairs, addressed to my predecessor, Mr. Palmer, about the inspection and forwarding of flour. I suppose the telegram preceded the letter. The telegram is as follows:

WASHINGTON, D. C., 6, 1874.  
(Received at Cheyenne, 6. 10, a.)

To S. H. PALMER,  
*Cheyenne, W. T.:*

An inspector will be appointed soon. If flour should be forwarded immediately, retain sample of that delivered to compare with sample to be sent from New York.

EDW. P. SMITH,  
*Commissioner.*

The letter is dated September 26, and is as follows:

DEPARTMENT OF THE INTERIOR, OFFICE INDIAN AFFAIRS,  
*Washington, D. C., September 26, 1874.*

SIR: This office is in receipt, by reference from the City National Bank of Denver, Colorado, of an account in favor of John H. Martin, for 90,400 pounds of flour, furnished under date of 5th instant, for the Indians of the Red Cloud agency. This is supposed to be the flour which you were directed to receive and forward, a sample of it being retained to compare with the sample to be forwarded, proved on the inspection to be equal to sample, to give certificate to that effect. It will therefore be necessary, before the said account can be allowed, for you to forward your certificate that the flour in question was equal to the sample on which the contract was awarded.

Very respectfully, your obedient servant,

EDW. P. SMITH, *Commissioner.*

S. H. PALMER, Esq.,  
*Store-Keeper, Red Cloud Agency, Cheyenne, Wyoming.*

CHEYENNE, W. T., *Saturday, July 31, 1875.*

Present: Hon. THOMAS C. FLETCHER, chairman, Hon. B. W. HARRIS, Hon. CHARLES J. FAULKNER, and Professor GEORGE W. ATHERTON.

The examination of Mr. BOSTWICK was resumed.

By the CHAIRMAN:

Q. Is it McCann's agent here who hires men and teams to haul his goods to the agency?

A. Not to my knowledge, sir. I suppose all the teams he has are the teams contracted with, although sometimes, when an emergency requires, extra teams are put into the service.

Q. When you have on hand a lot of goods or supplies that you want to send up to the agency, how do you get the teams to send them?

A. Usually there are teams here—teams that have contracts with McCann; but if an emergency requires that goods which are here are necessary to be forwarded to the agency, I have sometimes got extra teams, but with no authority from any one, thinking that it was part of my business to get transportation and forward those goods to the agency, because it was necessary to have them there. For instance: I have never sent any goods to Spotted Tail agency at all until this season; Mr. Howard, when he was here a short time ago, stated it was necessary to have some goods at the agency as soon as possible. All the teams were going with goods to the Red Cloud agency, I loaded Small & Ames's cattle and mule train at the price of transportation regulated by D. J. McCann.

By Mr. HARRIS:

Q. So Mr. McCann has no agent here to make special contracts?

A. I suppose none but Mr. Wilde, cashier of the First National Bank. My instructions were that Mr. McCann said Mr. Wilde would pay the freights, and Mr. Wilde would pay all the wagon bills.

Q. Haven't you already said that you were Mr. McCann's agent to employ teams?

A. Never in the world, sir.

Q. I so understood it, and think we have it so on the record.

A. That is the only way I employed the teams.

Q. You say now you had no authority from Mr. McCann to hire drivers or teams when an emergency required?

A. Never, sir; if I said so it was by mistake.

Q. Do you now say, and are you willing to put your signature to it under oath, that you have no authority and never had authority from Mr. J. H. McCann to employ teams in case of emergency?

A. I do say so, and will swear to it now.

Q. Well, you have done it and done it repeatedly?

A. Not repeatedly.

Q. In how many instances have you done it?

A. Maybe two or three times in all, sir, and that was only when it was necessary to forward goods, and there was no other transportation here to take them.

Q. Hadn't he any other agent in town?

A. None except Mr. Wilde, I suppose.

Q. Don't you know that Mr. Wilde is a banker, and authorized to pay bills and nothing else?

A. I understand so.

Q. Then McCann had no agent here with authority to employ transportation ?

A. None except Mr. Wilde.

Q. Why do you put in the name of Mr. Wilde, unless you know that he has such authority ?

A. I suppose he had authority.

Q. Do you know that he has authority ?

A. No, sir ; I merely suppose so.

Q. Do you know of any person having authority to employ transportation ?

A. I do not.

By the CHAIRMAN :

Q. Do you know anything of the Indian goods being detained here by the railroad company for non-payment of freight ?

A. There are some cars here on the track now, loaded with supplies and goods marked J. J. Saville and E. A. Howard, care of D. J. McCann, for Red Cloud and Spotted Tail agencies, which are held for payment of freight ; some of them have been here three or four days, and some of them five or six days, and I believe some of them longer.

Q. How long, do you believe ?

A. Two weeks or more ; and I would like to have it explicitly understood that I am working for no party except the Indian Department, by appointment of Agent Saville, and receive no compensation from any person only the Indian Department, through J. J. Saville.

By Mr. HARRIS :

Q. Do you know whether J. J. Saville is receiving any compensation for your services from any party except the Government ?

A. Not to my knowledge, sir.

Q. And you have no information that he is ?

A. Not in the least, sir.

Q. Is the warehouse of I. W. French, in which your office is, occupied as a Government store-house ?

A. It is, and has been from the 1st of July, (this present month,) and, to my knowledge, a lease has been made and forwarded to the Commissioner of Indian Affairs. By virtue of a letter of Acting Commissioner Clum, dated June 26, 1875, addressed to J. J. Saville, Indian agent, a lease has been executed by Mr. French, and it has been forwarded to Washington. The terms of it are \$200 per month for July, August, and September, 1875. Mr. French declined the sum of \$1,200 a year and accepted the offer for July, August, and September. The following is the letter of Mr. Clum, and also my letter of instructions from J. J. Saville.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,  
*Washington, D. C., June 26, 1875.*

SIR : In reply to your letter of the 21st instant, relative to the necessity of securing some suitable place at Cheyenne for storing bacon to be received at that point for shipment to Red Cloud agency and Spotted Tail's, I have to say that, in the opinion of this Office, the terms named by you for the rent of the warehouse of I. W. French are too high, if taken for the year.

You are authorized, however, to make an offer of \$1,200 for the use of said building for one year, or \$600 for the months of July, August, and September, that being the length of time the warehouse will be needed for the purpose indicated.

Very respectfully, your obedient servant,

H. R. CLUM,  
*Acting Commissioner.*

J. J. SAVILLE,  
*United States Indian Agent, Red Cloud Agency, Nebraska.*

RED CLOUD AGENCY, NEBR.,  
July 5, 1875.

SIR: Inclosed is a copy of a letter from the Commissioner of Indian Affairs, relative to the rent of the warehouse of I. W. French. In case Mr. French declines this offer, you will ascertain whether a cellar can be obtained in which to put the bacon, and at what rent, and report to me as soon as possible.

Respectfully, your obedient servant,

J. J. SAVILLE,  
*United States Indian Agent.*

C. H. BOSTWICK,  
*Government Store-Keeper.*

Q. I notice by the way-bills of goods detained here at Cheyenne on account of the non-payment of freight, that there were twelve car-loads of goods consigned to J. J. Saville, and nine car-loads consigned to E. A. Howard; that the way-bills are dated all the way from July 1 to July 29. Now, I want to ask you whether any goods have been received by you since the 1st day of July?

A. Yes, sir.

Q. State how many car-loads, and what date. I mean goods which arrived here in the month of July; I do not mean goods that arrived here last June and were not discharged until July?

A. You ask of me what goods have been received from the railroad company in the month of July?

Q. Yes.

A. I received 180 sacks of coffee, weighing 23,580 pounds—

Q. I only want to know whether you have received goods which arrived here since the 1st day of July. There is one car-load which arrived the 30th of June, which has not been discharged yet?

A. Well, now, sir, I am not able to tell you when they arrived here, but I can tell you exactly when I received them from the cars. I have received in the month of July, for Spotted Tail agency, 180 sacks of coffee, weighing 23,580 pounds, 298 barrels of sugar, weighing 75,283 pounds. That is all that is on my books that I received in the month of July.

Q. Were those inspected goods?

A. They were, sir.

Q. Have you weighed them?

A. I have, sir.

Q. Weighed them all?

A. Yes, sir.

Q. And they correspond in weight to the marks upon the packages?

A. There were no marks upon the packages, only on the barrels of sugar. I took the marked weight upon the barrels of sugar; if I found any that I thought was not intelligible (though I did not find any) then I weighed it.

Q. You took the weight upon the barrels of sugar?

A. Yes, sir.

Q. About the coffee?

A. The coffee I weigh.

Q. Do you keep a record of those weights?

A. Only as appears on my books.

Q. Do you make it correspond with the way-bill received?

A. Not always, sir. You will notice here that I don't. [Showing the book.] I have entered on my book, in red ink, the following: "July 21, car 2532 checks out by my count and the Union Pacific agent's (Cheyenne) count but 74 barrels. The Kansas Pacific Railroad count is 75 barrels. The whole weight is short but 37 pounds from the railroad

weights." I don't rely wholly upon myself. I always have some one with me to help check out, so that I may be correct.

By Mr. ATHERTON:

Q. How is this weight on the barrels certified originally?

A. Here is so much gross, so much tare, and so much net.

Q. Who certifies that?

A. I suppose that is certified by the inspector's mark, which appears on the head of the barrel. His brand appears right on the same head.

By Mr. HARRIS:

Q. Have you received any goods for the Red Cloud agency for the month of July, 1875; and, if so, what?

A. I have, sir, as follows: July 5, 33 sacks of coffee, weighing 11,382 pounds; 275 barrels of sugar, weighing 69,749 pounds; 45 barrels of sugar, weighing 11,382 pounds. That is all, sir; that is all I have received, but there are other goods that I have forwarded to the agency, but not from cars.

Q. Now state, in your own way, your warehouse-system—your mode of receiving goods, and your mode of keeping accounts of goods when they are shipped away.

A. My general system is that I send the goods to Camp Carling. I have the car take them right there. Camp Carling is a mile and a half from here. All goods are sent there on the branch track. If the car is loaded with sugar, I go and check the weights of the sugar on a little book that I carry in my pocket for that purpose, and then put the sugar in the warehouse; and as soon as I come back to the office I sit down and transfer the weights to my receiving-book.

By Mr. ATHERTON:

Q. Do you transfer the items or the aggregate?

A. The items, invariably, sir; so many barrels weighing so much; so many sacks of flour weighing so much.

By Mr. HARRIS:

Q. Then you transfer the aggregate of each kind of goods?

A. Yes, sir; I put the weights of each barrel on my check-book, and then foot it up, and put the aggregate on my receiving-book. Flour is also sent to the warehouse. The contract is that flour should be received at Cheyenne. Now, the contract is to deliver to the agency; but that for the Cheyennes and Arapahoes was to be received at Cheyenne. There I unload the cars, pile them in the warehouse. I often check them to know the number of sacks, but I don't keep any other account of them, only as in my check-book, until I call upon the inspector to inspect it, and then whatever the inspector passes I receipt to him for the amount and carry the amount immediately on my books.

Q. Did you weigh it or see it weighed?

A. We weigh together the amount which the inspector passes, and I receipt to him for that amount and carry it upon my books.

Q. Is that the system pursued as regards all goods?

A. Yes, sir.

Q. Suppose it was a case of blankets, would you do more than count the case?

A. No, sir. I would count the bales of blankets or ducking, or boxes of merchandise. I cannot tell what they contain.

Q. So that absolutely you do not know anything personally about their contents?

A. No, sir.



By Mr. ATHERTON :

Q. Then you are simply a custodian of goods ?

A. I am store-keeper.

By Mr. HARRIS :

Q. When you forward the goods, what account do you keep of them ?

A. I keep just the same account that I do in receiving them.

Q. Now, what goods have you on hand here in this building ?

A. Not one pound belonging to the Indian Department.

Q. No bacon ?

A. I have some bacon, sir, but it has not been inspected ; it belongs to Mr. Slavens, and I consider it as his until it has been inspected.

Q. Then all the goods that are here are goods which have not passed inspection ?

A. Yes, sir.

Q. I see you have a large amount of flour here ?

A. It belongs to Mr. Athorp.

Q. You understand that that flour was sold by Mr. O'Brien to Mr. Athorp ?

A. That I know, because I saw the transaction. The transfer happened right here in this office.

Q. But you don't know that it has ever been rejected ?

A. No, sir.

Q. Have you been so informed ?

A. I have been informed, with reference to this lot which is here now, that Mr. Coakley started to inspect it, but there was such a big lot of it being thrown out that Mr. Martin became dissatisfied and would not let them have any of it, and retained the whole himself. The rejected flour Mr. Athorp moved out, some 200 sacks or more, and gave some of it to Pease & Taylor to take charge of.

Q. Was that flour here when you took possession of the warehouse for the Government, on the 1st of July ?

A. It was, sir.

Q. Why is it stored here ?

A. This store-house was used as a store-house for Mr. French, and I only occupied this part as an office. I stored no goods here belonging to the Department. These goods that are now in the warehouse, with the exception of the bacon that I have received under this contract of Mr. Slavens, are goods that were remaining in the warehouse when I took possession of the warehouse, under the contract of July 1st. I have notified all the parties who hold goods here that I have been able to notify, and as soon as possible all the goods will be out of the warehouse. Mr. Athorp is somewhere between here and Red Cloud agency, and I will notify him when he returns.

Q. Are there any goods now in this warehouse intended for the Indian Department ?

A. There is.

Q. What is it ?

A. Bacon.

Q. Nothing else ?

A. No, sir.

Q. That has not been inspected ?

A. That has not been inspected, but I will have it inspected. There is a new inspector appointed. As soon as I got word of who was appointed, I notified him at once of goods that I was liable to receive at any time, and I would like to have him come down and see me, and

have an interview with me, to know how he wished to conduct the inspection to the best advantage. His name is Captain Richard I. Eskridge, U. S. Army. I have a letter of instructions to advise him of anything I have to inspect. That is the reason the goods are lying here—because they have not been inspected.

Q. What goods do you really intend to receive here in this warehouse?

A. All goods belonging to the Red Cloud and Spotted Tail agencies.

Q. Then you would abandon the Camp Carling warehouse?

A. Not necessarily, sir; I proposed to put bacon here in this building, this being a stone building, and as we have a cellar under the whole platform that is very good; and after the goods are inspected, I put them down in the cellar and keep them until they are wanted. I received a letter from Mr. Howard, agent at Spotted Tail, stating that I might hold any bacon I had for his agency at present, and I hold it until he wants it, because it is better to keep it here in the cellar than forward it.

Q. Is this a better store-house than the one at Camp Carling?

A. O, yes, sir; very much better.

By Mr. **ATHERTON**:

Q. Could not arrangements be made for storage at Camp Carling?

A. Not without digging a cellar.

Q. Could you tell what would be the cost of making a cellar?

A. I could not, sir. If I was going to give a judgment in the matter I should say that perhaps to dig a cellar under the warehouse might cost a thousand dollars or more; all the stone would have to be hauled from the lower Black Hills to stone it.

By Mr. **HARRIS**:

Q. Are there any brick made here?

A. Yes, sir.

Q. What is the value of brick here?

A. I understand ten dollars a thousand.

Q. Are the brick good?

A. Very good—although I am not a judge; they say they are fair bricks.

Q. Now I see by comparison of the way-bills that there are at present detained here in the railroad-cars 211,470 pounds of freight consigned to Agent Saville at Red Cloud, on which the freight charges are \$1,612.84; that there are 164,980 pounds of freight consigned to Agent Howard at Spotted Tail, on which the charges are \$1,283.63. Have you no power to pay that freight and receive those goods, without waiting for Mr. McCann to pay the freight?

A. I have not, sir.

Q. Do you know whether Mr. McCann has delivered to you all the goods which he is bound to deliver during the month of July?

A. I do not, sir.

Q. Has Agent Saville called on you for any of the goods for his agency which are now detained in the cars, or for goods which you have been unable to furnish him which are now in those cars?

A. Yes, sir.

Q. And can you state what kind of goods he called for?

A. Yes, sir; flour.

Mr. **HARRIS**. There is none there.

WITNESS. You are mistaken, sir.

Mr. **HARRIS**. I am glad to know it.

WITNESS. There is a car-load, as I am informed by the freight-agent, (car No. 4042) containing 201 sacks of flour, weighing 20,000 pounds, charges \$100. That is on the Union Pacific Railroad.

Mr. HARRIS. The way-bills I have here are of the Kansas Pacific Railroad.

WITNESS. Then that explains it.

Q. How long has that car been here?

A. That has been here about two weeks.

Q. And Agent Saville is waiting for flour?

A. He so informed me. Agent Saville notified me that there is flour wanted at the agency, and upon that I immediately notified D. J. McCann, and also N. W. Wells, contractor for flour at Schuyler, to furnish one thousand sacks of flour immediately. This flour (the car-load that is here) is for the Cheyennes and Arapahoes, at Red Cloud agency, and should have been delivered before the first of July. The notice I gave Wells to furnish flour is on his new contract.

Q. What goods have you now stored at the Camp Carling warehouse?

A. Not a pound, sir. I have not a pound of goods in my possession belonging to the Indian Department, except a barrel of lard-oil. I mean I have no goods intended for the use of the Indians.

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CHEYENNE, W. T., *Thursday, July 29, 1875.*

Present, Hon. THOMAS C. FLETCHER, chairman, Hon. B. W. HARRIS, and Hon. CHARLES J. FAULKNER.

#### TESTIMONY OF WILLIAM L. COAKLEY.

By the CHAIRMAN :

Question. What is your business, Mr. Coakley?

Answer. I am dealing in fruits and vegetables.

Q. Do you reside here?

A. Yes, sir.

Q. State if you were at any time employed to inspect some flour for the Indian Department.

A. I was. I cannot give you the exact date.

Q. About what time?

A. About October, 1874.

Q. Who employed you?

A. Captain A. K. Long, commissary of subsistence, United States Army, stationed here at Cheyenne.

Q. The flour you inspected was from where?

A. I inspected flour upon J. H. Martin's contract, during that fall—some delivered directly by himself and another portion of it, I believe, by an Omaha man—and that portion had previously been inspected by Barclay White.

Q. Hurford?

A. His name was not given.

Q. How did you inspect that flour? What samples had you to inspect by?

A. The samples furnished by the Indian Department.

Q. Did the flour come up in quality to the samples you had?

A. It averaged equal to the samples.

Q. Do you refer now to the lot furnished by Martin, or to that which came from Omaha?

A. That which I received of both lots.

Q. You rejected some of it, then ?

A. Yes, sir ; I rejected quite a considerable portion of it.

Q. Do you recollect what proportion of the lot furnished by Martin you rejected ?

A. I do not. One or two car-loads, I think, I rejected altogether. (I am speaking from memory now.) He complained that I was doing him injustice by rejecting the amount I did reject, and I believe the Indian Department sent out a regular inspector to investigate the matter.

Q. Do you know who he was ?

A. I would recognize the name but I have forgotten it now. He saw me inspect a car and was satisfied that the inspection was as it should be.

Q. Was the flour that was shipped by Martin to you put up in the same manner as that which was shipped from Omaha ?

A. Yes, sir.

Q. In double sacks ?

A. Double sacks.

Q. Branded and stenciled ?

A. Branded and stenciled ; the only difference being that the Omaha flour had Barclay White's brand on it. The other had not been previously inspected.

Q. What became of the sample which was furnished you to inspect this flour by ?

A. I carried it around some little time in my pocket until it got dirty, and then I threw it away.

Q. Do you remember who you received that sample from ?

A. From the store-keeper here, Mr. S. H. Palmer.

Q. Do you know where Mr. Palmer is now ?

A. I do not ; I think he is somewhere in Michigan.

Q. Did you preserve samples of the flour you inspected ?

A. I did preserve a few ; I think I might be able to get them now ; I had no object in preserving them further than for my own satisfaction ; I was not called upon to do so.

Q. After inspecting the flour what did you do with it ?

A. I turned it over, a portion of it, to the Government store-keeper, taking his receipt for it.

Q. That was the portion you had passed ?

A. A portion of what I passed I turned over to him, and the remainder to Mr. McCann, the contractor, direct, taking his receipt for it.

Q. Do you know what became of the rejected flour ?

A. I do not.

Q. Where was this flour when you inspected it ?

A. In the cars, generally. I would have the bags piled up in a double row around and go through the center and inspect it all, so that I could see every sack.

Q. Did you ever see any of that rejected flour afterward anywhere ?

A. I did see some of it in the Indian store-house ; and I think a short time ago I saw some in a feed and produce store here in town.

Q. Have you inspected other flour since that ?

A. Yes, sir ; I have inspected until recently all the flour that has been received here.

Q. Did you inspect that upon samples furnished by the store-keeper ?

A. No, sir ; I did not. I was instructed, as to the flour received since, to receive a merchantable XX grade of flour.

Q. Has all the flour you have inspected since and passed been equal to that grade ?

A. In my judgment it has been XX flour.

Q. Since the lots you speak of as furnished by Martin, and coming from Omaha, and of which you rejected a considerable portion, have you rejected any from other lots—any considerable portion of flour?

A. No very considerable portion—very little; only a small portion. I might occasionally find an inferior sack in a car, but as it amounted to little, I let it pass.

Q. You were not in the Government employ otherwise than when you were employed to inspect flour?

A. I have been clerking for the depot quartermaster, Captain Long.

Q. How long is it since you quit that employment?

A. I am still there, in a measure.

By Mr. HARRIS:

Q. What experience have you had as a commissary or inspector of flour?

A. I have had quite an extensive experience; I have handled flour more or less for the last six years, inspecting and receiving for the Subsistence Department of the Army.

Q. What would you say as to the general character of the flour received, and inspected, and passed by you since the time you inspected the flour on the Martin contract?

A. I should say it was a fair, merchantable XX flour.

Q. How, as a whole, was the flour furnished by Martin?

A. Equal; it averaged equal.

Q. Was it better?

A. That was supposed to be XX flour also.

Q. In your judgment—I am now appealing to your judgment—is the flour which has been furnished since Martin's contract better as a whole than his was?

A. It might be a shade better. The flour inspected since is on V. S. Potter's contract.

Q. When you say the flour averaged equal to the sample, what are we to understand by the word averaged?

A. Some went a little better, and some not quite as good. For instance, there would be a car of 200 sacks, out of which there might be from one to six or seven of rather inferior grade, but not enough to make it any particular importance, and if the others averaged better I would let them all go.

Q. Well, in that way might you not get some very good flour and some very bad?

A. No, I took particular care not to get any very bad; any that was very bad I would reject?

Q. By whom were you appointed to this duty?

A. Recently, by the Indian Commissioner; previously, in the first instance, by Captain Long.

Q. When you say you were instructed to receive only XX merchantable flour, from whom did you receive that instruction?

A. As far as my recollection goes, directly from the Indian Commissioner.

Q. Have you any letter or telegram of instruction from him?

A. Yes, sir; but not with me.

Q. Can you hand it in to the commissioners?

A. Yes, sir.

Q. Will you?

A. Yes, sir; with pleasure.

Q. In this latter inspection, you have determined from your own experience what XX flour is, rather than from any sample furnished you?

A. Yes, sir.

Q. You remember the flour furnished by Martin himself on his contract?

A. Yes, sir.

Q. And that which you understood he furnished by an Omaha man?

A. Yes, sir.

Q. Which of those two quantities of flour was the better, as a whole?

A. That furnished by Martin direct.

Q. And which was put up in the better form?

A. The forms were similar, as near as possible; both double sacked, and both put up well.

Q. What is the usual weight of a sack of flour?

A. Ninety-eight pounds. That from Omaha, I believe, went about ninety, short weight considerably, I know; between eighty-eight and ninety.

Q. Did you weigh all the flour you inspected?

A. I averaged the contents of the car by weighing from ten to twenty sacks, as per instructions from the Commissioner.

Q. Could you have told how many sacks weighed 88 pounds? Did you know?

A. I have it down on the book from the estimate.

Q. But you did not weigh each sack?

A. No, sir.

Q. Did you weigh the whole quantity?

A. No, sir; I averaged it all.

Q. What would you call the average—do you now remember what you called the average of the flour there that came from Omaha?

A. I think it was 88 pounds, now that you mention the figures.

Q. By weighing ten sacks in a hundred, taken promiscuously, you then counted the whole car-load at the average weight?

A. Yes, sir.

Q. Is that the usual mode of determining the weight?

A. That was my instruction from the Commissioner.

Q. You have been in the habit of inspecting flour in the Army?

A. Yes, sir.

Q. Is that your practice there?

A. No, sir; I weighed all my flour there.

Q. Now, from whom did you receive this instruction; from Captain Long or the Commissioner?

A. I may be confused in regard to it. I was in Captain Long's office when the instructions were being received by him and myself, and I saw them all.

Q. Did you receive specific instructions from anybody to weigh a part from which to make the average?

A. Yes, sir.

Q. You cannot now say whether you saw a specific instruction from the Department to that effect?

A. Yes, sir; but whether they were addressed to me or to Captain Long, I do not now remember. It was embodied in a telegram.

Q. Have you still those instructions in your custody?

A. I think they are in Captain Long's custody; I can get them, though.

Q. I wish you would look them up.

A. Yes, sir.

CHEYENNE, W. T., *Friday, July 30, 1875.*

Present: Hon. THOMAS H. FLETCHER, chairman; Hon. CHARLES J. FAULKNER, and Hon. B. W. HARRIS.

TESTIMONY OF ISAAC W. FRENCH.

By the CHAIRMAN:

Question. Where do you reside, Mr. French?

Answer. At Cheyenne.

Q. How long have you resided here?

A. I have lived here since July, 1867.

Q. Where did you reside before that, Mr. French?

A. I lived in La Porte, Colorado; previous to that I lived in New York City.

Q. What has been your general business?

A. I have been a merchant for twenty-five years.

Q. Did you ever deal in flour?

A. To some extent.

Q. Had some knowledge of the different qualities?

A. Yes, sir.

Q. I will ask you to state, Mr. French, if you inspected some flour at Cheyenne, consigned to Red Cloud agency?

A. Yes, sir; I examined in all ten car-loads of flour.

Q. At whose request did you do that?

A. At the request of Dr. J. J. Saville, the agent of Red Cloud agency.

Q. Where did you obtain the sample upon which you inspected it?

A. I obtained it from the local store-keeper, at the office in Cheyenne; Mr. Palmer was then the store-keeper.

Q. United States store-keeper?

A. Yes, sir.

Q. You were given that sample as the sample upon which the bid had been made for furnishing the flour?

A. Yes, sir; he showed it to me with its wrappings, which were under seal, coming from the Department of Indian Affairs at Washington, through the mails, as I understand it. I know it was under seal.

Q. State how much flour you inspected.

A. I inspected ten car-loads, consisting of 2,026 sacks.

Q. And by whose direction was it that you preserved a sample of each car-load?

A. It was at the request of Dr. Saville. I will state the whole circumstances. Dr. Saville came down from the Red Cloud agency, and I learned from him as a matter of general interest that he was short of flour there, and he seemed to be in some concern about it. He said there was flour on the track and there was nobody to inspect it, and he could not receive it until it was inspected; that he had made application to the Commissioner for an inspector, and that he had got instructions to send on flour, but to retain samples of it until an inspector should be appointed. The doctor said to me that it would be a favor to him if I would go into the cars and inspect the flour before it was shipped, so that he might not be compromised in any way by receiving a poor flour at the agency. He said that he didn't like to inspect it himself here, and did not want to have any of the employés about the office inspect it, and as I had some leisure here, he would be obliged if I would inspect it as a favor to him, and see that none came up to the agency that was inferior

to the sample that he had here to guide me. I told him I would do so. I inspected the two car-loads which were here ready to be shipped. I found the flour to be quite equal to the sample. My recollection now is that that particular lot I thought was quite superior to the sample.

Q. About how many sacks are there in a car, generally ?

A. About 200 sacks.

Q. Did you weigh the flour ?

A. I did not weigh it; I merely inspected the quality of it.

Q. Was that flour put up in double sacks ?

A. Yes, sir; I recollect rather distinctly that it was in double sacks; in fact, I made my hand quite sore shoving the prier through the two sacks.

Q. Was it all branded or stenciled ?

A. That lot of flour was not branded "Indian Department Flour."

Q. Do you recollect whether it had any brands on it at all or not ?

A. Yes, sir; but whether it was all branded I could not tell positively. I recollect there was a brand of the mill from which it came--the name of the flour.

Q. Do you know where that flour came from ?

A. As I understood, the first lot of flour came from Denver.

Q. Well, in all, you think you inspected about ten car-loads ?

A. Yes, sir.

By Mr. HARRIS :

Q. That would be how much ?

A. Two thousand and twenty-six sacks was the number I inspected.

By the CHAIRMAN :

A. Did you reject any of the flour ?

A. I rejected 27 sacks out of it in all. I cannot say I rejected it, but I advised the store-keeper not to send it up to the Doctor. I thought it was inferior to the grade, and I could not consistently pass it, although it was not very poor flour; it was merely dark. As I regarded it, it was a very good grade of Graham flour; it was made out of fresh wheat, but it was darker than the sample I had to guide me.

Q. Well, was that which you passed and which was sent up to the agency equal in quality to the sample ?

A. I considered it so, and in some respects superior to the sample.

Q. Then this flour would average all around about equal in mercantile value ?

A. O, yes, sir; I regarded it a very good grade of XX flour.

Q. And these are the samples that you retained ? [Pointing to samples produced.]

A. These are the samples that I obtained from the cars. I pressed samples of the flour between sheets of white paper, compared them together, tasted of it, smelled of it to see that it was free from must, felt of it to see that there was no grit in it, and saw that it was made of good, sound, fresh wheat, and altogether I thought it was as good flour as the Indian wanted, and as good flour as I would want to eat, and thought it fully equal to the sample.

Q. And what about the sacks that you rejected ?

A. Those that I rejected, I didn't keep a sample of that flour, because I didn't intend that it should go to the agency; consequently there was no need of keeping a sample; the whole of it was here as a sample.

Q. What was the appearance of that flour ?

A. That of itself was very fair flour, but it was darker; it was merely



a darker grade ; it was considerably darker than any of this here ; but of itself I should not have condemned it.

Q. Even it, you think, would have made good, healthy bread ?

A. O, yes ; I should have been very glad to have got it if I had been out of flour and could not get any conveniently. I recognize the samples here produced as samples which I myself preserved from the flour inspected by me. The boxes are marked in my handwriting. [The samples were marked C, D, E, F, G, H, I, and K.] The instrument I used in inspecting was of the same class as a butter-trier, but not quite as long ; it was long enough for all practical purposes. I was at Red Cloud agency in November, on the same day that Professor Marsh was there, when the provisions were being issued to the Indians. I heard that these 27 sacks of flour which had been rejected by me had gone to the agency through a mistake ; and being desirous of learning if the Indians or anybody else had noticed it, I talked with Red Cloud and Red Dog on the subject, through their friend and interpreter, Nicholas Janis. I asked them if they had discovered any poor flour in the first lot of flour that came up since August—"this year's flour;" I used that term ; and they said no, the flour this year was better than it was last year, but they did not like the pork, and they preferred bacon.

Q. Did they say anything about the pork being bad ?

A. They didn't mention it as being bad, but they said the pork was not what they wanted ; they would rather have bacon ; they did not like pork.

Q. Did you see any of that pork ?

A. I did, sir ; I saw it while it was being issued, and saw some of it after it was issued. I thought myself that the Indians were right about it in one sense of the word—not because the pork was poor, but they didn't seem to make that use of the pork that white people would ; they cut off some portions, and threw away just as good portions of it as those which they cut off.

Q. Did you examine that pork ?

A. Well, I looked it over generally.

Q. Did it seem to be sweet pork ?

A. O, yes, sir ; it was not rusty at all ; it seemed to be sound, white, nice pork, as salt pork generally is. I saw one barrel of it rolled out, and the Indians opened it themselves. They knocked off the hoops and it fell apart. The brine and salt all passed off from it, and, as it looked to me, the family of Indians that was around there, (there are sometimes a couple of hundred in one family,) when the hoops were knocked off and the brine was spilled out on the ground, the bucks of the family went in and then divided up the whole barrel, and gave it out to each one of the families that stood around in a circle to receive their portions of it. I stood by and saw that, and Professor Marsh was near me and saw it too.

Q. Did you see any other pork issued ?

A. O, yes, sir ; I saw quantities of it issued ; but that was the only barrel that was issued in that way. The balance was issued through the orifice of the partition.

Q. This seemed to be a family large enough to have a whole barrel ?

A. Yes, sir ; I understood it so at that time. I understood that it was given them to divide among themselves in their own way.

Q. Were you there at the issue of the annuity-goods ?

A. Yes, sir ; it was on that occasion.

Q. You saw the issue of the annuity-goods ?

A. Yes, sir ; I saw all that.

Q. Did you notice any blankets that were issued to them ?

A. I saw them all.

Q. Did you examine them ?

A. Well, yes, to some extent ; not as an expert ; I merely looked at them there.

Q. In reference to the marks that were on the blankets—" U. S. I. D.?"

A. I saw that.

Q. Did you examine them closely, to see whether the mark had rotted or injured the blanket ?

A. I examined the blankets generally, and saw no decay of the material in the vicinity of the mark. The marks were black, and they were " U. S. I. D.," and about the center of the blanket. It seemed to be marked about the same as an ordinary Government soldier blanket, although the " U. S." was of a smaller size than the " U. S." on a soldier blanket.

Q. Did you ever notice the kind of coffee that they issued there ?

A. I saw the coffee.

Q. What kind of coffee was it ?

A. Rio coffee ; I think it was average Rio coffee.

Q. About the same as is ordinarily used by the people of this country ?

A. Well, yes, sir ; I so considered it ; the average grade of Rio coffee.

By Mr. FAULKNER :

Q. Had you any opportunity of drinking any of the coffee ?

A. Not in any of their tepees, but I drank coffee at the agency all the time.

Q. I mean of the coffee we are now speaking of.

A. I am unable to say where the coffee came from. Mr. Saville tells me that it was some of that coffee.

Q. Did you examine that brand with any degree of attention ? Was your attention drawn to the fact that the chemical substance with which that brand was impressed in the blanket might rot it ?

A. My special attention was called to the brand, not particularly for that purpose, but for another. Mr. Antonie Janis, brother of Nicholas, (he is one of the old frontiersmen here that I have known ever since I came to the country,) was standing alongside me, and he drew my attention to the U. S. I. D. When the Indians would take their blankets they put them on their backs ; it was snowing, and of course a hundred or so would pass away from us with this U. S. I. D. on the back of each one, and to their view it presented a kind of odd effect, and each was turning and chaffing the other for having a brand on his blanket, when he himself had one on him, and Antoine said to me that they did not like that U. S. I. D., because they thought it was a kind of a stain upon them, a sort of stigma, that one had to smile at the other on. I told him that he could explain that to them very easily, that it did not amount to anything. He said he understood it, of course ; he had lived with the Indians thirty years and knew their peculiarities, and it didn't amount to anything so far as he was concerned, but they looked upon it as a damage to the blanket.

Q. The point of my inquiry was this: whether you had examined it, felt it, and pulled it so as to examine to see whether the effect of that branding had been to weaken the thread ?

A. I did not examine it.

Mr. FAULKNER. It was a new experiment, a new chemical put on

by a firm in Philadelphia, and it is our duty to see whether its effect has been injurious to the blanket, so as to put a stop to anything of the kind in the future.

WITNESS. I remember I told Antonie at the time that it would not last very long; that it was a mark just on the outside, so that it didn't penetrate into the threads. That was my observation to him at that time; that they need not care much about it, because it would soon wear off, because it was not woven into the blanket at all; it was merely an outside stamp.

By Mr. HARRIS:

Q. Now, what notice did you take of the pork; how much attention did you give to it?

A. I gave it considerable attention, from the fact that I thought it was a great loss.

Q. Did you see the Indians cutting off the pork and throwing away part?

A. Yes, sir.

Q. Immediately upon receiving it?

A. Yes, sir, and saw the pieces that they had thrown away, and drew their attention to it, and told them it was good, in my way; I wished them to understand from me that I considered it just as good as that they threw away; but they said "O, no," and didn't regard my view of the matter as of any value to them whatever.

Q. Did they complain of it in any form?

A. No more than just that. The only observations that I heard at all from the Indians about the pork was what I have stated, that Red Cloud and Red Dog said they preferred bacon to pork.

Q. Well, could you judge whether this was old pork, whether it had apparently been packed a good while?

A. I should not have so considered it from what I saw of it; it looked white and fresh, the rind of it didn't look like as if it had been long in the brine; it didn't look rusty or anything of that sort; there was no rust on it whatever, and the lean of the pork looked lively and fresh, as I saw it lying on the ground after they had cut it off.

By Mr. FAULKNER:

Q. What parts or pieces of the hog was this pork?

A. It didn't seem to have any of the head or jaws or hocks about it; it was that portion of the hog that had the least bone, apparently; the sides, shoulders—I don't know that I observed the shoulders especially—the sides.

By Mr. HARRIS:

Q. How was it as to being lean or fat?

A. I thought it was a fair average in that respect; more fat than otherwise.

By Mr. FAULKNER:

Q. What seemed to be their objection to the pork, Mr. French? They cut off parts of it and left parts; that would leave some impression upon your mind of their particular objection.

A. That was the very question I tried to learn from them; I was anxious to learn what was their objection to that portion of the pork they threw away.

By Mr. HARRIS:

Q. Could you tell what part they did throw away?

A. They seemed to throw away equal parts.

By Mr. FAULKNER :

Q. Not only equally good, but of the same character ?

A. Yes, sir.

Q. Mr. French, what did you understand them to mean when they distinguished between pork and bacon, according to their idea ?

A. The bacon was smoked sides, dry, and seemed to be cured better.

Q. And the other was pickled, was it ?

A. The other was in brine, in barrels. They had formerly been feeding on bacon, and they were taking pork that year for the first year, as I understood it. They were perfectly familiar with bacon, and preferred it to the ration of pork they were getting that year.

By Mr. HARRIS :

Q. Do you know J. W. L. Slavens, the contractor ?

A. Yes, sir ; I met him here about a month ago.

Q. Did you know him at that time ?

A. No, sir.

Q. You say of this pork, as far as you examined it, none of it was old, or strong, or rusty ?

A. No, sir ; I should regard it as a very good quality of pork ; I have sold pork retail for several years at a country store, and seen considerable of it, and I should regard it as a good quality of pork.

Q. Did you examine the character of the blankets ?

A. Yes, sir ; I examined the blankets in a general way.

Q. Are you familiar with that sort of goods ?

A. Yes, sir ; I have bought and sold blankets a good many years, as a merchant.

Q. What was the quality of those you did examine ?

A. I should not regard them as the best quality by any means ; they were an average blanket.

Q. In the distribution of them did you hear any complaint made ?

A. Not specially ; no, sir.

Q. What was the mode adopted of distributing the annuity-goods ?

A. Well, it seemed to me that, as I understood it there at the time, the Indians were divided up into families, and each head of a family had a ticket from the office representing so many persons ; the annuity-goods were opened, the boxes were all opened in the warehouse, and Dr. Saville stood there with his book and his clerks, and he would call off so many hatchets, naming the chief, (Red Cloud, for instance,) so many blankets, so many bolts of tent-cloth, so many pieces of calico, so many pairs of boots, until the list was gone through with, according to the number of his people, and these goods were taken by the attendants out of the warehouse into the yard in front of the warehouse and put down, and Red Cloud, or whichever chief they were intended for, would gather his family around them to take care of them ; and when his list was closed then the next ticket was presented, or the next call came off.

Q. Did you see the book that he kept ?

A. I did not examine it particularly ; I saw it in his hand.

Q. What kind of weather was it at that time ?

A. It was a stormy day, considerably stormy.

Q. Pretty cold ?

A. Yes, sir ; quite cold.

Q. Was there any complaint by the Indians that they had not received their annuity-goods before ?

A. No special complaint that I discovered from them at all ; they seemed to be very much gratified to think that they had got them.

Q. Did you hear any chief or Indian complain that he had waited for them until the cold weather, and ought to have had them before ?

A. No, sir ; I understood from several of what we call the squaw-men out there, that they had been waiting a long time for them, that they had come two hundred miles, but the agent would not issue the goods until the Indians were counted.

Q. What do you mean by "squaw-man?"

A. We mean men who have married and intermarried with squaws, and have got half-breed families.

Q. Were they making complaint of the agent ?

A. Some of them, one or two of them complained that he had been stopping there a long time away from his ranch for his share of the annuities, and had not been able to get them until now.

Q. It was stated by some of the Indians that the Doctor had not issued the goods because the Indians would not permit themselves to be counted ?

A. Yes, sir ; that was the statement of some of the Frenchmen around there.

Q. Do you know anything about the number of Indians at the agency, Mr. French ?

A. I do not know the exact number that was there at one time ; I was told by Mr. Janis that there were many more there on that occasion than there had been at any one time for the whole year ; a great many more came in from the North, he said, than he thought would be there.

Q. Were you present at the issue of the beef-ration ?

A. Yes, sir ; I was there, (it was on the 14th of November, the same time that Professor Marsh was there,) sitting in a buggy.

Q. Did you see the cattle ?

A. I did, sir ; I saw them in the corral, and as they left the corral, and saw some of them shot.

Q. What could you say of them ?

A. I can only say I was a good deal surprised at the report in the New York papers, and the report that Professor Marsh made, of the cattle being poor, a scrubby lot of cattle. They did look to me at that time, while in the corral, a little ragged, from the fact that it was a stormy day, there was a good deal of rain and snow on them, and the hair was wet, and their frames were more prominent than they would have otherwise looked, and they did look a little gaunt ; but I didn't consider that as anything particular ; they had not had any water probably for some hours, but the average condition I thought was——

Q. What as to weight or size ; do you know anything about the weight of cattle ?

A. I am not a judge particularly, not sufficient to average a herd of cattle within fifty or a hundred pounds in each head of cattle.

Q. You say "to average" them ; do you understand that to be the system—that the cattle are averaged ?

A. No, sir ; you speak of the whole as a unit, as I understand you ?

Q. Yes. I had asked you what their size was, what was the heaviest ox you saw there according to your best judgment ?

A. Twelve hundred pounds.

Q. And what the lightest ?

A. I should not like to put my opinion against anything of that sort ; I didn't give it special attention ; they were large Texas cattle, had very large horns, and I regarded them as an average lot of Texas cattle.

Q. Do you know whether they were fat cattle or lean ?

A. I regarded them as an average lot of cattle. I did not look upon them as stall-fed cattle or very poor—a good average lot of cattle for

that time of year; they naturally would be good at that time of year. I did not regard them at all as an especially poor lot of cattle, that is, poor in flesh.

Q. Did you have any conversation with Professor Marsh on that day?

A. Yes, sir; considerable.

Q. Upon the subject of these supplies?

A. No, sir; not on that subject. We were talking bones at that time; he was a bone-sharp, and I was interested particularly with him in getting bones for him.

Q. But in reference to the distribution of supplies or annuity goods, or anything else upon the subject, did you have any conversation with him?

A. I don't know that I did, any more than he was expressing himself with a degree of surprise; it was the first time he had ever seen anything so wonderful as what he was looking at at that time there.

Q. Did he comment upon any part of the distribution as wrong or irregular?

A. No, sir; not to me at that time; he didn't seem to express himself that he was discovering any frauds or anything of that sort at all.

By the CHAIRMAN:

Q. Have you frequently been to Red Cloud agency?

A. I was never there only on this occasion. I went there on a tour of curiosity, to see the issue of annuity goods, and knowing that there would be a larger number of Indians congregated there than on any other one time that I would happen to be there, and I had an opportunity of going over in a very comfortable conveyance and good company, and I availed myself of it.

Q. Have you any interest in any beef-contract for supplying Indians or for freighting goods to them, or anything of that kind?

A. None whatever, and have never had any, directly or indirectly; I am not an Indian-ringer. I would like to be under oath in making that statement, because there is a jury East of me.

By Mr. HARRIS:

Q. Did you see Dr. Irwin, agent of the Shoshone Indians, during the inspection of flour?

A. Dr. Irwin was here for some flour, complaining bitterly that he could not get it. He had his train up at some point on the railroad, I think it was Bryan, under pay. The Indians were out of flour and there was plenty of flour here, and he could not get it, and he got quite nervous over it; and there was no inspector here, and he seemed to express himself that there must be some grand swindling somewhere. He could not understand why he could not get his flour—the Government was ready to pay for it—and he was down here for it, and the Indians were starving, and so on.

Q. Did he call your attention at any time to the quality of any flour?

A. Yes, sir; he said, "That flour is good enough for me, if you will only just ship it up for me; I don't want any other inspection than what I see; my Indians will take that from me if I can only get the flour." That was his language as near as I can recollect it; he spoke with excitement.

Q. Did he or not, at any time, call your attention to or speak of the bad quality of any flour that he saw when here?

A. Not at all; but he spoke of it especially as good enough for him, if he could get it. He said his trains were under an expense at ten dollars a day.

Q. Do you know whether he saw Dr. Saville at that time ?

A. I don't think he saw the doctor ; he saw the local store-keeper, Mr. Palmer, who had no authority to give him any flour, and that made him very angry. Dr. Irwin said to me that he had information from Mr. Martin that Martin had sent him flour here to Cheyenne for inspection, and when inspected he could let him have it, and he was annoyed to think that he could not get it shipped on up to him. I had no authority to inspect any flour for him, consequently I could not take any action in the matter. What I was doing was as a favor to Dr. Saville.

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TESTIMONY OF JOHN HERMAN BOSLER.

By the CHAIRMAN :

Question. Where do you reside, Mr. Bosler ?

Answer. I reside in Carlisle, Pa.

Q. Are you acquainted with one James K. Foreman ?

A. Yes, sir.

Q. Where does he reside ?

A. In Cumberland County, Pa. His bid was dated Omaha.

Q. How long had you known him before that ?

A. I had known him for some years, sir.

Q. Does he reside in Omaha now ?

A. No, sir.

Q. Do you know where he does live now ?

A. He lives in Pennsylvania.

Q. Do you know where in Pennsylvania ?

A. In Cumberland County.

Q. Do you know how long he resided at Omaha ?

A. I do not think that he ever resided at Omaha.

Q. Do you know M. C. Herman or David B. Herman ?

A. David B. Herman, yes, sir.

Q. Where does he live ?

A. He is in Kansas at present.

Q. Do you know where in Kansas ?

A. I don't know, at this time; perhaps Ellsworth, or Wichita, or Great Bend.

Q. Do you know where M. C. Herman lives ?

A. He lives in Carlisle, Pa.

By Mr. HARRIS :

Q. Do both the Hermans belong in Carlisle ?

A. D. B. Herman is a western man.

Q. Is he not the brother of the other man ?

A. Yes, sir ; but he has been in Iowa for a number of years. They are natives of Cumberland County, but D. B. has been in Iowa since '65 or '66. He is part of the time in Sioux City and part of the time in Kansas. He was in the cattle-trade several years ago.

By the CHAIRMAN :

Q. Who is Joseph Bosler ; is he your brother ?

A. Yes, sir.

Q. Where does he reside ?

A. In Carlisle, Pa.

Q. Did you have a contract for furnishing beef or any other supplies for the Indians prior to 1874 ?

A. No, sir; I have never had a contract for supplying any of the Indians.

Q. Well; did your brother have such a contract?

A. J. W. Bosler has had several contracts. He has had a contract for Fort Berthold for two years, for furnishing beef-cattle.

Q. What years were those, do you recollect?

A. The two past years, sir.

By Mr. HARRIS:

Q. J. W. is not Joseph?

A. No, sir.

Q. What is his first name?

A. James. I have never put in a bid for Indian contracts in my life.

By the CHAIRMAN:

Q. Well, did either of your brothers have any contract that you know of prior to the last two years?

A. None that I know of. Oh, yes, sir; J. W. Bosler had a contract for furnishing beef on the Missouri River. It was when Commissioner Parker was Commissioner of Indian Affairs; I cannot tell you the year. I have been in this country only three years myself.

Q. Do you know anything of the contract that was made by J. K. Foreman for furnishing beef for Red Cloud agency?

A. I know nothing of the contract, sir.

Q. Do you know anything of the contract that was assigned by Foreman to Paxton?

A. I know nothing further than that I am here to fill that contract for W. A. Paxton of Omaha. I mean I am here attending to the details.

Q. Where do you get cattle from to fill these contracts?

A. We generally buy them at Ellsworth, Kansas, and on the Platte River, between Ogallala and Plum Creek in Nebraska.

Q. Are they what are usually called Texas cattle?

A. Yes, sir; Texas cattle.

Q. You don't know what time Foreman's contract was assigned to Paxton?

A. No, sir; I never seen the contract till I saw it at the agency out here. I am acting for James W. Bosler, in filling this contract for Paxton.

Q. Now, do you know of James W. Bosler having any contracts heretofore from the Government direct?

A. He had these two contracts I spoke of at Fort Berthold. He is a bidder every year, I think.

Q. Do you think he was a bidder last year, or do you know?

A. I think he was, sir.

Q. At the time the contract was awarded to Foreman?

A. I think so, sir.

Q. Do you know any reason why he could not bid for contracts?

A. I know of none in the world.

Q. Did you ever hear of any?

A. Never heard of any.

Q. Now, in a drove of six or seven hundred of these cattle as you buy them—of course you buy them with reference to the filling of this contract?

A. Yes, sir—

Q. You select such cattle as you think will fill the contract in weight?

A. We buy a majority of these cattle from four or five different men—I think the number would embrace half a dozen men—and buy them



in large quantities, six or seven thousand head from one person. Our contracts always call for cattle of four years and upward, cows and heeves; we call heeves four, five, and six years. Those are the kind of cattle we have always contracted for, and they aim to deliver them as near as possible. There sometimes will be a few smaller cattle that they have failed to cut out of the drove; they aim to cut them out, but sometimes they are difficult to separate.

Q. In delivering beef at Red Cloud agency, have you generally been personally present when you have delivered it?

A. Yes, sir; sometimes I am not, but as a general rule I have spent about eight or nine months of the year here myself personally; part of the time I was absent. I cannot say now I was present every time when the cattle were delivered at the agency. Our general rule is this: We have two camps, and we have a man—the boss-man—in charge of each camp; and when the agent sends an order for four, five, or six hundred head of cattle, he (the boss) cuts them off and takes them in. They weigh them, and he takes a memorandum-receipt. I may not get the receipts for a couple of months afterward, or until such time as I may not be at the agency.

Q. Do you remember whether last fall, and in November and December, the cattle you delivered there were or were not weighed when they were received?

A. All the cattle we have delivered at the Red Cloud agency have been weighed. There are two corrals at Red Cloud agency, and the scales are between the two corrals. Sometimes at the winding up of the weighing of them there are some wild steers which cannot be got on the scales, but they would not exceed fifteen or twenty; then those are averaged, and they are generally the largest cattle.

Q. Do you remember anything of a time when there were only seven head of cattle at Red Cloud agency?

A. Yes, sir; I cannot tell the number, but I remember the time that there was a small bunch of cattle there.

Q. What kind of cattle were they?

A. Poor cattle, and such cattle as Dr. Saville rejected and never receipted to me for. I was in the East, and I returned some time in December—I think it was the latter part of December—and there were cattle unreceipted for for some time back, and Dr. Saville told me that there had been a lot of cattle received in November that he thought he would have to reject, and it strikes me it was fifteen head that he just struck off the average and did not receipt for. I had the privilege of taking them out of the herd, but they were killed by the Indians, so that I never got them out, and never got any pay for them.

Q. I suppose cattle in that section of the country get fat during the summer and fall?

A. Yes, sir; the cattle are usually in very good order in the fall.

Q. Do they continue in good order far into the winter?

A. My experience in this country has been this: That cattle will improve until about the first of December; then they hold their own through the month of December and part of January, and as a rule from January to February and March they will shrink a little. There is a Stock Association in the State of Nebraska, and they select inspectors to inspect all herds passing through their district, for the purpose of seeing whether there are any ranch cattle among them; that is, cattle owned by men having ranches in their district, and which might have gone into the herd. The business of those inspectors is to inspect every herd passing through, to see that there are no cattle driven off owned by parties rais-

ing or owning cattle in the district; they are familiar with all the brands.

Q. Do you know who are those inspectors?

A. I was going to give you the name of one in Cheyenne County, in which Sidney is located—C. McCarty.

Q. Where does he live?

A. He is a stock-raiser.

Q. Does he reside at Sidney?

A. Yes, sir. The one in the district east of his is T. M. Lawrence. I think his district is east of McCarty's.

Q. Do you remember in the fore part of November, 1874, of their being a failure to supply the necessary quantity of beef at Red Cloud agency?

A. Well, we had a plenty of beef in the vicinity, but it was at a time when Dr. Saville was trying to count the Indians, and he did not want to issue until he had got the count. He was notified by the Department not to issue them anything until he had got a count on them. It had been alleged that he was issuing to more Indians than he had at the agency. He had got a count on them once before, and he thought it was imperfect, and he asked the Department to instruct him not to issue any more until he could get a correct count on them. I was at the agency at the time, and of course he told us not to bring the beef in until the Indians would submit to this count. They held out for some time, but finally they submitted; and I always understood that he made up what was due them up to that time. I think it was on the 14th day of November that we brought in the beef, but there should have been an issue on the 8th, and, as I understood, he made that up to them by giving them more at that time.

Q. I spoke of seven head of cattle, because of the fact that it is stated by Professor Marsh that there were at the Red Cloud agency some seven head of cattle that were in a puny condition and under size.

A. I didn't see those cattle, but it may be all correct; I don't dispute Professor Marsh's statement at all. It is liable to be true, and I haven't the least doubt in the world but that it is correct; but if it is, they were the remnant of cattle that had been delivered. The cattle were in a fair condition when we delivered them.

Q. There were, I understand you, in that lot some cattle that the Doctor rejected?

A. Yes, sir; it strikes me that the number was fifteen. I won't be positive, but it was not less than ten. I know he wanted to strike off fifteen, and I thought he was a little hard on me, and I asked him if ten would not make him whole, and I am not certain whether he took off fifteen or ten; but I aimed to do what was right, and he contended for fifteen.

Q. You say that in purchasing cattle you get some that are not suitable to be supplied, but the dealers cannot cut them out of the herds. What becomes of those?

A. We generally kill them for camp purposes, and if a band of Indians comes along we have to give them something, and we aim to give them some of those. They always want something, and they won't be satisfied with anything but the beef "standing on four legs, as the Great Spirit sent it." Several times when I myself have been in camp, while traveling, attending to this business of furnishing cattle to the agency, I have had Indians come to the camp and want something to eat. I had three quarters of a good beef, and when I would offer them a quarter they would not take it; they must have one they could kill themselves. They have a prejudice against any that is already killed; they want it,

as they say, "standing on four legs, as the Great Spirit sent it." If a beef could have two hides, it would be more satisfactory to them; they would rather have more hide and less beef.

Q. Do you know whether there is any person interested with James W. Bosler in filling this contract for Paxton?

A. All I know positively is that I am here to represent him.

Q. You don't know of anybody else having any interest in the matter except he and Paxton?

A. I don't know. I believe there are other parties who have an interest with them, but I know nothing at all about it.

Q. You don't know who they are?

A. No, sir.

By Mr. FAULKNER:

Q. Mr. Bosler, can you state the number of cattle which you delivered at the Red Cloud agency on the 14th November, 1874?

A. If my memory serves me right, I think it was 701 head. I can tell exactly by reference to my books.

Q. There had been no delivery of cattle, then, from the 1st of November to the 14th?

A. I am not able to answer that question.

By Mr. HARRIS:

Q. Have you your book here?

A. Yes, sir; I have a rough memorandum in this pocket-book. The other book I left at the agency.

Q. I see that this Mr. Foreman calls himself "of Omaha;" do you know where he was living at the time the bid was put in?

A. In Pennsylvania, sir.

Q. What is his business?

A. He is a stock-shipper.

Q. Is he engaged in dealing in stock now?

A. Yes, sir.

Q. Where?

A. In Pennsylvania.

Q. In Pennsylvania now?

A. I think so, sir.

Q. Has he now any interest in this contract?

A. I don't know.

Q. Do you know what consideration was paid him for the assignment of it?

A. I don't know that there was any consideration paid.

Q. Do you know whether he went to New York at the time the bid was made?

A. I think he was in New York; but don't know.

Q. Were you there?

A. I was there, but I took very little part, sir.

Q. Then you know whether he was there?

A. No, sir; I do not.

Q. Who else of your family was there—was James W. there?

A. Yes, sir.

Q. Was Joseph there?

A. No, sir.

Q. What is Joseph's business?

A. He is a farmer.

Q. Does he live in that place? (Carlisle, Pa.)

A. Yes, sir.

Q. Has he not been out here in the cattle business ?

A. No, sir ; he lived in Sioux City in '56.

Q. What interest have you in this contract ?

A. Well, my interest is to the extent of about \$5,000.

Q. Do you mean to say the whole net results of your business is \$5,000 a year ?

A. Yes, sir.

Q. Is that amount the expected profit, or is it a salary ?

A. That is the expected profit.

Q. Then you have an interest in the contract ?

A. I have no interest in the contract ; the—

Q. You have an interest in the profit of filling it ?

A. I have an interest to that extent.

Q. You cannot receive more than that ?

A. No, sir.

Q. Is that dependent upon profits derived from the filling of this contract ?

A. Yes, sir ; to a certain extent.

Q. Have you any objection to stating your exact relation to this matter ?

A. None at all, sir ; I have no interest in the contract ; none whatever, sir.

Q. What is your relation to the filling of the contract ?

A. I represent the contractor. The fact of it is, I am really here against my wishes ; I didn't want to come, but I was urged to come. I have had some experience in the cattle business, and was asked to take charge of filling the contract.

Q. By whom ?

A. By J. W. Bosler, my brother, and Mr. Paxton, and I came reluctantly.

Q. Upon what terms, if you have no objection ?

A. I have no objection. To the extent of about \$5,000. I was assured that my interest would be at least about \$5,000. I will state, gentlemen, if you want to know anything about the business, I can tell you everything about it ; I can tell you what the profits of the contract are, or anything you want to know.

Q. I want to know exactly how your \$5,000 is to be determined.

A. I was assured that I would have at least \$5,000.

Q. You don't know what proportion of the profits that interest is—whether it is a quarter, or a tenth, or what ?

A. No, sir ; I was to have, at any rate, that amount, whatever they made.

Q. Suppose they don't make anything on the contract.

A. I will get that amount any how.

Q. Do you say that you are to have a salary ; that you were to be paid to the extent of \$5,000, irrespective of the question of profit on the contract ?

A. No, sir ; not that exactly, either. It was just this way : I was to have an interest to the extent of \$5,000 whether they made it or not.

Q. You were to have that whether or no ?

A. Yes, sir.

Q. You mean to say that you had not a contingent interest in the profits beyond that amount ?

A. No, sir—well, I didn't know. I might have expected more if they had done better. I had really no understanding at all when I left home. I left just to take charge of this business ; I didn't know that

I would stay to the end of the year. I was asked to come out and make the purchase and locate the cattle, and at the time I left home I did not expect to stay over two months, but I staid to the end of the year.

Q. That does not tell me your relation to the contract.

A. I just have a certainty to the extent of \$5,000.

Q. It is not a salary?

A. No, sir, it is not a salary; neither is it an interest in the contract.

Q. You say you would not have any more if they made a large amount of money?

A. No, sir; except through their liberality.

Q. And, if they lost, you would have the same?

A. Yes, sir.

Q. Then you are a hired man, at \$5,000 a year, in any event?

A. Not a hired man.

Q. Is there a chance outside the filling of the contract by which you expect to make money in this business?

A. No, sir.

Q. If you are to have \$5,000 for the year's service, and no less if they lose and no more if they make, what other relation have you than as a hired man?

A. Well, I am not exactly hired at a fixed salary.

Q. Is there any way that you may make more or less than that amount?

A. None, unless they should choose to give it to me.

Q. Then there is a sort of a private mutual understanding between you that if they make a large amount of money out of the contract you will have more?

A. Only unless they wish to give it to me.

Q. There is a remote possibility that they may be liberal enough to do it?

A. If they choose to give me any more. I consider my services worth not less than \$5,000; I would not stay in this part of the country for less than \$5,000.

Q. You say it is not a fact that you are a hired man at \$5,000 a year?

A. No, sir; I don't say I am hired at \$5,000 a year, but I was assured that I would get \$5,000 a year.

Q. At least?

A. Five thousand dollars a year.

Q. No more.

A. Well, no; I don't know; I was just assured that I would get not less than \$5,000 a year.

Q. Did you ever see Mr. Paxton?

A. Yes, sir; I know him very well.

Q. What did he tell you?

A. He understood it the same way.

Q. In the filling of this contract is there any other way in which you expect to make a profit other than receiving \$5,000 a year as salary?

A. No, sir.

Q. Do you now say, upon the whole, that you have no interest in this contract?

A. Yes, sir.

Q. You are not a signer of the contract, either as bondsman or witness?

A. No, sir.

Q. Do you know that Mr. Paxton has at this moment any interest in the contract?

A. Yes, sir.

Q. Is not the whole thing your brother's ?

A. No, sir.

Q. Had Mr. Foreman any idea of filling the contract, so far as you know, when he took it ?

A. I don't know.

Q. Do you believe he had ?

A. I don't know that, sir.

Q. Have you any reason to suppose he did ?

A. I know no reason why he would not. He is a man of property.

Q. You did not make a bid ?

A. No, sir.

Q. Your brother James did ?

A. J. W. did.

Q. Do you know whether Mr. Herman—whether either of the Hermans did ?

A. Not to my knowledge, sir.

Q. Now, can you state the names of the men on Platte River from whom you buy cattle ?

A. Yes, sir.

Q. Please state them.

A. Seth Mabry, George W. Littlefield, James F. Ellison, and I bought a herd last year from William M. Hurst, and I bought one herd from D. R. Fant and one from George Sheidley & Bro. That is the firm, but George generally signs his own name alone.

Q. Where are these men located ?

A. They are Texas men.

Q. They bring their herds up on Platte River and sell them there ?

A. Yes, sir. I bought one herd from General Perry, of Omaha—Adams, Reddington & Co., I believe, is the firm ; Mr. Reddington is the party who has charge of the ranch.

Q. Are those the names of all you can remember on Platte River ?

A. I bought a small bunch this spring from Irwin & Lawrence—a bunch of 241 head.

Q. You buy some cattle in Ellsworth, Kansas ?

A. Yes, sir.

Q. Do you go there to buy them ?

A. Yes, sir.

Q. Who do you buy of there ?

A. These same men, sir. Ellsworth is the place they have been driven to until last year and this year, when nearly all of them have been driven to Platte River. Ellsworth is a cattle-point on the Kansas Pacific Railroad.

Q. Are you supplying beef to any other agency than Red Cloud ?

A. Only these two agencies—Red Cloud and Whetstone, (now known as Spotted Tail.) Mr. Paxton has been filling the balance of the contract himself, personally.

Q. Where is your brother, J. W. ?

A. He is in Carlisle, Pa.

Q. Is he engaged in filling any contract this year ?

A. He has never been here at all. Joseph has never been here.

Q. Never has supplied any of these agencies ?

A. No, sir.

Q. Didn't you supply cattle which Wilder furnished ?

A. Yes, sir.

Q. That was in 1873 and '74 ?

A. Yes, sir.

Q. How were you interested with Wilder ?

A. In the same way.

Q. Were Joseph or J. W. also interested in the same way ?

A. J. W. was.

Q. At that time did J. W. bid for furnishing cattle ?

A. Yes, sir.

Q. And Wilder was a bidder ?

A. Yes, sir.

Q. They became partners after Wilder got his contract ?

A. Yes, sir.

Q. Were they partners before ?

A. No, sir.

Q. Do you know by what arrangement they became partners afterward ?

A. It was merely a business arrangement. Mr. Wilder proposed to J. W. for him to take an interest in the contract and fill it.

Q. Mr. Wilder himself did nothing about filling it ?

A. I don't know ; I did the work here.

Q. You don't know that Wilder did anything about filling that contract ?

A. No, sir.

Q. You know you filled it ?

A. I know I filled it for these two agencies.

Q. Now, do you say that contract was not really yours ?

A. No, sir ; it was not.

Q. Did you furnish any money ?

A. Not a cent.

Q. Did J. W. furnish any money ?

A. Yes, sir ; he did.

Q. You say you have furnished no money on this contract ?

A. Not a cent.

Q. Do you know that J. W. has ?

A. I know he has.

Q. So you receive all the money from the partners and put it in cattle, so far as these two agencies are concerned ?

A. Yes, sir.

Q. Where do you get the money ?

A. Each one pays in his share of the money ;

Q. Do you know how much money they paid in on this contract ?

A. No, sir.

Q. Do you know how much you had to draw against ?

A. I could tell you at the agency.

By the CHAIRMAN :

Q. About what is the aggregate capital invested in furnishing these two agencies ?

A. Well, I bought last year for these two agencies about eighteen thousand head of cattle ; I had them on the Platte at one time for about the space of two months ; it takes about eighteen thousand head.

Q. That takes considerable money ?

A. It takes very near half a million of dollars, paid down at one time. They are all bought and placed in the fall months ; there are always enough placed there to fill the contract.

Q. And before you deliver them to the agent you hold them at your own risk ?

A. Yes, sir.

Q. And you generally buy a whole herd?

A. Yes, sir.

Q. Just as they have been driven up from Texas?

A. No; we buy four-year-olds and upward; we cut out some; they are the cheapest cattle per pound. A lower grade of cattle cost more than we can get for them. We pay about 2 cents a pound, and you cannot buy any of the lower grades for less than  $2\frac{1}{2}$  cents a pound. I bought the best cattle at \$1.80 a hundred-weight. My purchases last year went from \$1.80 per hundred-weight to 2 cents per pound. The smaller-size cattle cost more per pound. For instance, take a yearling: A yearling will cost \$7.50, and it takes a very good yearling to weigh 300 pounds; that is over 2 cents a pound. You would pay \$12 for a two-year-old, and it would weigh about 500 pounds. Now we get up to the four-year-olds. The Indians themselves prefer a good cow to any other kind; and if we can get a good grade of cow we always buy it. We could buy a good cow, that would weigh from 800 to 950 pounds, for about \$12; that is, a good Texas cow. Thousand-pound beeves generally bring from \$18 to \$20. Then in getting a lot of beeves we sometimes get many that weigh 1,000 or 1,200; some would go less.

Q. You don't weigh any cattle that you buy?

A. Well, no, sir; we buy them by their age.

Q. So you give \$7 for a yearling, \$12 for a two-year-old, about \$16 for a three-year-old?

A. The grades usually run from four to seven.

Q. Then you get up from three to seven, and from \$18 to \$20 a head?

A. Yes; so it is to the interest of the contractor to buy the higher grade of cattle; you get more beef for the money.

By Mr. FAULKNER:

Q. Why, then, do they bring on these young cattle to the Platte River for sale?

A. They reason this way: that it has a quieting effect upon their large cattle to bring a few of the smaller grade with them. It has the same effect as between a mother and a family of children. If you put a few young ones along with the old cattle they become more contented, and they are more easily driven. And, then, there are some persons who want to sell their young stock.

By Mr. HARRIS:

Q. Can you explain to me how there is a profit in an Indian contract?

A. Yes, sir. A beef weighing a thousand pounds would cost \$18; it costs about a dollar a head for holding cattle; that would make it cost \$19, and that would leave a profit of from 30 to 40 cents on one hundred pounds; and in a contract for thirty millions of pounds it would give a profit of \$90,000, at 30 cents on the one hundred pounds, and of \$120,000 at 40 cents on the one hundred pounds. The profit on a cow which costs \$11, and which would weigh nine hundred pounds, would be 80 cents on the one hundred pounds, and I would just as soon put my money in stock of this kind as to put it in a bank. They are always salable—a cash article—and in this country the percentage of loss is very light.

Q. How many cattle did you have during the winter?

A. We started in December; I think we had in the neighborhood of five thousand or six thousand head about the 1st of January, but we run out of cattle; we had no more than filled the Foreman contract. I was at the agency last spring, and the Indians were really suffering;



we had filled over the contract, and everything was eaten out of the commissary.

Q. You charged how much for the additional amount in filling the contract?

A. Three cents a pound.

Q. What stock did you then have on hand?

A. We had consumed all our stock; we had to go upon the market and buy wintered cattle, which cost us about 2½ cents a pound. We made just about a half a cent a pound on those wintered cattle.

Q. You were under obligations to supply 25 per cent. in addition?

A. As I understand it, the terms of the contract were, that Mr. Paxton was to receive notice, if that 25 per cent. would be required, in time to get these cattle in the vicinity of the agency.

Q. The clause in the contract with Foreman is this: "The party of the first part, however, reserves the right to require a greater or less quantity, not exceeding 25 per cent. in either case, of any of the articles, than that specified in said schedule, at the price or prices therein stated, of which increase or decrease in the quantity required a reasonable notice should be given to the party of the second part." Now, do you know when you got notice, under your contract, that the Department would require an addition under that 25-per-cent. clause?

A. I never got any such notice.

Q. When you were called upon to furnish the cattle, that would be notice?

A. In the fall of the year I brought up cattle, and brought up a surplus, and I turned all those in, and the agent wanted more cattle. I told him I would fill my contract.

Q. When was that?

A. Along about the latter part of March. He had nothing else in the commissary, and he applied to the Department for something to feed his Indians. They said they would rather have beef than anything else.

Q. So that when they called for these the contract was immediately entered into?

A. No; it was some time after, sir.

Q. That was the first notice you had?

A. Yes, sir.

Q. You said that at one time you had some poor cattle—about fifteen head, you thought?

A. The cattle that Professor Marsh probably refers to had been delivered at the agency and received by Dr. Saville, but not receipted for. When I came along in December—the latter part of December or the first of January—the doctor told me that there were ten or fifteen head of cattle that he would have to reject, and he deducted them from the amount and receipted to me for the balance of the cattle that had been delivered up to that time.

Q. Now, did he turn out to you, or attempt to turn out to you, the rejected cattle?

A. No, sir; I would rather have lost the cattle than have driven them back, because our herd was eighty miles off.

Q. So you just knocked them off the bill?

A. Yes, sir.

Q. Is it within your knowledge, or were you not informed, that the cattle had been fed to the Indians?

A. I didn't know, and I was not so informed.

Q. How many times during the last year were you yourself present when cattle were turned over to the agency?

A. I cannot mention the number of times.

Q. What person had you there authorized to see to the weighing in your behalf?

A. Now, I have either the foreman of the herd or my brother, who is there sometimes.

Q. What is his name?

A. George.

Q. Does he work for you?

A. Yes, sir.

Q. Has he any interest in the contract?

A. No, sir.

Q. Younger than yourself?

A. Yes, sir.

By Mr. FAULKNER:

Q. I suppose it is an admitted fact that all the cattle furnished were furnished in the name of William A. Paxton?

A. Yes, sir.

Q. And no other cattle were furnished except those that were furnished by William A. Paxton?

A. No, sir. I claim that I filled this contract honestly, and I can establish that fact. My business reputation is at stake, and I will be glad to give you any information in my power. I am satisfied that I will be set right by sifting this thing down to the bottom. I read Professor Marsh's statement, and also Lieutenant Carpenter's statement, in regard to the yearlings that were delivered on the 14th day of May, 1875. On the 10th day of May I received part of a herd of cattle from General Perry, through Mr. Reddington, and the lot from Irwin & Lawrence—the 241 head I told you about. My contract with James Reddington & Co. was for two thousand head of cattle, four years of age and upward. When Mr. Reddington brought them down to the place of delivery, which was on the north side of the North Platte, opposite the agency, he had 58 yearlings in the herd. He asked me if I could take them. I told him I could not use them. He aimed to cut them out, but failed to do so, and said they might go along. I paid him nothing for them, and they were not counted. A good many Indians roped these yearlings as we came along, and killed them before they were delivered to the agency, but there may have been a few of them that went through. These were the yearlings that Lieutenant Carpenter saw.

By the CHAIRMAN:

Q. Lieutenant Carpenter, in his certificate about the beef-cattle which he saw issued to the Indians at Red Cloud agency, on or about the 13th day of May, 1875, says: "There were many yearlings in the herd, which would not net 200 pounds of beef, and to the best of my knowledge and belief the entire herd would not average 750 pounds gross weight." What do you say to that?

A. In regard to the weight, I have Mr. Reddington's affidavit, which I will hand to you at the agency, showing what he estimated the weight of them to be when he turned them over; and also the receipt of the agent as to what they did weigh. I paid nothing for the yearlings and I received nothing for them; but I don't know but that I was entitled to pay for them; they were good beef and were eaten by the Indians.

By Mr. FAULKNER :

Q. Then the Indians seem to be aware that they are not legitimate articles of delivery ?

A. Yes, sir.

By Mr. HARRIS :

Q. Has it ever been claimed by anybody that you failed to fulfill your contract ?

A. No, sir.

Q. Has your brother J. W. ?

A. Not to my knowledge.

RED CLOUD AGENCY, NEBRASKA,  
*Friday, August 13, 1875.*

Present: Hon. THOMAS C. FLETCHER, chairman, Prof. GEORGE W. ATHERTON, Hon. B. W. HARRIS, and Hon. CHARLES J. FAULKNER.

JOHN HERMAN BOSLER recalled.

By Mr. ATHERTON :

Question. I want to call your attention to page 25 of Professor Marsh's statement, in which he says that the cattle of the herd delivered on the 14th of November were so wretchedly poor that even the contractor, Mr. Bosler, deemed it necessary to apologize for them, stating that he had been obliged to overdrive them, &c. Did you make that statement, or one similar to that, to Professor Marsh in regard to the quality or condition of those cattle ?

Answer. No, sir; I did not.

Q. Did you have any conversation with him whatever about the cattle ?

A. No, sir.

Q. Did you see Professor Marsh at that time ?

A. No, sir; I was not at the agency on that day. I can't exactly say where I was at that time. I was somewhere between Cheyenne and the agency. I came here shortly after the delivery of the cattle, and after Professor Marsh returned from the bone fields, and about the time he left for the East. I never saw the Professor.

Q. Was your brother here at that time ?

A. My brother George was here with a delivery of the cattle. He is now with the herd. You will find him there this evening. J. W. Bosler was never at the agency.

By the CHAIRMAN :

Q. What books do you keep of your purchases of cattle ?

A. I keep just a memorandum. I can't give you definite information from it. J. W. Bosler keeps a perfect account. I send him the receipts. He keeps a regular set of books, showing the business transactions. [Mr. J. W. Bosler here showed to the commissioners a contract entered into between the Commissioner of Indian Affairs and J. W. Bosler, dated May 27, 1875, for the delivery of 500,000 pounds of beef, gross weight, to be delivered at Fort Berthold agency, Dakota, at \$2.95 per hundred pounds. J. W. Bosler was also contractor for beef at the same place for the year 1874, and the only place where he was the lowest bidder.] In the Foreman contract the schedule is referred to, and by the schedule it appears that the beef was to average 850 pounds from July 1, 1874, to January, 1875; and 1,000 pounds from January 1, 1875, to

July 1, 1875. Now, let me explain what the arrangement was with the Indian Department. The average for the entire year was 925 pounds, and this was taken as the basis of settlement. This average was arrived at by adding the two different prices together and dividing it by two, giving the contractor the benefit of overweights in the first six months.

CHEYENNE, W. T., *Wednesday, August 25, 1875.*

Present: Hon. THOMAS C. FLETCHER, chairman, Hon. TIMOTHY O. HOWE, Hon. CHARLES J. FAULKNER, Hon. B. W. HARRIS, and Professor GEORGE W. ATHERTON.

JOHN HERMAN BOSLER recalled.

By the CHAIRMAN:

Question. Mr. Bosler, will you state at what time and in what quantity you delivered beef at Spotted Tail agency in the months of January, February, and March last?

Answer. I delivered on the 5th day of January, 1875, 447 head of cattle, weighing 433,590 pounds, and on the 16th day of February I delivered 802 head, weighing 844,800 pounds; this was a lot that I accompanied Mr. Yates with to the agency to get a receipt for. He met the herders on this side of the agency, and the Indians were killing the cattle as we passed by the corral. The cattle had been issued and the Indians were killing them. On the 6th day of March I delivered 575 head, weighing 595,800 pounds; and on the 5th of April, 558 head, weighing 550,476 pounds. Now I want to state in connection with this delivery of the 16th of February, I was about ten days behind time in getting them there owing to the severity of the weather. I was ordered by the agent to have them there in the early part of February. I sent a messenger to the camp; my herder started with them; they encountered a snow-storm, and were from ten to twelve days behind when we got to the agency. On the 16th Major Howard made the issue of the ten and twenty on the same day out of the corral, as I understand it. I was present and came there the very day of the issue.

By Mr. HARRIS:

Q. How severe was the season; describe the severity of the season?

A. The thermometer was really 40° below zero, and the mercury in the thermometer was frozen.

Q. What was the effect upon the cattle and the men driving them in such weather?

A. Several of the men came in with their feet frozen; the cattle would stand it better than the men.

Q. Were you out with them?

A. I was not with the herders. I was at Red Cloud agency, and went down with Mr. Yates to Spotted Tail, expecting to be there by the time the cattle would reach there. When I arrived there the cattle had been all turned over, and a portion of them was being issued to the Indians.

Q. Was that the time you were frozen yourself?

A. I was frozen in the early part of January. I was at Red Cloud agency under treatment at that time; it was my first trip out after my freeze. I went down with Mr. Yates in a buggy, and had my hands wrapped up. I met my herders on this side of the agency, and they told me the Indians had killed five head of cattle this side of the corral, which the agent had refused to receipt for.

By Mr. ATHERTON :

Q. How often were you to deliver cattle there ?

A. We should have delivered once a month during the winter.

Q. How many issues to the Indians did you understand that to cover ?

A. Three issues ; they issued on the 1st, 10th, and the 20th. I was to have had cattle there in the early part of February, and I think they missed the issue of the 1st and the issue of the 10th. I got there between the 10th and the 20th ; the cattle got there on the 16th of February.

By Mr. FAULKNER :

Q. Mr. Bosler, did I understand you to say that you had cattle delivered there that would have supplied the issues during the entire month of January ?

A. When we delivered the cattle, on the 5th of January, it was supposed that the number then delivered would last through the month of January.

Q. And would last them to the issue of the 1st of February ?

A. Yes, sir. Some time after that I received a note from the agent asking me to have cattle there the early part of February.

Q. Do you remember what time you received that note ?

A. It was the early part of February, perhaps between the 1st and 5th. I sent a messenger with it to camp, and directed the boys to start immediately to Whetstone agency with the cattle.

By Mr. HARRIS :

Q. Where were the cattle ?

A. On the Platte River. I had exhausted our herd on Running Water by this time.

Q. That is about eighty miles from the camp ?

A. That is a point about seventy-five miles from Whetstone.

By Mr. ATHERTON :

Q. What was the necessity of sending a special note, or special messenger, when you were expected to deliver them in the early part of February in any case ?

A. We always awaited an order from the agent ; we never deliver unless they give us an order.

By Mr. FAULKNER :

Q. When should those cattle you speak of have reached Spotted Tail agency, in all probability, were it not for the storm you refer to ?

A. They would have come over in three days and three nights. In the winter-time we usually start from our herd-camp in the evening and drive until near daylight ; the boys lie down and rest, turn their ponies out to grass, and let the cattle graze until 9 or 10 o'clock ; then they drive again, of course stopping to go into camp and have their meals, but continue driving until they get into the agency, resting the cattle to graze and water, and resting the horses.

By Mr. ATHERTON :

Q. Driving night and day with intervals of rest ?

A. Yes, sir ; we could not turn them loose ; they would scatter if we turned them loose.

By Mr. FAULKNER :

Q. I understand you, then, there was but one issue-day ; that this storm prevented you having cattle there to be issued on the 10th ?

A. Yes, sir; they got there on the 16th, and were issued the same day that we delivered them to the agency.

By Mr. HARRIS:

Q. Then, Mr. Bosler, if the statement were made that no cattle were delivered by you for about forty-five days, it would be pretty nearly correct, would it not?

A. There were none delivered between the 5th of January and the 15th of February.

Q. It would be forty-two days instead of forty-five?

A. That is correct.

Q. So that if the statement were made that there were no cattle delivered in forty-two days, as applied to you, it would be correct?

A. That is exactly the time I delivered the cattle.

Q. But you do not know how many issues of cattle were made to the Indians in January?

A. No, sir.

Q. Do you know whether there were any issues?

A. When I got there with these cattle, on the 5th of January, the issue of the first had already been made, but of these 447 head, the first issue out of them would be made on the 10th, as I understand.

Q. Do you know when you arrived at the agency, February 16th, whether there was a want of other supplies sufficient for the requirements of the Indians at the agency?

A. I heard nothing of it.

Q. Did you learn that Indians had suffered for food, and were really starving?

A. I did not hear it.

Q. It has been stated that wagon-trains were sent out in December to Fort Randall to bring in supplies for that agency, which did not return, by reason of the inclemency of the weather, until April. Did you know that at the time?

A. There was a letter from one of the freighters stating that they were snow-bound on this side of old Whetstone agency.

Q. Did you know, at any time during that winter, that they were short of rations at Spotted Tail agency?

A. They had supplies in the commissary at that time; my impression is that they did not run out of supplies at the commissary until the latter part of March.

Q. Do you know whether they had to reduce the amount of issues during that period, or not?

A. I do not, indeed, sir.

By Mr. HARRIS:

Q. I would like to ask you whether, at any time, you delivered any cattle to Doctor Irwin, of the Shoshone agency?

A. I delivered, I think, 253 head in October.

Q. Were those cattle taken from your herds on the Platte?

A. They were.

Q. Had you the contract?

A. No, sir. I delivered them through General Dodge.

Q. Had he the contract?

A. He had the contract.

Q. Did you understand he was short of cattle to fill that contract with?

A. No, sir; he was not short. I had the cattle here, and he asked me to deliver the whole amount of cattle for the agency for the entire

year. They were all received at one delivery; that was the requirement of the contract.

Q. Did you attend to it yourself?

A. I got the cattle out of the herd; we just cut the bunch out of our herd. I think we cut off about 370 head, if my recollection serves me right, and we reached the agency with 353.

Q. Did you, yourself, go there?

A. No, sir; I sent them up in charge of Mr. Robert Porter, one of our boss herders.

Q. Were they received at the agency?

A. Mr. Porter took them up (I do not know Dr. Irwin) and he reported to Dr. Irwin with this herd of cattle for General Dodge's contract. Dr. Irwin came out; they had no Fairbanks scales up, and the Doctor proposed that he would pick out one head that he supposed to be an average; Mr. Porter, who represented me, was to pick out one which he supposed to be an average; the butcher belonging to the agency was to pick out a third, which he supposed to be an average; and another party—I think it was the agency herder—was to pick out a fourth, which he supposed to be an average. Those four were skinned and the net beef doubled. I think they weighed about 990 pounds gross, and he gave the herders the receipt for that average.

Q. Were any cattle rejected from the herd that were driven up, to your knowledge?

A. Not one.

Q. Have you ever heard the statement made that a portion of that herd was rejected, or the whole of it, by Dr. Irwin; that he refused to receive them?

A. I never heard until this morning.

Q. Mr. Bosler, at any time did you write a receipt for cattle for Dr. Saville to sign?

A. Yes, sir.

Q. Will you state the circumstances attending it, fully?

A. Last October a year—I think it was October, 1873; it was shortly before Walker went to the agency—I delivered Dr. Saville, at Red Cloud agency, a certain amount of cattle—I think the number was between thirteen and fourteen hundred—that were unreceipted for at the time I called, and asked for the receipts for cattle that were delivered up to that time. I came to the agency in the evening and told the Doctor that I was leaving next morning, and wanted him to have the receipts ready. In the morning I called at the office and he had written out one receipt. I waited some time, and he came into the office, (I might just remark here that his clerk was not there at the time he was in Sioux City,) and he was so hurried that he finally asked me to write the rest of the receipts, as he wrote a very bad hand. I picked up the pen and copied two receipts from his original receipt.

Q. How many receipts are required?

A. I get duplicates—I get two, and he keeps one in the office.

Q. Now, sir, were those cattle delivered at the times named in the receipts?

A. Those cattle were delivered before I got the receipt for them. On looking at Mr. Walker's report I find that the number receipted for at that time was 1,280, instead of between thirteen and fourteen hundred, as I have before stated.

Q. Were you present at the delivering of those several lots of cattle?

A. Yes, sir; I was.

Q. Were the deliveries actually made?

A. They were.

Q. Have you ever had a receipt for Dr. Saville, under any circumstances, for cattle before they were delivered?

A. I never have.

Q. Or which were not delivered?

A. I never have.

Q. Have you ever said to anybody that you made out receipts for the agent's signature?

A. Well, I may have to somebody, but I never did to Mr. Walker.

Q. What did you say to him?

A. I was not present at the agency when Mr. Walker was there; I met him at Cheyenne upon his return here; I understood that he was here, and I aimed to meet him at the agency and met him at the depot here, and asked for an introduction to him. Mr. French introduced me. I said to him that I learned that he had been to the agency; I said I was sorry I had not met him there; that I would have liked to have shown what business I represented there. He told me that he had been present at the delivery of 418 head of cattle—I think on the 10th of November—which, after being weighed, averaged 969 pounds each; that a majority of them were a very nice lot of Texas cattle. I said to him, "Did you go to the herd and see the balance?" He said, "No, sir; I had not time; your brother invited me and offered to take me, but I declined for want of time." I said to him that I was sorry he had not gone; that this cattle question seemed to be a sensitive one, and I was always glad to exhibit what we had there. He replied to me that he was not there on that business; that he was only there to look at the management of the Indians generally, and to report to the Board of Indian Commissioners. I said to him, "So far as I am concerned, how did you find my business with the agency?" He said, "Very well." I said to him, if there was any information he wanted that I would be glad to give it to him here; he said he had visited the herd at Whetstone agency, and found some small cattle in the herd, but the herder told him that they were a remnant of cattle that had accumulated there. That was the way he explained it to me, in his own words; that was about the extent of the conversation we had.

Q. Was that statement he made concerning the cattle at Whetstone true?

A. It was not, as you will find by the herder's testimony on that subject in Bishop Hare's report.

Q. Waiving that question, I ask again, what, if anything, was said to you by him about preparing receipts for Dr. Saville?

A. Not a word.

Q. Did he ask you anything about having written or copied receipts?

A. He did not.

Q. Do you know whether he saw your brother James at that time?

A. He did not see him here.

Q. I want to read you his statement to see if I cannot bring to your recollection every conversation with Mr. Walker. "Mr. J. H. Bosler told me in Cheyenne that he made out the receipts for the agent's signature?"

A. My reply to that part of his statement is that, so far as my making that remark to Mr. Walker, it is positively false.

Q. Did you make it to any person here?

A. Not to my knowledge.

Q. Did you ever make any statement contrary to that which you have made here to-day?

A. I have not.



Q. Have you made the statement which you have made here to-day to other people ?

A. I don't know that I have; I have testified on that point before the Bishop Hare commission, a report of which is on record.

Q. Is your testimony there the same as it is here ?

A. I do not know that I was asked questions on these points; my impression is that I was not.

Q. You do not remember stating to Mr. Walker the fact of writing those receipts ?

A. That I positively say I never did.

Q. Did you write more than one receipt for the signature of Dr. Saville ?

A. I wrote the two duplicate receipts for the 1st and the 15th of October; I wrote them both at the same time.

Q. Were you questioned upon the subject of those receipts before the Bishop Hare commission ?

A. I was questioned upon the subject of the receipts; I do not know whether I was asked the question whether I wrote them.

By Mr. ATHERTON :

Q. Do your receipts, when they are made out, always show the dates when cattle were delivered to the agency ?

A. No, sir; sometimes we have two or three months' deliveries of cattle unreceipted for.

Q. State your method on that point.

A. When I am absent, which is frequent, for a month at a time, and perhaps two months, the agent, when he wants cattle, sends an order to whoever is in charge of the camp; if my brother is there he receives the order; frequently the boss man in charge of the camp delivers those cattle to the agency, places them on the scale, and then gets a memorandum-receipt from the agent for them; that may perhaps be continued for two months, until I come by camp; I then lift those memorandum-receipts, take them to the agent, and get my regular receipts from him.

Q. Then you get a receipt from the agent covering the gross amount represented by these memorandum-receipts ?

A. Yes, sir.

Q. But, as I understand you, you state that that receipt does not indicate the dates of these memorandum-receipts ?

A. No, sir. Dr. Saville in the early part of his administration would date all his receipts on the 1st and 15th of each month; latterly he has been receipting for the cattle on the very day they were delivered, and the exact number delivered on the day.

Q. So that you have no longer any use of memorandum-receipts ?

A. O, yes, certainly; I get those receipts to know how many cattle

Q. What do you do with these memoranda, after you have got your final receipt ?

A. I destroy them.

Q. Have you any record of them, and do you record them in any permanent form in your book ?

A. No, sir. I just keep a memorandum of the amount in a pass-book; I have no record that will show the record of these memorandum-receipts.

By Mr. FAULKNER :

Q. How is it that you can tell of the delivery of a particular number of cattle on particular days ?

A. I turn over to the herder—to the man in charge of camp—say five thousand head; he delivers the cattle to each agency on the orders of the agent; the herder holds those orders until I lift them; I take those orders to the agent and get my receipts; after I have my receipts for the orders I destroy them.

By Mr. ATHERTON:

Q. But, then, you have no record showing, for yourself, the deliveries of cattle from time to time at each date?

A. No.

Q. Then, if you were to refer to your books now, you have no record to show the specific deliveries of each lot of the cattle to the agent with the date of each?

A. I could give you a memorandum, for instance, if you should ask me what I delivered for the past three months; but I could not for a year back; that is because I happen to have preserved my memorandum, but not because I have any permanent record of it. When I get a voucher from the agent, I deduct from the whole number in the herd the number for which I have got a voucher, and thus know the number remaining in the herd; the deduction is not made upon the orders which the herder holds and turns over to me until I get the voucher for the orders.

By Mr. FAULKNER:

Q. You state that, on the 5th of January, you delivered so many cattle; now, how do you reach the result that on those days you delivered so many cattle; is it based upon vouchers given to you by the agent?

A. I get the vouchers the very day that I deliver them; they are based upon the vouchers I have in my possession. In my memorandum-book I make a note of the number of cattle I have on hand, and then get the receipts and the date of them.

Q. How could you reach the result that on such a day you delivered so many cattle to the agent, and on such a day you delivered so many more to the agent?

A. At the time, Dr. Saville was in the habit of grouping the deliveries of cattle in on one voucher embracing several memorandum-receipts, I could, by reference to a permanent record, indicate the particular deliveries constituting that general voucher, but since that time he has been in the habit of giving a voucher corresponding with each memorandum-receipt, showing the number of cattle on each particular delivery, and those vouchers are all entered on my book, and I can produce the record of them. The memorandum-receipt taken by the herder for the cattle, is returned by me to the agent, and for it I take a voucher in the name of the beef-contractor, and surrender the memorandum-receipt, and the agent destroys it. In my testimony taken before the Bishop Hare commission, I gave an accurate account of several deliveries of cattle for two or three months, which they took from a memorandum-book I had, and showed them, which I have not now with me.

By Mr. HARRIS:

Q. Have you had charge of all the business delivery during the years 1873, 1874, and 1875?

A. I have.

Q. Has your brother, J. W. Bosler, had anything to do with the delivery of cattle here during that period?

A. He has not. He had never been at the agencies until he went over a few weeks ago with this commission, in the early part of August of this year.

Q. Do you know whether he has had any correspondence, conversation, or communication with Agent Saville during that period ?

A. Not to my knowledge.

Q. Has Agent Saville received any profit from the cattle-contract ?

A. He has not.

Q. Has he any promise from you, or any person connected with the delivery of cattle or with a cattle-contract—any promise, express or implied, by which he is to derive any profit, benefit, or advantage from the cattle-contract ?

A. He has none from me, and none from any other, to my knowledge or belief.

Q. Has he received, at any time, any presents from you, or any of the other persons connected with that contract ?

A. None. I have handled all the moneys connected with this contract and with our business with these agencies, and he has never got a cent from me. I have made up the accounts by which the contracts were settled, and there has never appeared anything in the accounts of one cent paid to him.

Q. If it has not appeared in the account, has any, in fact, been given ?

A. None.

Q. You mean to say, unequivocally, without reservation, that in no way whatever has Dr. Saville received any benefit arising from the cattle-contract ?

A. I do.

Q. And there is no promise, understanding, or agreement that he shall hereafter receive any ?

A. I do.

Q. And this covers all contracts—past or future benefit ?

A. It does.

Q. I want to call your attention now to the stampede of 1873, and ask you to state all you know about it.

A. I stated that in full in the Bishop Hare report. I have read it since it was published, and that statement is correct. I was present at the agency at the time this occurred. I assisted the agent, with my men, in the recovery of those stampeded cattle, at his request; and those cattle were all returned to the agent, with the exception, I think, of sixty-seven head. In gathering those stampeded cattle over the country they were very wild, and we turned them into our herd; the agent's boss-herder was with us; he took a receipt from the man in charge of my herd for the number turned in. After they had scoured the country over and gathered all that they could find they were then turned over to the agent, and I think he was out sixty-seven head, if I remember correctly.

Q. You do not mean to say that you returned to the agent precisely the same cattle that were stamped ?

A. We just cut out and returned the same number.

Q. And do you know whether any weight was taken of them ?

A. No, sir; he had already receipted for those cattle. I returned him just the number, taking them at the same weight that they had been receipted for before.

Q. Were they equal to the cattle he had receipted for ?

A. Yes, sir; they were out of the same herd.

Q. What evidence did Dr. Saville hold, after the cattle had got back to your herd, of the number which were received ?

A. Dr. Saville had no evidence in the world that they were in my herd. After the stampede the cattle were scattered all over the country between White River and Platte River. Dr. Saville's herders and a

portion of my herders went out to hunt the cattle. As they were found, (they were found in bunches of perhaps fifteen, twenty, thirty, or forty, over the prairies) they were returned to my herd, and held for them until they were all gathered. The man in charge of my herd gave the agency-herder a receipt for each lot turned in while they were gathering them, and then I turned over to the agency a number equal to the entire number gathered.

By Mr. ATHERTON :

Q. Did you receive any receipt or voucher from the agent entitling you to payment for those that were turned over ?

A. No, sir.

Q. You had received a voucher previously ?

A. I had a voucher previously.

By Mr. HARRIS :

Q. Now to the stampede of 1874—of last year. Do you know about that, and the return of the cattle ?

A. I think I stated that to you in my former examination at the agency.

By Mr. HOWE :

Q. Do you know the number of Indians fed at Spotted Tail agency ?

A. I do not know of my own positive knowledge; about nine thousand head, I understood.

Q. The beeves you delivered on the 5th of January last weighed 433,590 pounds gross. What would those net ?

A. They would average each a gross weight of 970 pounds.

Q. I did not ask you the average gross weight of the cattle; I ask you the net weight of the whole lot ?

A. The net weight, in our way of computing it, would be 216,795 pounds.

Q. With 9,000 Indians to be fed, that would require 9,000 pounds a day, and forty days' rations would amount to what ?

A. That would require 360,000 pounds of beef.

Q. Between the 5th of January and the 16th of February, when you made your next delivery of cattle, the 9,000 Indians at the agency would require 360,000 pounds ?

A. Yes, sir.

Q. They had, in fact, only 216,795 pounds ?

A. Yes, sir.

Q. You delivered on the 16th of February how many cattle ?

A. Eight hundred and two, weighing 844,800 pounds.

Q. Out of which deliveries was it you understand the Indians killed five head ?

A. The delivery of February 16th.

Q. You say the agent refused to receipt for them, and never did receipt for them ?

A. Yes, sir.

Q. Did you get any compensation for those five head of cattle ?

A. No, sir.

Q. Were the cattle killed in open day ?

A. Yes, sir; they were killed outside of the corral.

Q. Do you know whether any requisition was made by the agent on the Indians for reclamation of those cattle ?

A. I cannot tell you.

Q. You never heard of any ?

A. No, sir.

Q. You say the agent gives you two receipts. Duplicate receipts, you mean?

A. Yes, sir.

Q. What use have you for two?

A. They are both sent to the Department.

Q. You have superintended the receipt of cattle from Mr. Mabry?

A. Yes, sir.

Q. I understand you have recently had a settlement with him for the number received?

A. Yes, sir.

Q. How many have you received on the contract for the current year?

A. I have received 18,005 head for these two agencies—Red Cloud and Spotted Tail.

Q. How many of those were cows and how many were steers?

A. About three-quarters of them are steers, four-year old and upward, and about one-quarter of them are cows.

Q. Can you not give the exact number of each?

A. I can hand it to you; I can't give it to you positively here, but I can give it to you at the hotel.

Q. What was the aggregate sum due Mr. Mabry for cattle already delivered?

A. Two hundred and twenty-five thousand dollars.

Q. Precisely?

A. Yes, sir.

Q. In making that aggregate sum, what was the price paid for cows, and what was the price paid for steers?

A. Twelve dollars for cows and \$20 for steers.

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CHEYENNE, W. T., *Friday, July 30, 1875.*

Present: Hon. THOMAS C. FLETCHER, chairman, Hon. CHARLES J. FAULKNER, and Hon. B. W. HARRIS.

#### TESTIMONY OF C. W. RINER.

By the CHAIRMAN:

Question. Do you reside here in Cheyenne?

Answer. Yes, sir.

Q. How long have you lived here?

A. About two years.

Q. What business are you engaged in?

A. Clerking for the firm of Pease & Taylor, who keep a grocery store.

Q. How long have you been at that business?

A. I have been at the store about twelve months now regularly; irregularly before that.

Q. Do you know anything about some flour that was branded "Indian Department Flour" that was sent to your store?

A. We have some such in the store; some that is branded "Indian Department."

Q. Do you know where it came from?

A. It came from Mr. Athorp.

Q. Do you know about how much you got of that flour—how many sacks of it you received?

A. We bought of him directly fifty sacks; then he stored perhaps about a hundred. I would not be positive about the number.

Q. Have you got some of it left yet ?

A. Yes, sir.

Q. Do you sell some of it ?

A. Occasionally.

Q. What do you get for it ?

A. We have got from \$2.50 to \$3 a sack.

Q. A sack weighs a hundred pounds ?

A. Yes, sir.

Q. Well, what does an ordinary grade of other flour sell at ?

A. From \$3.50 to \$5 per hundred pounds.

By Mr. HARRIS :

Q. What is a good quality of flour worth here ?

A. We haven't any flour in the store that we can sell for less than \$3.50. We don't keep any flour less than \$3.50 grade.

By the CHAIRMAN :

Q. How does that \$3.50 flour compare with this Indian flour ?

A. It is far better.

Q. For what purpose is that Indian flour bought when you sell it ?

A. The most we have sold has been sold for feed for horses and cattle.

Q. Do you know anything about that flour before it came to your store ?

A. No, sir, I don't; not of my personal knowledge.

Q. Did you ever hear anything about it ?

A. I know where it came from, from what direction, and how we happened to get it. It was flour that Mr. Martin sent here.

Q. Is the name of the mill it was made at branded on this flour ?

A. Yes, sir; I think it is.

Q. Is it put up in double sacks ?

A. It is not.

Q. You say some of it is at your store ?

A. Yes, sir; Mr. Athorp has sold the most of his. He has quite a squad of men working for him; I don't know what use he has made of it, but the most of it has gone through his hands. We have sold a little, but the most we have sold has been for feed; we could not sell it for anything else. Occasionally there is a sack that is quite good, but the greater part of it is not.

Q. You have some of it in sacks ?

A. Yes, sir.

Q. It is not in two sacks—double sacks ?

A. No, sir; single sacks. They are sacked just as we get our other flour.

Q. Do you know whether any of that kind of flour was ever sent up to the Indian agency or not ?

A. I could not say as to that.

Q. Could you tell us of somebody that you have reason to suppose knows about it ?

A. I suppose one of our firm would know, but he is not in town, and probably won't be for two or three weeks; the other one, I think, don't know anything about it.

By Mr. HARRIS :

Q. You understood this to be flour that had been condemned by the inspector ?

A. Yes; I had that impression.

Q. Have you any impression that any flour that got into your hands was brought from the agency ?

A. I don't think this ever got to the agency. Mr. Martin brought it up here. Mr. Martin owed Mr. Athorp quite a debt, and he took the flour for the debt. He had quite a lot of flour stored in French's old warehouse, and I think he had it in three grades, all marked "Indian Department Flour," and we got the best grade of it. I don't know what he did with the rest of it.

Q. All the flour that was there was said to be condemned?

A. I don't know that it was. Mr. Athorp trades at our store, and he and I always have been quite intimate, and I have talked about it.

Q. Have you any knowledge or opinion that any flour came into your hands which belonged to the Indian Department at any time?

A. No; I didn't think that at all, except Mr. Athorp told me what he did. I had some idea then that perhaps he (that is, Mr. Martin) had intended this flour for the Indians, and, when it got here, Mr. Athorp took the flour by law. That is the way he got the flour into his hands, and I believe they settled it afterward.

Q. So this particular flour never passed into the possession of the Indian Department?

A. No; I am quite sure of that.

Q. Do you know how much Athorp's claim was?

A. I could not say positively, but it was some five or six thousand dollars.

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#### TESTIMONY OF H. W. MOORE.

By the CHAIRMAN:

Question. Where do you reside?

Answer. Here at Cheyenne.

Q. What is your business?

A. I am in the freighting business. I was Government store-keeper here from May, 1872, to the first of July, 1874.

Q. What do you know about the reason why the flour was put up in 88-pound sacks?

A. In a conversation with D. J. McCann (I think it was with McCann; it might have been with I. W. French) he told me that the reason they put up flour in 88-pound sacks was that the mills had run out of sacks; that he told them he must have some flour, and they sent out and got some sacks, which were these sacks.

By Mr. HARRIS:

Q. Did you ever see any flour shipped to the Indians in sacks of that size before?

A. I never saw them shipped, I only heard they were shipped.

By the CHAIRMAN:

Q. Can you give us any information about the cost of freighting from here to Red Cloud agency?

A. When I was hiring freight for Mr. McCann, I hired teamsters at \$1.50 for Mexicans and \$1.75 for others, per hundred pounds, for the whole distance from Cheyenne to Red Cloud agency; in the winter I paid \$2. Since 1873 there has been no difficulty in hiring all the transportation required here to carry Government goods at those rates. I could have got transportation for double the amount at those rates.

Q. Now, the question is practically whether McCann's agent here has to go out and hire transportation just at the time it is wanted. While

you were acting as his agent you had to go out and hunt up wagon transportation when you wanted it?

A. Yes, sir; but there was no difficulty in getting wagons; when I wanted them I went out and got them.

Q. How often did McCann come here to look after his business?

A. He would come here and stay two or three weeks, and go away and be gone two or three months.

Q. What compensation did McCann pay you?

A. McCann paid me \$1,000 a year as his agent.

Q. Was that while you were receiving \$1,500 a year as store-keeper?

A. Yes, sir.

Q. Do you know what Mr. Bostwick is now receiving as McCann's agent?

A. I do not.

Q. Do you know what parties are interested with McCann in that contract?

A. I don't know of anybody.

Q. Had he anybody interested with him at the time you acted for him?

A. No, sir; not to my knowledge.

Q. Have you any interest now with McCann, or with any of the contractors?

A. I have not.

Q. Directly or indirectly?

A. No, sir.

Q. While you were at the Red Cloud agency what was the system pursued in the distribution of supplies and annuity goods to the Indians?

A. Well, there is a regular roll of the Indians kept there—the number of persons in the lodges—and I would take the list over to the warehouse.

Q. On distribution-days did you have a list made out beforehand?

A. Yes, sir.

Q. Did you have the quantity of each article each man was entitled to specified?

A. Yes, sir.

Q. Beforehand?

A. Yes, sir.

Q. Now, suppose you call, say for instance, Spotted Tail to receive his supplies, how is the distribution made?

A. Spotted Tail would come up and I would find his name, and give him out so many pounds of sugar or coffee, or so much soap or tobacco, and his squaws would take it off.

Q. Was his part separated in piles so as to correspond with the amount on the book?

A. Yes, sir; the coffee and sugar tied up in sacks and put in a pile by itself. Spotted Tail didn't draw there, however.

Q. Here were sugar and coffee and pork or bacon; and then the annuity goods—were they separated also?

A. In distributing the annuity goods we called them inside the warehouse-yard, and put out so many blankets, and so many yards of calico, or pieces of calico, and so many coats, and so many pairs of socks, &c., for Red Cloud; and then the next man would come up and get his in the same way; there was a list made out of what they were to have.

Q. Was that list checked?

A. It was a long list, and it was checked off.

Q. You had nothing to do but check the items as each man received them?



A. That is all.

Q. So far as you know, is that the system which prevailed there ?

A. Yes, sir.

Q. Now as to pork ?

A. We never had any pork when I was there ; it was bacon.

Q. Was the bacon weighed ?

A. Yes, sir.

Q. So that he received the exact number of pounds he was entitled to ?

A. Yes, sir.

Q. How was it ascertained beforehand what he was entitled to ?

A. The Indians would come there ; they would give the interpreter the number of people they had in their lodges, and they would give it in this way : "I have got seventeen lodges. I have got nine lodges standing, and eight of them with two families in each." That counted seventeen lodges ; they count seven persons to a lodge.

Q. How could you determine how much pork, for instance, each man was entitled to on that day ?

A. The rule was the Regular Army rule.

Q. What was the Regular Army rule, as you applied it there ?

A. Well, I have forgotten now ; regular rations.

By Mr. HARRIS :

Q. You have a certain number of rations of each article for so many days, and those are separated and weighed and delivered ?

A. Yes, sir ; the same as they do in the Army, exactly.

Q. Do you know anything about the number of Indians that you supplied at any one time ?

A. It was estimated at 9,000 Indians ; that was in Dr. Daniels's time.

Q. Do you suppose there was that number ?

A. It was the nearest we could get at it.

Q. Do you know whether there was any objection on the part of the Indians to enumerating them ?

A. Yes, sir ; there was.

Q. State what you know about that, in your own way.

A. They didn't wish to have their lodges counted.

Q. Do you know for what reason ?

A. I do not.

By Mr. FAULKNER :

Q. Did they object to that number, 9,000, as being too small ?

A. No, sir.

By Mr. HARRIS :

Q. Was it not understood by you that their purpose was to get more rations than they would get if there was an enumeration ?

A. We used to avoid that in this way : When an Indian would come in and say, "I have twenty-five lodges," (so many standing, and so many with two families to a lodge,) we would cut them down to about eighteen, and give him rations for about eighteen lodges ; and still we had 9,000.

Q. So that you actually gave rations to a less number of Indians than they claimed they were entitled to ?

A. Yes, sir.

Q. What do you think, from your experience, is the usual number of a family ; do you think it will average seven ?

A. I do not.

Q. Do you think it would be five ?

A. I think it would be between four and five. I don't think it would run over five, from what I have seen of Indians in the lodges where I have been.

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TESTIMONY OF GEORGE MARSHALL.

By the CHAIRMAN:

Question. Where do you reside?

Answer. I reside at Council Bluffs.

Q. Mr. Marshall, we would like to have you tell us anything you know with reference to the supplies furnished for the Indians—any of the agencies out here, and any matters relating to the transportation of the supplies, or any information that you can give that will assist us in ascertaining whether these supplies are properly and honestly furnished to the Indians.

A. Well, sir, in the last eighteen months I have had nothing to do with it except to make one shipment of corn, about a month ago, upon this new contract. Three years ago, or two years ago, I had something to do with it. All I had to do with it was to ship supplies from here to the agencies. I was employed by General Dodge to receive them here and ship them through, not all of them, but a portion of them—flour, and bacon, and corn—and shipped them to Red Cloud and Spotted Tail agencies.

Q. That was before McCann had the contract?

A. Yes, sir.

Q. Are you now a contractor for supplying corn?

A. No, sir; I am merely shipping it for Baldwin. I suppose he is the contractor. I make out the bills of lading in his name.

Q. That is John T. Baldwin, of Council Bluffs?

A. Yes, sir.

Q. Do you know anything about the Indian affairs at Fort Randall?

A. Two years ago I was up there; I have not been there since. I shipped a lot of freight from there. I commenced shipping from here, and then had orders to go to Fort Randall and ship from there a couple of months, and then I came back here again from Fort Randall to Spotted Tail agency. I do not think any went from Fort Randall to Red Cloud agency.

By Mr. HARRIS:

Q. Do you know anything of the sale of Government goods?

A. No, sir; I do not. All I had to do there was this: There was a contract for corn, and that corn was shipped to me. I received it there and forwarded it to the agency. I had nothing more to do with the other goods than to receive them and forward them.

Q. What is your occupation or business?

A. I have been a freighter all my life-time. I am in the mail-contract business now; I am a mail-contractor now. When I was up here seeing to some business of my own, Mr. John T. Baldwin asked me to forward the corn for him.

Q. You have no interest in the contract?

A. No, sir.

Q. You don't buy the corn?

A. No, sir.

Q. You freight it?

A. I cause it to be forwarded to the agency.

Q. McCann has nothing to do with the corn ?

A. No, sir; as I understand it.

Q. It has been said that you had some information about the misappropriation of Government supplies at Fort Randall.

A. You have been misinformed; I know nothing about it, except I received the corn and forwarded it. The other goods I had nothing to do with but as I have stated.

By the CHAIRMAN :

Q. Do you know anything of any irregularities in the transaction of the business of the Indian Department by contractors, agents, or anybody else connected with it?

A. I do not know a thing in the world, except my own business. I have heard a good deal of talk for the last three years here, but it all comes from men who don't know what they are talking about. I know nothing about it, but attend to my own business. I delivered over, on one occasion, seven thousand pounds of corn more than the contract required, and I never got any receipt for it. On another occasion I delivered to Agent Saville one thousand pounds more than the amount of the contract, and I told him he must receipt for it or I would take it away and sell it, and he receipted to me for it. It would have made great talk if I had taken it away and sold it; and if a sack had burst and spilled a quart of corn, there would be a hundred people talking about it.

Q. Were you in this vicinity about November or December last?

A. I left about the 20th of November, perhaps the 25th.

Q. Do you know anything of the condition of things at the Red Cloud agency at that time?

A. No, sir; I never was at Red Cloud in my life, or Spotted Tail either.

CHEYENNE, W. T., *Tuesday, August 24, 1874.*

Present: Hon. THOMAS C. FLETCHER, chairman; Prof. GEORGE W. ATHERTON, Hon. TIMOTHY O. HOWE, Hon. CHARLES J. FAULKNER, and Hon. B. W. HARRIS.

Mr. Marshall was recalled.

By the CHAIRMAN :

Question. Mr. Marshall, I gather the idea from your conversation that you have had experience in handling cattle. Can you tell us something in regard to them?

Answer. Yes, sir; I have had some experience in handling cattle, and have weighed some. I bought a herd of cattle on Laramie plains and drove them to the herd near the reservation. I guessed them off when I bought them, and weighed them when I delivered them. They were Texas cattle, most all steers from three to four years old, mostly three years old. They averaged, I think, 1,048 pounds or 1,038, I am not certain which. They were a very fine lot of cattle. It was late in October, probably the 15th, when I started; I got there about the 20th of November, and I went through some pretty severe storms, too. I went right through South Pass, and I am positive the snow was three feet deep. It was fully three hundred and fifty miles, and perhaps more. The feed was very scarce. I drove them at a pretty rapid gait, but took as good care of them as I could under the circumstances. These steers were about an average of what they term beef-cattle here. I bought

them for beef-cattle and picked them out of a herd of probably two thousand head on the prairie. I did not pick them as closely as I might have done in the corral, but I picked them as close as I could on the prairie from wild cattle. I started with five hundred, but I lost three on the road that strayed off.

By Mr. HARRIS:

Q. When you were in before I asked you some questions about the sale of some Indian goods at Fort Randall.

A. I don't know anything about the sale of goods at that place. I know Doctor Carrier there; I have never made any statement to him about anything of that kind; I might have told him just what I have said to you, about some very small amount which Major Howard asked me to collect for him. There was a time there, in two or three instances, that the freighters got out of goods, and Major Howard let them have some; but it did not amount to very much, not more than \$100 in the four instances.

Q. Do you say that you never, except in those instances, had knowledge of the sale of Indian goods or supplies by any agent or officer of the Government.

A. I never have, sir, except in those instances; I never knew anything about it; I would not have known about that, but Major Howard let the traders have some goods and they did not have the money to pay for them, and he asked me to collect it.

Q. Have you at any time known of the exchange of goods between the agent and trader, or of the loaning of supplies by the Indian agent to the trader, to be returned in kind?

A. I never have. I have never heard of such a thing being done. I don't remember ever having said anything to Doctor Carrier about it. I might have told him of those few things which I spoke of just now; it was stuff which they had got out of and had to have; and there were not more than four instances of that kind, and it was not more than \$25 or \$30 each time.

Q. How much corn is there at the agency?

A. Here is my bill of lading; it is 792 sacks of corn, weighing 103,740 pounds.

SIDNEY, NEBR., July 4, 1875.

Received, in apparent good order, from J. T. Baldwin, articles marked and numbered as billed, by James J. May, which he agrees to deliver in like good order at the Red Cloud agency, to the Indian agent, he to receipt for said articles on the delivery of the same at his agency.

In witness whereof I, J. J. May, have affirmed to three bills of lading, all of this tenor and date, one of which to be accomplished, the others to stand void.

*U. S. Indian Agent.*

I can explain that. It appears that the Department and Dr. Saville were in a hurry for some corn before the 1st of July, on this year's contract; they requested Baldwin to make a shipment of corn because they were out, and when we came to ship that corn there had been no inspector appointed. Captain Eskridge had not been appointed, but a few days after that corn was shipped he got his orders to come to Sidney and inspect the corn. Baldwin told me to ship that corn, and if there was any inspector there to have it inspected, and if not to let it go anyhow, and that is the way it got there; we have no receipt for it. Whenever there is any arrangement for some one to inspect it there we expect to get receipts for it. We shipped that from Sidney, in wagons which we hired for that purpose, and we have receipts from the contractor for carrying it there.

By Mr. ATHERTON:

Q. I see that the rate has been put at \$1.35 per hundred pounds. Is that the usual rate from Sidney to Red Cloud?

A. Well, that is a little high; I can get it done now for \$1.20. The price of freights depends upon the amount of transportation; sometimes it is scarcer, and is therefore higher. I think the Department is more to blame for that corn being there than any one else, because they wanted the corn shipped, but appointed no inspector.

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CHEYENNE, W. T., *Saturday, July 31, 1875.*

Present: Hon. THOMAS C. FLETCHER, chairman, Hon. B. W. HARRIS, Hon. CHARLES J. FAULKNER, and Prof. GEORGE W. ATHERTON.

TESTIMONY OF W. B. DODDRIDGE.

By the CHAIRMAN:

Question. You reside at Cheyenne?

Answer. Yes, sir.

Q. What is your business here?

A. I am the agent for the Kansas Pacific and Union Pacific Railroad Companies.

Q. Freight agent?

A. Freight and passenger.

Q. State if there are any cars of freight here at this time consigned to D. J. McCann for Agent Saville, at Red Cloud?

A. There are quite a number of cars here for McCann; part of them are for Agent Saville at Red Cloud, and part of them are for Agent Howard, at Spotted Tail.

Q. How long have they been here?

A. Well, they have been coming ever since about the 1st of the month, (July,) or before that. They have been stringing along through the month from day to day, and some came in, I believe, this morning.

By Mr. HARRIS:

Q. How many are there in all?

A. I don't know exactly the number, but I should judge perhaps there may be twenty car-loads.

By the CHAIRMAN:

Q. They have not been unloaded?

A. No, sir.

Q. The freight remains in the cars?

A. Yes, sir.

Q. Have the charges been paid?

A. No, sir.

Q. And the goods are held for the payment of freight and charges?

A. Yes, sir.

By Mr. HARRIS:

Q. Are there any charges for detention?

A. Yes, sir.

Q. How much for each car per day?

A. Five dollars per day.

Q. Which you have to get your pay for before the goods can be delivered?

A. Yes, sir; the goods stand as security for the charges.

Q. State if this is the first instance in which goods consigned to these agencies have been detained here for non-payment of freight?

A. It is the first instance that has come under my supervision. I have only been here since the 1st of June. There may have been some before I came. The freight that came here in June for the agency was received, the charges were paid promptly, and the goods were taken away.

Q. Do the way-bills show what these cars are loaded with?

A. Yes, sir.

Q. Will you allow us to look at them?

A. Yes, sir.

The CHAIRMAN. We will send, and have them copied.

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### TESTIMONY OF N. J. O'BRIEN.

By the CHAIRMAN:

Question. What is your business?

Answer. I am sheriff of Laramie County, Wyoming Territory.

Q. Mr. O'Brien, I find on the books of the Government store-keeper that some time in August last year it appears that there was some flour that was passed through the store-keeper's hands, in some way or other, for the delivery of which you were the agent of Mr. Martin. Tell us how that was.

A. I was Mr. Martin's agent to see that the flour was forwarded. Some flour was to be shipped here from Omaha and some from Kansas City, I believe; it came from the East and the South, at any rate. A portion of this flour was for Dr. Irwin's agency, (the Shoshone agency,) and had to be inspected here. What was condemned I generally put in his (French's) warehouse. The balance of the flour was shipped on to Dr. Irwin; sometimes two car-loads came in, and a portion of it would be condemned. Colonel Long was the inspector. A portion of this condemned flour that was put in the warehouse, I think it came from Omaha.

Q. Was this warehouse used at that time by the Government store-keeper?

A. Yes, sir.

Q. What did you do then with the condemned flour?

A. By instructions of Mr. Martin, I sold nearly three hundred sacks to Mr. Athorp. I cannot tell exactly how many sacks I did sell; it was about three hundred—probably more, and probably less.

Q. Was there any of that flour at any time in your possession, officially, under any writ or execution?

A. No, sir; I was simply acting as agent for John H. Martin, of Denver, to look after his flour, to see what was condemned was taken care of and what was passed went on to its destination. That is all I had to do with it whatever.

Q. Do you know whether that flour which was received here for Red Cloud and Spotted Tail agencies was put up in double sacks; I mean, two sacks around it?

A. I have never seen any with two sacks around it; it was all in a plain, white sack—all that I have handled.

A. Was it all branded "Indian Department Flour"?

A. I could not say for certain, sir. There was a cross put on the end of each sack of all that was condemned, and all that was passed was marked with a stencil-plate, "Inspected," and the initials of Colonel

Long put after the word "inspected," or the initials of his chief clerk. Mr. Coakley was chief clerk for Colonel Long, and is considered one of the best judges of flour in the country. He is an old mill-man and understands flour. I am no judge of flour myself, except when it is made up into bread. Some flour that came from Omaha was branded "Inspected by Barclay White," and that was re-inspected here by Mr. Long. All the flour that I handled had only one white muslin sack; I never have seen a double sack.

Q. Do you know anything about the weight of these sacks?

A. No, sir; I never weighed them; I suppose they weighed ninety-six pounds.

Q. Are you sure there was only one sack around the flour; flour is usually put up in double sacks—two sacks together?

A. There may have been two muslin sacks around the flour; when I say it was in single sacks, I have in mind the double sacks we used to have in the Army; the outer one was a sort of gunny or burlap around the inside sack.

By Mr. FAULKNER:

Q. State what became of this condemned flour?

A. I sold the most of it to Mr. Athorp, and he sent the most of it around the country in small quantities to different people, and tried to sell it out five or six sacks at a time, but he could not; he peddled it out.

Q. Do you know whether it was used for human food, or for feeding cattle?

A. It was used for human food; used by those ranchmen and stock-growers on the plains. I know Mr. Athorp told me he used some of it, and it was very good flour.

#### TESTIMONY OF J. W. HAMMOND.

By the CHAIRMAN:

Question. Where do you reside?

Answer. I reside at this place, (Cheyenne.)

Q. What is your business?

A. I am deputy United States surveyor.

Q. State if you measured the distance from here to the Red Cloud agency?

A. Yes, sir.

Q. When?

A. Well, it was last November—November, 1874; I do not remember the exact date. I handed a certified report to the county commissioner which shows the distance to all intermediate stations between here and the agency.

Q. Do you recollect the distance from here to Red Cloud?

A. I do.

Q. And what is it?

A. It is 145 $\frac{1}{4}$  miles.

Q. That is by which route?

A. That is by the old agency route; I crossed the river at Nicholas Janis's.

Q. Is that the route the freight is hauled over?

A. I think not. I think the freight-teams cross the river, about seven or eight miles below.

Q. You do not know where these freight-trains do cross ?

A. No, sir ; I understand that they occasionally go over on the other road, (the road I surveyed,) which is the route traveled by the United States mail. I supposed they would go the shortest way, and upon inquiry I understood that was the nearest road.

Q. That is, the distance from Cheyenne to the present Red Cloud agency ?

A. Yes, sir ; to the present Red Cloud agency by the way of the old agency.

By Mr. FAULKNER :

Q. Is it a good road ?

A. Yes, sir.

By the CHAIRMAN :

Q. Do you know the reason why the freight-wagons going there crossed the stream at a different point from where you did ?

A. No, sir ; I believe there is said to be a better ford there at times.

Q. If they crossed seven or eight miles below where you did, would that lengthen the route much ?

A. I should think not, from the general direction, inasmuch as we bear to the east.

Q. Do you know the route over which Mr. McCann sends his goods from here to Red Cloud ?

A. No, sir ; not farther than the Platte River.

Q. Did you measure the same route to the Platte River which he uses ?

A. No, sir, not exactly ; he crossed the river seven or eight miles below the old agency.

Q. His route, as you understand it, is something nearer ?

A. It is said to be something farther.

Q. Do you know how much ?

A. I do not.

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#### TESTIMONY OF RICHARD DUNN.

By Mr. HARRIS :

Question. Mr. Dunn, what is your business ?

Answer. Freightng.

Q. How long have you been in that business ?

A. About fifteen years.

Q. Have you been doing it here at this point ?

A. No, sir.

Q. Where ?

A. On the Platte.

Q. How long have you been freightng from here ?

A. I guess about three years, likely.

Q. Have you a contract with Mr. McCann for freightng ?

A. I had last year.

Q. How many teams and wagons have you ?

A. I have six of my own. There were nine running with me last year ; I hired the others.

Q. Your train consisted of nine teams ?

A. Yes, sir.

Q. How many oxen do you have to each team ?

A. From five to six yoke.

Q. Did you carry the goods to the Red Cloud agency ?

A. Yes, sir.



- Q. And to the Spotted Tail agency ?  
 A. Not to Spotted Tail. I did not go to Spotted Tail last season.  
 Q. Where do you load at this end ?  
 A. Generally here, or at Camp Carling.  
 Q. What were you paid per hundred pounds ?  
 A. One dollar and a half, (\$1.50.)  
 Q. Did you haul any freight back ?  
 A. Sometimes I had some hides back.  
 Q. Anything else ?  
 A. No, sir.  
 Q. For whom did you bring back the hides ?  
 A. Sometimes for Walter.  
 Q. Who is Mr. Walter ?  
 A. I don't know who he is.  
 Q. Is he a trader ?  
 A. Yes, sir ; I understood he was a trader at Red Cloud agency.  
 Q. Did you have any other freight back ?  
 A. No, sir.  
 Q. Not at any time last year ?  
 A. No time last year ; I always came back empty, unless I was loaded with hides.  
 Q. Did you freight in the winter ?  
 A. Not much last winter.  
 Q. How much did you receive per hundred pounds last winter ?  
 A. Well, I believe \$1.50, all the year around, if I recollect right.  
 Q. What are you receiving this year ?  
 A. I don't know, sir.  
 Q. Did you do freighting for him (McCann) up to the last of June, this year ?  
 A. Yes, sir.  
 Q. And you had \$1.50 per hundred pounds for freighting from here to Red Cloud, up to the last of June, last year ?  
 A. Yes, sir.  
 Q. How much have you carried this year since the first of July.  
 A. I would have to look over my——  
 Q. How many trips have you made in July ?  
 A. Two trips up.  
 Q. Have you seen Mr. McCann ?  
 A. No, sir.  
 Q. Have you made a bargain with any one ?  
 A. No, sir.  
 Q. Who employed you since the first of July ?  
 A. I don't know that I have hauled any since the first of July ; that is the time my contract was up.  
 Q. Then you have not made two trips this month ?  
 A. Not this month ; this spring, I mean.  
 Q. So you have now no contract for carrying goods for Mr. McCann ?  
 A. No, sir.

By the CHAIRMAN :

- Q. In going from here to the Red Cloud agency with your freight-wagons, which road do you travel ?  
 A. The lower road.  
 Q. Is it farther from here to Red Cloud agency to go by the mail-route, than to go by the way you usually travel ?  
 A. Yes, sir, it is. You cannot haul any freight on the mail-road to do any good ; you could haul a little, perhaps.  
 Q. Is the road you travel longer than the stage-route ?

A. Yes, sir, I think it is.

Q. About how much longer do you think it is?

A. I don't know. They have been surveying it; I could not tell; it would be no use for me to give my idea of the distance.

Q. Do your wagons usually come back that way?

A. No, sir. I generally come back the same road I go.

Q. The empty wagons could come back that way?

A. Yes, sir. An empty wagon could. There is about eight miles you have got to double on a stretch there, and it is sandy, and the horses would mire to their bellies, except when it is frozen. With a light wagon you can go all right, but when you put seventy or eighty hundred-weight on a wagon you cannot do it.

By Mr. HARRIS:

Q. How far do you call it, among you freighters, from here to Red Cloud?

A. I don't know what they call the distance.

Q. Do you mean to say that you freighters do not know the distance?

A. There are some freighters in this country you could not understand any more than if they talked Dutch.

Q. You have traveled it a great many times?

A. Yes, sir.

Q. Could you not form your own opinion as to the distance?

A. I have.

Q. How far is it, in your opinion?

A. About one hundred and eighty miles from here to Red Cloud to go by the way you can haul freight.

By Mr. ATHERTON:

Q. How long does it take to make the trip?

A. About a month, going and coming, in good weather.

Q. How long would it take in going?

A. About fifteen days if a man is not delayed in crossing the Platte.

Q. And then how long does it take you to unload?

A. About a day or a little over. It is all owing to the kind of freight.

Q. Do you stop to rest your teams?

A. They get hungry; they have not much feed there; they don't get much rest.

By Mr. HARRIS:

Q. I want to ask you whether, at any time since you have been contracting to carry supplies for Mr. McCann to Red Cloud agency, he has ever guaranteed you against loss by Indian depredations?

A. Not any, sir.

Q. Do you know of his having guaranteed any freighter against such loss?

A. I don't know that; I have heard some talks of it.

Q. So far as you are concerned, you have had to run your own risks of Indians attacking you or taking your cattle?

A. Yes, sir.

Q. Has he provided anybody to accompany you to protect you?

A. No, sir; only at one time. We had to lay over on the Platte for a little while waiting for something of that kind.

Q. Did he protect you?

A. It was his protection, or the protection of somebody else; I don't know who they were ordered by.

Q. I mean whether or not he furnished men to go with you to keep the Indians off?

A. You want to know whether he furnished men from here?

Q. Yes, or from anywhere.

A. The supposition is there was such a thing done.

Q. Have you ever seen such men?

A. I saw lots of men; they didn't afford me any protection; the supposition is that he did, because I was waiting there on the Platte with freight.

Q. I mean did he protect you against Indian raids or Indian attack; do you know of his furnishing or agreeing to furnish anybody to protect you?

A. Yes, sir; I believe he agreed to at one time, when there was a man or two killed.

Q. Did he furnish such protection?

A. Men came there; I never asked the question who furnished them.

Q. If you lost any cattle did you have to stand the loss yourself?

A. Yes, except I got it put in my bill—having lost a pony.

Q. Did McCann ever pay you for it?

A. Not yet; he has promised in a kind of a way that he would.

Q. Did you lose the pony by Indians?

A. Yes, sir.

Q. How long ago was that?

A. About two years ago.

Q. Has he ever promised to furnish you any protection from here to Red Cloud agency?

A. In case that it would be required, I believe he has.

Q. In case it was needed?

A. Yes, sir.

Q. Have you ever lost any cattle by Indians while you were going from Cheyenne to Red Cloud agency?

A. Not to the Red Cloud agency.

Q. I want to know whether you have an arrangement with McCann by which he guarantees you against loss by Indian depredations?

A. Nothing but verbally. He said something to that effect; I don't remember now what it was. I didn't pay much attention to it at that time, because it was not needed.

By Mr. **ATHERTON**:

Q. You said you had no arrangement with him for getting pay for your pony except you put it in your bill; your bill against whom?

A. Against the Indian Department, I suppose.

Q. You spoke of Mr. McCann having not promised to pay you, but sort of promised—

A. Well, it was verbally; like anybody else would talk.

Q. What did he tell you he would do in case of the pony you lost?

A. The pony was not lost on McCann's contract at all.

By Mr. **HARRIS**:

Q. You haven't lost any cattle since you have been freighting for McCann?

A. No, sir; I never lost a hoof, except what died.

By Mr. **ATHERTON**:

Q. At the time you were lying on the Platte, how long did you have to wait?

A. O, well, going, I was wandering through the Platte, back and forward, I guess about a week altogether. The Platte freezes over in the winter. It is difficult to cross the Platte in the winter.

Q. I understood you to say that, while you were waiting there, some men came along.

A. O, yes; some soldiers and some citizens. I believe McCann's outfit was loaded with ammunition then, and they were looking for McCann's outfit, to stop it.

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TESTIMONY OF JUDGE JOSEPH M. CAREY.

By the CHAIRMAN :

Question. Judge, you understand the object for which this commission was appointed ; if you can give us any information that will enable us to find out anything approaching the real facts about these matters we are investigating, we would like to avail ourselves of it.

Answer. I expect that I am like many others, in this: that I have heard constantly a great deal that has been said in this community about these matters, but it is not evidence, it is only hearsay. At a very recent term of the court in the western part of the Territory, where they were prosecuting a man for the sale of liquors at the Shoshone reservation, the Indian agent was over at court and in my room a good deal, and I believe him (Dr. Irwin) to be a thoroughly honest man, and that he has taken a great deal of interest in the Indians. He told me something about Indian matters ; and, although it made a kind of an impression on my mind, that impression passed away. It was about something he discovered at this warehouse, (French's warehouse,) that the flour for the Sioux Indians which was inspected by French was bad ; he told me he sent a telegram immediately to the Commissioner of Indian Affairs, or the Secretary of the Interior, telling him it was an outrage on the Indians to have such flour sent to them, and he said that the matter was promptly rectified ; that the new inspector condemned the flour. He said to me it seemed very strange that they permitted such things to be done at the agency. He told me that the same contractors were filling the beef-contract at the Red Cloud agency ; that he said to the man who brought up the beef, "How much do these cattle weigh ?" and his answer was, "These cattle will weigh, according to the way we turn them in there, about 1,100 pounds ;" that he then went to Captain Torry, an Army officer, and asked him to go out and estimate the weight and seal up his estimate ; that he asked J. K. Moore (post-trader) to do the same ; that he then went out himself and made his own estimate of their weight ; that he came back and took their estimates out and opened them, and took the average ; and I think he said that the average made about 800 pounds ; that he told the man George, "I will receive the cattle at that weight, and I will receive them at no other estimate," and he finally turned them in, and a voucher was immediately made out for that amount ; and he said that in a small amount of cattle they fell short some 15,000 pounds, and he immediately reported it to the Secretary of the Interior and told him not to pay the amount charged, as the actual weights fell short that much. These things came under the personal observation of Dr. Irwin at his own agency, except about the flour.

By Mr. HARRIS :

Q. You understood that the cattle which were turned in there, and whose weight he had estimated, were turned in by the same man who was supplying the Red Cloud agency ?

A. Yes, sir.

Q. And that man said that he had turned them in at Red Cloud at an average of 1,100 pounds ?

A. Yes, sir ; about that. I think early this spring a freighter by

the name of Athorp was owing our firm something, and he said he would like us to take some flour for horse-feed; he said it was furnished by a man by the name of Martin; I asked him, "Is it good flour?" "O, no," he said; "it is not fit to use. I do not consider it good for food. I will sell it to you very low." He said he did not consider it good except for horse-feed; that he was selling some of it for that purpose. I asked Mr. Whipple about it, and he told me it was worth nothing; that he had taken a little of it, and he did not want any more of it; he did not consider it a saleable article. Mr. Whipple is a grocer in this place, a very fine man, and a man who felt very bitter about this contract that was awarded to Mr. McCann. Mr. Whipple was the lowest bidder, and his bonds were satisfactory, to deliver the goods to the Red Cloud agency; but the contract was awarded to Mr. McCann, because McCann went outside of the advertisement, and bid to transport the freight from and to railroad points.

By the CHAIRMAN:

Q. The main thing I wanted to inquire of you about was Texas cattle; about the general average weight of Texas cattle, such as they call "through cattle," cattle which they drive up from Texas in the spring and sell here in the fall.

A. What we would call Texas beef in this country, have been driven up here before that; they have been here at least one year. I consider that a good Texas beef would weigh 850 pounds gross. We have a large herd; buy cattle and steers that are driven up here, and we feed them for one year—that is, we graze them—and they improve in every way, and we get an extra price for them. I have had good opportunities to judge of the weights of cattle; but there is a man here in town who can tell you to almost within a pound of what average Texas cattle would weigh. I mean Mr. Brown, of Chicago, who is here now. I had a talk with him this morning about the weight of cattle, and I saw that he agreed with me in my estimates. We had a return to-day from a train-load of cattle which we had shipped to Chicago, and which arrived there on Wednesday morning. They were picked out of a large herd, and many of them had been in this part of the country for two years—we call them four-year-olds—and the average gross weight of the steers in the Chicago market was 950 pounds; they may have shrunk probably 50 pounds on the journey. Those were cattle that were northern-wintered, and had improved considerably. There were three car-loads of cows, and they averaged 825 pounds a head at Chicago. These cattle were picked out of a large herd of 3,000. If we should pick out 100 head we could get an average of 1,000, or 1,050 pounds; but they would have to be very large cattle. We pick steers out of our herd for butchers to kill, and they usually net on the block from 400 to 500 pounds, and some few of them would go higher. I am speaking now of the average; some weigh a good deal more. Cows that would net 450 pounds would weigh about 900 pounds gross.

Q. I want to call your attention to some figures. In the official statement, on file in the Treasury Department, showing the number and weight of beef-cattle delivered at the Red Cloud agency during the fiscal year ending June 30, 1875, as appears by the receipts of J. J. Saville, the agent, it seems that there were delivered on the 14th of November 701 head, weighing 731,485 pounds, an average of considerable over 1,000 pounds; on December 3, 597 head, weighing 621,447 pounds, an average of considerable over 1,000 pounds each; on January 1, 641 head, weighing 668,578 pounds, an average of considerable over 1,000 pounds; on February 1, 437 head, weighing 451,203 pounds, an average of considerable over 1,000 pounds; on the 17th of February, 467 head,

weighing 486,114 pounds, an average of nearly 1,100 pounds; on March 1, 96 head, weighing 99,303 pounds, an average of considerable over 1,000 pounds; on March 25, 539 head, weighing 555,210 pounds, which is an average of over 1,000 pounds; on April 1, 583 head, weighing 589,061 pounds, which again is an average of over 1,000 pounds. Now, these Texas cattle that have been wintered in the North, and fed on grass here for a year, and so improved in value by staying here during summer, (these through cattle, as they are called,) are they not still pretty thin?

A. Well, now, that depends very much upon the character of the winter. We find that cattle driven up here from Texas in the fall, it is very rarely that we could get any of them good enough to kill. I think it is utterly impossible to get cattle in the whole State of Texas that would average as high as those weights that you have mentioned. Very much depends upon the class of cattle they have turned in at the agencies. I do not know about what kind they have delivered. If they turn in yearlings and two-year-old steers, (and I understand they do,) they could not average anything like those weights.

Q. From the 1st of July, 1874, to the 25th of the following June there were delivered at the Red Cloud agency 11,511 cattle that weighed 11,748,598 pounds, which is considerably over an average of 1,000 pounds for the whole number. Now, what do you think of that?

A. That it is an impossibility. Stock-men here who have bought cattle here repeatedly, and have bought from other stock-men in the country, tell me that such things are impossible. The difficulty is this: no honest man would attempt to fill that contract at the price; it would ruin him.

By Mr. HARRIS:

Q. What is the price of four-year-olds and upwards that will weigh a thousand pounds a head?

A. If I could get good green cattle of that kind, I think I would give \$25 a head for all that I could get.

Q. Do you know of any being sold as low as \$18 and \$20?

A. No good beeves are sold at that price. You can buy green Texas cattle at from \$20 to \$21 a head; that is what they brought this year. They bought the cows for \$12 and the steers for \$20. Mabry, Millett and Ellison are large contractors. They have driven up this year 50,000 head of cattle, and they told me that they had sold to the Boslers about 25,000 head.

Q. I understand Mr. Ellison has told you he had no interest in the contract except to sell his cattle?

A. Yes, sir; the Boslers agreed to take his cattle from him. Now, here is a return which I have just received of a lot of cattle sold in Chicago—278 head of beeves, weighing 264,390 pounds; 45 cows, weighing 37,000 pounds. I do not think the shrinkage between here and Chicago exceeded 50 pounds a head, and probably it would not be so much as that.

Q. Have you ever been to the Red Cloud agency?

A. Yes, sir.

Q. Have you ever seen Bosler's herds?

A. I have not.

By the CHAIRMAN:

Q. Bosler says he can buy four-year-old steers for \$18 and cows for \$12 and yearlings for \$7?

A. He probably can buy a certain article at that price. Mr. Ellison told me that Bosler paid \$12 and \$20 for cattle he bought to fill this year's contract.

By Mr. HARRIS :

Q. These are through cattle, are they ?

A. Yes, sir.

Q. And were bought for these Indian agencies ?

A. Yes, sir.

Q. Are they four-year-olds ?

A. Yes, sir ; I think they are four-year-old steers and cows.

Q. You do not get cows here that weigh 1,000 pounds, do you ?

A. No, sir.

Q. What class of cattle could you find in this country which through the year from July to April, as turned in, would average over a thousand pounds ?

A. Well, you could find some American steers here and in Colorado that would probably be three-quarters Durham ; they are shipped to the markets of the East.

Q. For what price could you furnish such cattle ?

A. Probably \$45 a head.

Q. Do you think there would be any way of furnishing through the year cattle averaging over 1,000 pounds, at less cost than that ?

A. I might get them lower than that, but I doubt it very much.

By the CHAIRMAN :

Q. Mr. J. H. Bosler told us something about cattle commissioners or cattle inspectors appointed under the law of Nebraska, who inspect each drove of cattle which is driven into the State, to see if there are any cattle belonging to other herds. Do you know anything about such an arrangement ?

A. I do not ; that is an individual arrangement. I think it is very likely. They have stock-associations for this Territory to protect the stock-growers. The cattle get mixed, and they separate them, and take them to the range where they were raised. There is a gentleman at Denver who could give you a good deal of information about the weight of cattle. His name is Mr. Bishop. He is a very respectable party.

By Mr. HARRIS :

Q. Do you know anything about Dr. Saville's management of affairs at the Red Cloud agency ?

A. I do not.

Q. You know him, I suppose ?

A. I know the Doctor, but cannot tell you anything about the management of his affairs. I know very little about the management of Indian matters in this country.

By the CHAIRMAN :

Q. Do you know Mr. McCann ?

A. I know him to speak to him when I see him.

Q. He has not been about here much, has he ?

A. He has been here some. He has the reputation of being a very shrewd man.

By Mr. HARRIS :

Q. Is that the exact phrase you would employ in expressing your own views ?

A. The fact is, gentlemen, I do not countenance these wrongs in any way. I occupy a judicial position here, in which I have to determine the rights of parties, and I try not to know a great deal, except about my own business. But my impression is that these things have been managed very badly, and very much to the detriment of this country ;

and public sentiment is in favor of mismanagement. This freighting business amounts to a good deal of money for this town. Supplies are bought here; the freighters get their money here to-day and spend it to-night; and I believe they have always been afraid to say or do anything against the Indian contractors, lest they should move all this patronage from town. Mr. Whipple, whose contract was rejected, was a man capable of filling the contract, and I think he was a thoroughly reliable and upright man; but I suppose he thought it would be better not to say anything, because he lives in town. I got, though, as I told you a moment ago, more information from Dr. Irwin, agent for the Shoshone Indians, than from any other person. He is one of those men who, if he remained twenty years in office, would come out without one cent. He is a man who has no bad habits, and he takes a good deal of pride in his business. But there are men who will tell you all about these matters, if they are disposed to do it. One of those men is Mr. Moore, who lives here in town. I look at this Indian question differently from many people. I think that every time the Indian is wronged he is going to take the worth of it out of somebody else. If they take one head of stock from him, one head that he thinks belongs to him, he is going to make it up from somebody else, and hence the Indians are always committing depredations, and that excites the people. But if there should be some system by which the treaties with the Indians could be carried out to the very letter, I believe these difficulties on the borders would cease. I think the Indians are disposed to be peaceable, and I think it is decidedly to the interest of this country (notwithstanding others do not) to have this Indian business transacted in an honest manner. The Indians are constantly going up and preying upon the Shoshone Indians and stealing from the settlers in the Wind River country, and they all say, "We are cheated and wronged, and we have a right to take from these Indians when the whites are so friendly to them." You will get the most reliable information from the Army officers.

Q. The contractors are not very apt to send to the Indian agency cattle that they can send to the Chicago market?

A. O, no, sir.

CHEYENNE, W. T., *Wednesday, August 25, 1875.*

Present: Hon. THOMAS C. FLETCHER, chairman; Hon. CHARLES J FAULKNER, Hon. B. W. HARRIS, Prof. GEORGE W. ATHERTON, and Hon. TIMOTHY O. HOWE.

Judge Cary was recalled.

By Mr. HARRIS:

Question. I want to ask you some questions about the conversation you have had with Mr. Ellison. I want to know what information he has communicated to you, if any?

Answer. Well, I don't know what the nature of Mr. Ellison's communication was, whether it was a confidential one or not, but he said to me on the train two or three weeks ago, between here and Denver, in conversation on the subject of stock, that they had sold out, and he then named the number of cattle sold to Bosler. He said, "You know Mabry got the contract this year, and he was not required to fill it; but the Boslers, I believe, gave the bond and took the contract off his hands." He said, "We made nothing by it, except the privilege of turning in our cattle." He gave me the prices, but I cannot recollect them. I think the prices he said \$11 and \$18, or \$12 and \$20. He made the remark to me that no man could fill the contract at the prices; that he



had got a good market for his cattle. I said, "You would not fill that contract at that price, nor would I." He said, "No; I would not fill it;" and he gave his explanation, which I do not wish to give here. I see no difficulty in filling a contract of that kind if you can get cattle that would weigh the amount for \$18 a head. But I will agree to give \$24 for every Texas steer averaging the weight that those cattle are said to weigh; I mean cattle that are the right kind for any market, in this city or Chicago, or to fill Army contracts. I will give \$24 for that kind; I would have agreed to give \$24 for them on the 23d of last April.

Q. Suppose you can buy Texas cows for \$12 apiece which will weigh 900 pounds, and Texas steers at \$20 apiece, which weigh 1,000 pounds, would you see any difficulty in filling the Indian contract if you were going to get \$2.47 per 100 pounds when they are delivered?

A. You could fill it, but it would be at a small profit.

Q. Take a mixed herd of 20,000 Texas cattle, bought at the prices which Mabry says he paid for them, what would it cost to hold and deliver them, providing they were kept on the public domain, where pasturage is free?

A. Our experience in the business is this, that we cannot take care of these cattle in this country—that is, herd them, for the year, for much less than \$2 a head. I think last year I got it down to \$1.90. I have had between 6,000 and 7,000 in a herd this last year. They don't count at all for the loss, and the loss is 2 or 3 per cent. in consequence of cattle straying and dying. A man who can buy cattle at the prices you refer to, of course he would make some money out of it—perhaps \$2 a head.

Q. Would not his proportion of profit be much larger on his cows than on his oxen?

A. It would be if they weighed 900 pounds. I cannot get cattle by actual weight to weigh anything like that amount. I shipped cattle to Chicago to-day; many of them have been wintered here two years and all of them twelve months; and if my returns should show that they would weigh 1,000 pounds in Chicago, I would be perfectly satisfied.

Q. Has Mabry said anything to you about selling picked cattle from his herd?

A. He has frequently told me that he winters a lot of nice steers and sells them the next spring. For instance, when he was selling last year to Bosler, he took out a few nice steers, to hold; and he sold them for \$27, and is now shipping them East. Mr. Mabry bought about a thousand head lately for \$20, to hold over until next year for the Chicago market. Those cattle he bought were four-year olds.

Q. Have you known him to sell picked cattle from his herds?

A. No, except that he has offered repeatedly to deliver to us what is known as average cattle, free from what are called scalawags, at a certain price, and I only know as far a kind of general statement in this community that it takes a poor class of cattle in an Indian contract. It is known that cattle come up from Texas and are turned over to the Indians, when the same thing could not be done in the case for the Army or the Chicago market.

Q. Are you buying or selling Texas cattle more or less?

A. The only way we buy is this: We buy cattle and turn them out on our range, and carry them for one year, and a Texas animal that is brought to this climate and turned out on our grass will improve so that you would scarcely know it to be the same animal in one year; it improves very materially. We can buy cows for about \$12 each this year, and by holding them here on this grass during the winter they would be worth \$20 or \$25 next season. We can hold Texas steers also.

Q. What is the average weight of four-year-old steers that are driven right off the trail up from Texas, after they have been here three months?

A. I think they would have to be very fine steers to weigh 900 pounds.

Q. Why don't people around Cheyenne take Indian contracts?

A. If I had a desire to become a bankrupt I would take that contract. I say no man can fill it at that price—at \$2.47 per hundred. The military contracts are generally filled by men in this part of the country.

By Mr. HOWE:

Q. Do I understand that it is your opinion that your cattle that you sent to market did not average 1,000 pounds?

A. It is not only my opinion, but it is a fact. Here are the returns; one is dated July 28, 1875. First, there were 278 cattle, weighing 246,390 pounds, and 45 cows, weighing 37,000 pounds.

Another return, date August 18, is as follows:

	Pounds.
76 steers, weighing .....	73,550
97 steers, weighing .....	59,470
21 steers, weighing .....	20,640
21 steers, weighing .....	19,070
78 steers, weighing .....	73,810
48 cows, weighing .....	42,410

These were all about four-year olds—some a little over, some a little less.

CHEYENNE, W. T., *Saturday, July 31, 1875.*

Present: Hon. THOMAS C. FLETCHER, chairman; Hon. B. W. HARRIS, Hon. CHARLES J. FAULKNER, and Prof. GEORGE W. ATHERTON.

### TESTIMONY OF COL. ANDREW K. LONG.

By the CHAIRMAN:

Question. What is your business?

Answer. Captain and commissary of subsistence, United States Army; brevet lieutenant-colonel, at present stationed at Cheyenne depot.

Q. The Commissioner of Indian Affairs, by his letter of the 2d of September, 1874, to you, informed you that you were designated as secretary of Indian supplies to be delivered at Cheyenne?

A. Yes, sir; I acknowledged the receipt of it on the 4th of September, I believe. First, I received a telegram from General Sheridan. You had better take my letter-book and look over it yourself. That letter-book and these loose letters take in the whole thing from the beginning. [Witness produces his letter-book and letters.]

Q. After you received this instruction from the Commissioner of Indian Affairs and acknowledged it, you then provided yourself with a stencil-plate?

A. I prepared that myself.

Q. What was on it?

A. "Inspected. A. K. L. W. L. C." "A. K. L." was on the right-hand corner; the "W. L. C." was on the left. The letter "n," in the word "inspected," was upside down.

Q. What did "W. L. C." mean?

A. These are the initials of Mr. Coakley. I appointed him to assist me in the performance of my duties as an inspector, and so notified the

Commissioner of Indian Affairs. He was assistant inspector on the 7th of September. I notified S. H. Palmer, store-keeper of Indian supplies at Cheyenne, to furnish me samples of flour to be delivered by J. H. Martin on his contract, and to inform me of the presentation by Mr. Martin of any flour on his contract.

Q. Now, Major Long, will you state when it was that you inspected the first flour that you did inspect under your appointment?

A. I received this order, I believe, by telegraph, from General Sheridan's headquarters—the headquarters of the Military Division of the Missouri. I know it was on Sunday we came down town. I went with Mr. Moore, who had been employed in the Indian Department—what is known as Colonel French's store-house. I there met Mr. Palmer, who was then known as Indian store-keeper. I then asked him if he had any flour for inspection under the contract of J. H. Martin. He said quite an amount had been shipped by McCann's train, but that there were 27 sacks left in the store-house. I went and inspected them myself, and I said, "Don't ship this flour; I reject it, as I am inspector here." That is all I know of this 27 sacks.

Q. What kind of flour was that?

A. It was a very inferior XX flour. Shortly after that, under J. H. Martin's contract, there were two car-loads of flour, (forty-odd thousand pounds.) This was intended for the Shoshone reservation. I went through the cars and inspected it, with my assistant inspector, as closely as I could, and rejected the whole amount. The samples I took of the flour which I had inspected as it lay in the car were such as to justify me in my opinion in rejecting the whole car-load. Then afterward it was piled in tiers in the car, because they said the Indians required it very much there, (the Shoshone reservation, Dr. Irwin's agency.) And then part was received, and part was rejected and sent over to the store-house.

Q. That which you rejected you did not put any mark on?

A. No, sir; but afterward, when I got into the practice of it, I used to jam the brush on the outside of the sacks so that they could not bring them up again. Mr. Palmer, the store-keeper, came to me on the platform in front of the Railroad House; near the telegraph-office, and said, "Is there no possible way that you will allow this flour to pass?" I took it for an insult. I said, "No, sir; not unless it is up to the sample; no flour can pass me unless it is up to the sample. The sample is poor enough, God knows."

Q. Where did you get that sample?

A. I got it from Mr. Palmer. He said it came from the Indian Department.

Q. The sample itself was very poor flour?

A. Very poor flour, sir; nobody can furnish good flour at \$2.50 a hundred pounds. It stands to reason that they can't. After I had inspected and rejected that amount, I inspected a good deal more—my assistant and myself—and it came up to a better grade, although some was rejected after that. That is some of the Martin contract. That was in 1874.

Q. Do you remember anything about the date of this first inspection of flour by you; not the twenty-seven sacks, but the next lot you inspected?

A. I don't remember; the certificate will show that.

Q. Do you remember what brands were on that flour; I mean the first lot you inspected after the twenty-seven sacks?

A. It was marked "Indian Department," and I think it came from Kansas, somewhere; I am pretty sure it did.

By Mr. FAULKNER :

Q. Had it been previously inspected ?

A. No, sir ; not that ; the only flour that had been previously inspected was inspected by Barclay White.

By the CHAIRMAN :

Q. When was that ?

A. I cannot remember ; that book will show it ; you will see a letter about it, [referring to the letter-book.] This letter-book, which I leave with the commissioners, contains copies of all letters and communications from me and my assistant, and the subject of those inspections ; and they are correct. I also leave with the commission letters and telegrams marked 1, 2, 3, 4, 5, 6, 7, and 8, as follows :

1.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, D. C., September 2, 1874.

SIR: Captain A. K. Long, United States Army, stationed at Cheyenne, Wyoming, has been designated as inspector of Indian supplies to be delivered at Cheyenne.

Upon his application, you will please turn over to him the sample of flour in your charge, to be delivered by Mr. J. H. Martin, or as much thereof as will enable him to make a thorough inspection of that offered for delivery.

Very respectfully, your obedient servant,

H. R. CLUM, *Acting Commissioner.*

S. H. PALMER, Esq.,  
*Store-keeper of Indian Supplies, Cheyenne, Wyo. T.*

2.

SUBSISTENCE DEPARTMENT, UNITED STATES ARMY,  
CHEYENNE DEPOT, WYOMING TERRITORY,  
September 7, 1874.

SIR: Pursuant to instructions received from headquarters Military Division of the Missouri and the Department of the Interior, you are hereby respectfully requested to furnish me the samples of flours to be delivered by Mr. J. H. Martin on his contract with the Indian Department, and which I am by the above authorities detailed to inspect. Please inform me of the presentation by Mr. Martin of any flours on the above contract.

I am, sir, very respectfully, your obedient servant,

A. K. LONG,  
*Captain United States Army.*

Mr. S. H. PALMER,  
*Store-keeper of Indian Supplies, Cheyenne, Wyo. T.*

3.

WASHINGTON, D. C., October 2.

Captain ANDREW K. LONG, *Cheyenne, Wyo. :*

Twenty-five hundred sacks on Martin's contract have been inspected at Omaha ; your thorough inspection is all right.

EDW. P. SMITH, *Commissioner.*

4.

WASHINGTON, D. C., October 15, 1874.

S. H. PALMER, *Store-keeper, Cheyenne, Wyo. :*

Allow no flour delivered under Martin's contract to leave for Red Cloud agency without the approved inspection of Captain Long, and render him all the assistance he may require in using the flour weighed.

H. B. CLUM, *Acting Commissioner.*

A true copy :

S. H. PALMER, *Indian Store-Keeper.*

5.

CHEYENNE, WYO., *October 20, 1874.*

CAPTAIN: I have the honor to inform you that I have 615 sacks of Indian flour ready for your inspection.

Very respectfully, your obedient servant,

S. H. PALMER, *Indian Store-Keeper.*

Capt. A. K. LONG, *Present.*

6.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,  
*Washington, D. C., January 14, 1875.*

SIR: Referring to a letter from this Office to S. V. Pollard, under date of 7th ultimo, relative to the supplies of flour and bacon for the Northern Cheyenne and Arapahoe Indians at the Red Cloud agency, you are hereby authorized to receive not to exceed 10 per cent. over and above the quantity of 30,000 pounds of bacon named in said letter.

Very respectfully, your obedient servant,

EDW. P. SMITH, *Commissioner.*

Capt. A. K. LONG, U. S. A., *Cheyenne, Wyo.*

7.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,  
*Washington, D. C., April 8, 1875.*

SIR: Referring to your letter of the 20th November, 1874, proposing to furnish certain supplies for the Northern Cheyennes and Arapahoes at the Red Cloud agency, and to the letter from Agent Saville, of the 22d ultimo, requesting the delivery of certain supplies for the Indians, I have to advise you that your proposition is in part accepted, and to request that you furnish without delay 300,000 pounds corn, at \$2.20 per 100 pounds, delivered at Cheyenne, Wyo.

The corn must be inspected by the regular inspector at Cheyenne, and delivered to the agent of D. J. McCann, for transportation to the Red Cloud agency, or to R. H. Bostwick, store-keeper, at Cheyenne.

Payment will be made on presentation at this Office of the certificate of the inspector that the corn has been inspected and received by him, and found to be sound and sweet, the certificate to be accompanied by proper receipts from the party to whom delivered.

The presentation of the letter to Major Long will be sufficient authority for the inspection.

Very respectfully, your obedient servant,

EDW. P. SMITH, *Commissioner.*

V. S. POLLARD, *Cheyenne, Wyo.*

8.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,  
*Washington, D. C., June 11, 1875.*

SIR: In reply to your telegram of the 8th instant, relative to the inspection of supplies at Cheyenne, Wyo., I have to advise you that Mr. W. L. Coakley was instructed, by telegraphic dispatch of the 9th instant, to inspect the supplies in question.

In accordance with your request, you are hereby relieved from any further responsibility in the inspection of said supplies.

Very respectfully, your obedient servant,

EDW. P. SMITH, *Commissioner.*

Capt. A. K. LONG, U. S. A., *Cheyenne, Wyo.*

Q. I want to inquire about certain flour that was received here and inspected by Barelay White, and which you re-inspected.

A. My book will show that, sir. I rejected part of it. There is a long letter there about it.

Q. I understand you to say that the sample furnished you by the Indian Department as a sample to inspect by was an inferior article of XX flour, and some of the flour you inspected was superior to the sample and part was not equal to the sample.

A. Yes, sir. Some was above the sample, I averaged it all. A very few sacks were passed that were not up to the sample.

Q. Was the part of the flour you rejected for the Shoshones?

A. Yes, sir; that was the first part.

Q. And, subsequently, the flour you inspected was for the Red Cloud and Spotted Tail agencies?

A. Yes, sir. I did not inspect two-thirds of the flour I was ordered to inspect. Some slipped through. I don't know how it was done. I don't know how it was paid for; but I know flour went through here while I was inspector that I did not inspect; and I know of flour that was purchased down at Sidney, one hundred miles east of here, bearing my brand, but I do not know how it got there.

Q. You never inspected flour to go to Sidney, or to go to either of the Indian agencies by the way of Sidney?

A. No, sir; it may have been sold by the Indians to an Indian trader, after drawing it; and the trader may have sent it on to Sidney.

Q. Did you see the flour at Sidney yourself?

A. I did not; but I had the information from officers of the Army, Captain Monahan, H. W. Moore, and Mr. Van Tassell. Mr. Van Tassell is the post-trader at Sidney Barracks, and Mr. Moore bought this flour for him.

By Mr. FAULKNER:

Q. Do you say that while you were inspector here, certain flour was passed to the agencies without your inspection?

A. Yes, sir.

Q. How did that occur; what is the explanation of it?

A. I don't know how it went through. My letters will show that I had an order to inspect so much, and my books will show that I did not inspect the whole of that amount. Colonel French, I believe, inspected a part of it, and these twenty-seven sacks were part of the 200,000 pounds which he inspected, and all of which was gone from the warehouse, except those twenty-seven sacks, before I began to inspect flour here; and, as I understood afterward, (after I had condemned it—before it was shipped,) that they were sacks which had been rejected by Colonel French, and, as Mr. Palmer told me, they were shipped to Red Cloud agency by mistake when he was not present.

By the CHAIRMAN:

Q. So that the twenty-seven sacks of flour, which you were informed had been rejected by French, were also rejected by yourself?

A. Yes, sir.

Q. And you understood afterward that they were shipped to the Red Cloud agency?

A. Yes, sir.

Q. Whom did you understand that from?

A. From Mr. Palmer. Palmer was store-keeper before Bostwick.

Q. Did you inspect all of this 27 sacks?

A. I did, every one of them; I went through the whole of them. This flour was a very poor grade of XX flour, but it was not spoiled; it was neither wet nor musty; but it was a very poor grade of flour. It was so chopped that you could not make bread out of a part of it to save your soul.

Q. Now, in reference to this flour you spoke of as bearing your brand, that you were informed had been sold at Sidney, did the gentleman who informed you tell you the number of sacks that were there?

A. Mr. Moore told me he bought 150 sacks for Mr. Van Tassell; he did not say from whom; he said he could have bought a great deal more he had wanted it.

By Mr. ATHERTON:

Q. How do you know that flour had passed through here to the agency without inspection?

A. Only persons told me so, and I knew the amount the Commissioner of Indian Affairs had ordered me to receive and the amount that I inspected.

Q. Can you tell how you fix your evidence?

A. Only by the letters.

Q. By whom were you told?

A. I could not tell you, sir; when I was appointed here, there was such a revolution among men, I don't remember.

Q. Did you have any idea at the time of the amount that passed through without your inspection?

A. I did not.

By the CHAIRMAN:

Q. Was that flour put up in double sacks?

A. Yes, sir; they were all double-cotton sacks. At first they were short of 100 pounds.

Q. Did you weigh any sacks containing only 88 pounds?

A. No, sir; none were less than 98; it was on J. H. Martin's contract.

Q. What was the weight of the sacks that came from Hurford?

A. Ninety-eight pounds net; or 100 pounds gross.

By Mr. HARRIS:

Q. Did you ever see any sacks of flour there weighing as low as 88 pounds?

A. No, sir; my first instructions did not tell me to weigh; it was only after the second instructions that I commenced to weigh.

Q. In giving your receipts, you give them for the sacks as weighing 98 pounds?

A. Yes, sir; there is a letter in the book explaining that. I had no instruction first to weigh; it was only to test the quality of the flour.

Q. Who was the store-keeper here when you did this?

A. Mr. Palmer was part of the time, Mr. Bostwick afterward.

Q. Who was the store-keeper at the time you inspected the flour that had been rejected by Barclay White?

A. Mr. Palmer.

Q. You know nothing about the administration of affairs at the agency?

A. No, sir; I never was there. I have heard a great deal from officers of the Army about the way the Indians suffered last winter.

Q. Who are they; can you name them?

A. Yes; I can name a good many of them.

Q. Name such as you now remember.

A. Capt. W. W. Rogers, Ninth Infantry, stationed at Spotted Tail. Captain Rogers told me most of it. I will not mention any other names.

Q. Is he there now?

A. He is on leave of absence in Philadelphia.

Q. For how long?

A. Six months, I think. The other officers up there know about it he said most positively it was the fault of the Indian Department.

Q. What time was that flour bought at Sidney?

A. I cannot tell you.

By the CHAIRMAN:

Q. You are a commissary of subsistence?

A. Yes, sir.

Q. Is it in the line of your duties to make purchases of beef for the military post here?

A. Contracts come to me here from the Department.

Q. Do you receive the beef here?

A. Yes, sir; on the block. I am at the depot, remember, not at the post, Fort D. A. Russell.

Q. It is not part of your duty to purchase and see weighed the cattle on the hoof?

A. No, sir.

Q. Who is post commissary here? Who inspects the Army beef?

A. Nobody inspects the beef; it is received on the block.

Q. Who receives it from the contractor?

A. The commissary.

Q. Who is the commissary?

A. The commissary at each post.

Q. Who is the commissary at this post?

A. Lieutenant Pardee. We do not take beef on the hoof, only when going on expeditions.

Q. The duty of the commissary is to weigh the beef on foot, when you are going on an expedition?

A. Yes, sir; that is the duty of the assistant commissary of subsistence.

Q. Have you had any experience in this region of country as commissary of subsistence in receiving beef from the contractors on foot?

A. I have not; I have in New Mexico and Kansas.

Q. What kind of cattle were those?

A. Texas cattle.

Q. What was the average weight of those Texas cattle you received?

A. Texas cattle that weighed 900 pounds each were considered very big ones. They cannot be driven from Texas, and weigh 900 pounds apiece when they get here.

Q. Take an ordinary herd of Texas cattle, what would they average?

A. Eight hundred or 850 pounds, three or four year old steers; that would be a high average.

Q. Well, as to cows?

A. Cows won't weigh anything like that.

By Mr. FAULKNER:

Q. You mean by that through cattle?

A. Texas cattle driven up through.

Q. You have seen a good many Texas cattle; did you ever see a herd of Texas cattle that would average 1,000 pounds, taking the whole herd together?

A. No, sir; I never did.

CHEYENNE, W. T., *Tuesday, August 24, 1875.*

Present: Hon. THOMAS C. FLETCHER, chairman; Hon. B. W. HARRIS, Hon. CHARLES J. FAULKNER, Hon. TIMOTHY O. HOWE, and Prof. GEORGE W. ATHERTON.

Colonel ANDREW K. LONG was recalled.

By the CHAIRMAN:

Question. Colonel, in a former statement which you made to us, you made an estimate of the average weight of ordinary herds of Texas cattle. In making that estimate did you refer to mixed or promiscuous herds of cattle, or to herds of beef-cattle?



Answer. I made the statement as they are brought up to use in the Army. That is the way our contract reads—that no beef shall weigh less than four hundred pounds on the block, or eight hundred and fifty pounds (850) gross, but I have never yet seen a herd of Texas cattle that would average eight hundred and fifty pounds gross. I am not speaking of selected steers. I have never seen them selected out. I have taken them just as they were brought to us by the beef-contractor. When I speak of the herds of Texas cattle I refer to promiscuous cattle, and I do not refer to herds of what is termed beef-cattle of four-year-old steers and upward, but only as they drive them up and put them on the scales. We require that every animal must weigh not less than eight hundred and fifty pounds. They may go over that, but every one must weigh four hundred pounds on the block; and if it don't come up to that we reject it, and charge the contractor with that, and go out and buy them in open market. I said in my former statement that I never saw a herd of cattle, as they drive them up, that would average one thousand pounds—I have seen them. I have never seen a herd of selected steers, as to speak of them. I speak of the herds of Texas cattle as they are driven through, which includes everything, and cows.

Q. These Army cattle which you speak of, did you ever see any of these herds on the hoof?

A. Yes, sir.

Q. Now, when you weigh them on the hoof for the use of the Army, are they required, before they are weighed, to be what is termed lotted for twelve hours?

A. No, sir; but we are very careful not to let them drink water; they are kept in the corral the day before they are received and then taken to the scales. There is one statement which has been made to the effect that all flour which went up there bore my inspection-brand, or bore a certificate to that effect. This is a mistake. I do not like it to be said that all flour which went up there bore my inspection-brand.

By the CHAIRMAN:

Q. Then you did not re-inspect that which was inspected by Barclay White?

A. Yes, sir, some of it; but I did not inspect twenty-five hundred sacks. I heard rumors that flour was passing through here with my inspection-brand, and I telegraphed to the Commissioner of Indian Affairs, and he said that twenty-five hundred sacks were to be inspected at the crossing of the Missouri River.

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FORT LARAMIE, W. T.,  
Wednesday, August 4, 1875.

Present: Hon. THOMAS C. FLETCHER, chairman, Prof. GEORGE W. ATHERTON, Hon. CHARLES J. FAULKNER, and Hon. B. W. HARRIS.

#### TESTIMONY OF JULES ECOFFEE.

By the CHAIRMAN:

Question. Where do you live, Mr. Ecoffee?

Answer. I am living three miles above the military post on Laramie River.

Q. How long have you been in this country?

A. Twenty-one years.

Q. Have you been at Red Cloud agency ?

A. Yes, sir ; I have been a trader there, and have been there several times since I have been dismissed.

Q. When were you trader there ?

A. Two years ago, when Dr. Saville first went into office. He discharged me ; he sent me off.

Q. You have been there several times since ?

A. Yes, sir.

Q. How many times ?

A. I could not tell exactly, but at least six or seven times.

Q. Were you there, do you recollect, about November, 1874 ?

A. I was there about that time ; I could not tell you exactly the day, but I was there in November some time.

Q. Have you knowledge of how many Indians were there at that agency at that time ?

A. Yes, sir ; pretty near. I believe there was at no time at Red Cloud agency over nine or ten thousand Indians, at the most, and pretty near all the time many were away on the hunt, so that there were about half the number left.

Q. Do you know anything about the northern Indians coming down there about that time ?

A. Yes, sir ; there was a party of Minneconjoux came there about that time, but Lone Horn went to the Spotted Tail agency with his band.

Q. How long were you a trader there ?

A. Dr. Saville dismissed me after he was there only a few days.

Q. You had been there how long ?

A. I had been trader ever since the agency was established. I was trader at the old Red Cloud agency, and from there I moved up to the new agency until Dr. Saville came in.

Q. How many years were you at the old and new agency together ?

A. I was at the old agency over two years, but I was doing business under the name of the firm of Reshaw (Richard) & Company.

Q. Were you about there some time after Dr. Saville arrived ?

A. Only a few days.

Q. Then you left ?

A. He sent me away.

Q. But you went back sometimes ?

A. I have been back there from six to seven or eight times since that time.

Q. When you went back how long did you stay at a time ?

A. Sometimes a week and sometimes two or three days.

Q. From what you saw there, what was the character of the general management of affairs at the agency ; how were things carried on by Dr. Saville ?

A. Well, in my opinion, very badly.

Q. Do you know anything about the issuing of cattle at that agency ?

A. Yes, sir.

Q. What kind of cattle did they issue there generally ?

A. Texas cattle.

Q. Were those cattle that had been wintered in this country, or were they what are called through Texas cattle ?

A. No, sir ; they might have been in the country five or six months, but they were generally driven through from Texas.

Q. Have you had any experience in the handling of cattle, so as to know the weight of them ?

A. Yes, sir; I have been beef-contractor for the Government for supplying the troops for several years.

Q. These cattle that you saw issued at the Red Cloud agency, what do you think they would average in weight?

A. Sometimes they would issue large cattle, but very seldom; at other times they would issue small cattle. I saw two-year-olds issued there, and I don't believe that, take them all through, they would average 450 pounds. I had the contract last year, (to expire on the 1st of July,) for supplying the troops near the Red Cloud and Spotted Tail agencies, and my cattle did not come up to that standard; they were pretty near full-blooded American cattle.

Q. About how much did the cattle that you issued to the Government average?

A. I don't believe that they averaged over 400 pounds.

By Mr. ATHERTON:

Q. Do you mean net?

A. I mean dressed; net.

By the CHAIRMAN:

Q. Were these cattle that you saw issued to the Indians at the Red Cloud agency all steers or cows?

A. They were all kinds.

Q. As many of one kind as another?

A. As many cows as steers.

Q. Were you there about November, 1874?

A. Yes, sir.

Q. Did you see any cattle issued there at that time?

A. I may have seen them, but I do not remember about it; but when I went out there I saw several issues of cattle made.

Q. Do you remember Professor Marsh; did you ever see him?

A. Yes, sir.

Q. Did you meet him there?

A. Yes, sir.

Q. Did you see any cattle issued at the time he was there?

A. Yes, sir.

Q. What kind of cattle were they?

A. They were over the usual average.

Q. Would those cattle you saw issued on that occasion average 1,000 pounds all round?

A. Well, they might, but I don't believe they would. They were larger than those they generally issued.

Q. About how much will a Texas cow that has been wintered here weigh?

A. It would take a large and fat Texas cow to average 450 pounds net, dressed.

Q. About what is the usual difference between the net weight and gross weight?

A. Cattle under 600 pounds net about one-half; what I mean to say is this, a steer or cow that will weigh 1,200 pounds gross will dress only about 600 pounds net.

Q. When they will weigh 800 pounds gross how much will they weigh dressed?

A. About 400; just about one-half.

Q. And when they weigh 600 pounds gross they will weigh 300 dressed?

A. No, sir; the smaller they are the less they will net, the less meat you will get out of them.

Q. Were you there during last winter at any time?

A. Yes, sir.

Q. What was the condition of the Indians then at the Red Cloud agency?

A. What do you mean?

Q. Did they have plenty of clothing and plenty to eat?

A. No, sir; they had been out of meat, out of flour, out of bacon, and out of almost everything at different times.

Q. When they were out of everything I suppose there was suffering among them for want of food?

A. Yes, sir; I heard a report—I do not know whether it is true or not—that some children died of starvation—but I could not swear to it—among the Arapahoes.

Q. Do you speak the Sioux language?

A. Yes, sir.

Q. Have you talked with the Sioux at the Red Cloud agency about Dr. Saville?

A. Yes, sir.

Q. What do they say about him?

A. They say they don't like him; they want to send him off; they want to have him sent off as soon as possible.

Q. Did they give any reason why they disliked him?

A. Yes, sir; Red Cloud himself, in the presence of General Bradley and Professor Marsh (I went out with them at the time) told me that he did not want him; that he was stealing their grub, stealing their goods and everything, and the Indians did not get their just due, their rights, from him.

Q. They thought he was not a good man?

A. That is exactly what they stated, that he was not a good man.

Q. Did you ever talk with any of the other Indians beside Red Cloud?

A. O, yes; most all of them. I talked with Young-Man-Afraid-of-his-Horse, one of the head young men they called Sword, and I spoke with The-One-that-Carried-the-Drum, and, in fact, all the principal men among them, and they all made complaints, every one of them.

Q. Did they complain that he did not give them what was due to them?

A. They said they did not get their rights; that is what they complained about.

Q. Do you know anything of the way goods and supplies are conveyed from Cheyenne up to Red Cloud agency?

A. No, sir; I do not know anything about that.

Q. Do you know what road they travel over with these goods from Cheyenne to Red Cloud?

A. Yes, sir.

Q. Do they come this way, via Fort Laramie?

A. No, sir; they generally go by the old Red Cloud agency, thirty miles below here; sometimes, once in a while, they come through here, but I know the distance perfectly well on both roads.

Q. Do you know the distance from Cheyenne to Red Cloud agency by the way they generally haul the freight?

A. Yes, sir.

Q. How far is it?

A. Well, it is about one hundred and sixty-nine miles.

Q. How far is it from Cheyenne to Running Water?

A. From Cheyenne to Running Water, by the way of the old Red Cloud agency, is about one hundred and twenty-five miles.

Q. From there to where the Fort Laramie road runs into the old road is about how far ?

A. The Fort Laramie road don't run into that road at all.

Q. Well, from there to the Red Cloud agency, then, is about how far ?

A. From Running Water ?

Q. Yes, sir.

A. It is about forty-four miles.

Q. Now, maybe you could go over it a little better ; but tell us in your own way the different places that you remember along the road ?

A. This is the regular road that they travel. There is one road a little shorter, but they can't go on it with loaded teams because it is too sandy.

Q. And then you think from Cheyenne to the present Red Cloud agency, by the way they haul freight, is about one hundred and sixty-nine miles ?

A. Yes, sir ; just about that ; something like that to where the Red Cloud agency is now.

Q. Were you at the Red Cloud agency at the time the annuity goods were issued last November ?

A. I was there a couple of days.

Q. Did you examine any of the goods that were being issued to the Indians at that time ?

A. No, sir.

Q. Did not look at them particularly ?

A. No, sir.

Q. When you were there were you in the camps of the Indians, or did you talk with the Indians at all ?

A. O, certainly ; I always stayed near the agency ; sometimes I stayed at Camp Robinson, but mostly at the agency.

Q. Were you in any of their tepees ?

A. Yes, sir.

Q. Do you know what kind of flour the Indians had issued to them then ?

A. I do not know what kind of flour they had then, but before that it was very bad. At the time Professor Marsh and General Bradley were there, Red Cloud and Red Dog showed them some tobacco and flour. The tobacco was perfectly rotten, and the flour was pretty near as black as that stove.

Q. Did the flour seem to be spoiled ?

A. I could not tell ; I asked Red Cloud and Red Dog if that was a fair specimen of what they were receiving, and they said, Yes, that was the quality they were getting.

Q. Do you know about how many people the Indians generally put in a lodge ?

A. You mean the average ?

Q. Yes, the average.

A. In the old time they used to count them five, but now, since they don't hunt buffaloes much, they average about eight, not more than eight all through. In the old time they used to make their tepees out of buffalo-skins, but since then they make their tents out of the canvas used by the Government, and they make them larger than they used to.

Q. I believe you stated about how many Indians were at the Red Cloud agency in the beginning of November ?

A. I don't believe there was there at any one time at the outside,

figuring it at most, more than nine thousand people; and for my part, I don't believe there were that many, but I would put down that number.

Q. Did you see the Indians use any of the tobacco, the same kind of tobacco that Red Cloud and Red Dog showed you?

A. Yes, sir; I saw them throw it away.

Q. Did you see any of the flour thrown away?

A. Not at the Red Cloud agency, but I saw them selling it at the Red Cloud agency to the whites, to whoever would buy it, and I bought some myself and paid one dollar and a half a sack for it to feed my horses when I had no grain.

Q. What kind of flour was that?

A. Not very good.

Q. Good for horse-feed?

A. Yes, sir.

Q. You don't think it would have made good bread?

A. No, sir.

Q. That, I understand you, was some time last fall—in October and November?

A. Yes, sir; I was there in the last part of October and in November.

Q. Do you know anything about the coffee that the Indians had there?

A. I did not see any except what Red Cloud brought in when he showed it to Professor Marsh, and he said that was the same kind of coffee that was being issued to them, and what I saw was miserable stuff; but I did not see any issued, but he said that was an average of the provisions that were issued to them.

Q. Did you hear any of the Indians complain about their blankets?

A. No, sir.

Q. Were you there at the time they were issuing some pork to the Indians?

A. Yes, sir.

Q. What kind of pork was that?

A. I think it was of a pretty fair quality.

Q. Professor Marsh says that the Indians cut off a part of it and threw the rest away on the spot; do you know anything about that?

A. I don't know anything about that; I never saw them do that.

Q. Do Indians like pork?

A. No, sir.

Q. And when they do use it, what part of it do they use, the fat part or the lean?

A. When they are right hungry they use the whole of it, but if they have plenty of beef, they only take the fat part of the pork; they don't like lean meat.

Q. The pork you saw, you say, was not spoiled pork, but was sweet and good?

A. It looked to me to be good; it looked pretty fair; still the Indians don't like pork; they would much rather have bacon than pork.

By Mr. FAULKNER:

Q. Mr. Ecoffee, by what process do you come to the conclusion that the number of Indians there was 9,000?

A. By knowing the number of lodges that were there.

Q. Did it fall in your way to count the number of lodges, so as to ascertain the number of Indians there?

A. I just averaged them—so many to a lodge—and we generally know pretty near how many lodges there are around the agency drawing rations. I know, of my own knowledge, that I hauled for Red Cloud five sacks of sugar and two sacks of coffee from the old Red Cloud agency to the new one.

Q. What do you mean by that?

A. I mean this, that he had so much rations there.

Q. This was at the old Red Cloud agency you speak of?

A. Yes, sir; at the time they moved.

Q. That is, they were transported from the old Red Cloud agency to the new?

A. Yes, sir.

Q. How long ago is it since the agency was removed?

A. I don't know exactly when it was moved; it is about two years ago.

By Mr. ATHERTON:

Q. Was it before or after Dr. Saville was appointed agent?

A. O, yes, it was before Dr. Saville came there; they issued them at different times more rations than they were entitled to, in order to get the good-will of the chiefs.

By Mr. FAULKNER:

Q. Did you say to get their good-will?

A. Yes, sir.

By Mr. ATHERTON:

Q. Do you mean certain chiefs?

A. Yes, sir; to get the good-will of the chief, the poor women and children having to suffer for it.

By Mr. FAULKNER:

Q. Did you see some one-year-old cattle issued to the Indians?

A. Yes, sir.

Q. At what time?

A. Right along for the last two years.

Q. What proportion did they bear to the general herd?

A. I could not tell exactly; I did not count them.

Q. Could you not form an idea as to whether they constituted a very small proportion of it or not?

A. It was a small proportion.

Q. Was it a very small proportion?

A. Yes, sir.

Q. You spoke of having a contract yourself. What was that contract for?

A. I had a contract to furnish the troops at Camp Sheridan and Camp Robinson, near the Red Cloud and Spotted Tail agencies, respectively, with beef.

Q. In fulfillment of that contract, were you allowed to deliver cattle which netted 400 pounds?

A. My cattle did not average that; about three-fourths of them were American cattle; they were of mixed blood; but I can bring you some statements from my butchers out there of the number of cattle they killed last month, and what they averaged; I suppose I have that statement at home.

Q. You spoke of having observed an issue of cattle there in the fall of 1874, which, in your judgment, averaged a thousand pounds gross on the hoof?

A. I said this : that when Professor Marsh was there, the cattle that issued at that time were a little larger than the usual average.

Q. But you thought they would average about a thousand pounds ?

A. No, sir.

Q. Then what do you mean by the expression that you thought they would average about a thousand ?

A. Well, don't you make a mistake about that ; I said I did not believe they would average about a thousand.

By Mr. FAULKNER :

Q. Would they have averaged 850 pounds ?

A. I told you what I thought about it.

By Mr. HARRIS :

Q. Can't you state to the commission why you don't want to answer that question ?

A. I don't feel like answering it ; I will give you all the information I can—

Q. Is it because you don't know, or because you have some interest with somebody else, that you don't like to answer ?

A. I have not any interest with anybody else.

Q. Do you say you do not know ?

A. I do not say I do not know ; I did not say that either.

Q. Do you say you do know ?

A. I do not say anything, further than that I don't believe they would average a thousand pounds.

Q. Do you know they would not average a thousand pounds ?

A. I do not say that either ; I say I do not believe they would average that weight, and I will give you my word of honor as a gentleman that I have no interest one way or the other, but I do not like to answer that question, because I may be wrong about it ; I will get up and swear to what I say ; if there is anybody here who will swear me, I will swear to what statements I make.

Mr. FAULKNER. It is a mere matter of opinion, and if you have any doubt about the accuracy of your judgment of the weight of cattle, you are justified in withholding it.

By Mr. ATHERTON :

Q. Why do you say they would average about a thousand pounds ? Why don't you say they would have averaged 800 or 1,200 ; what leads you to fix the figures at a thousand ? The query in my mind is why you fix upon that particular figure ?

A. In round numbers I would say they would not average a thousand, but I could not give any particular figures.

By Mr. HARRIS :

Q. Do you think they would average nine hundred ?

A. I do not say anything more than what I told you.

By Mr. FAULKNER :

Q. You stated, Mr. Ecoffee, that in conversation with Red Dog and Red Cloud, and several other Indians, they complained of their agent ?

A. Yes, sir.

Q. Are you sufficiently acquainted with the Indian character and Indian habits to enable you to state whether or not, as a matter of habit, they are given to making complaints ?

A. Yes, sir, I am. They generally make complaints about their agent, but at the same time their complaints were a great deal worse against



Dr. Saville than against any other agent; but they are generally in the habit of complaining; it is their character.

Q. Well, did they specify to you the particular grounds upon which they complained of Dr. Saville?

A. Yes, sir.

Q. Will you please state them?

A. They said that Dr. Saville was stealing their goods and stealing their clothing.

Q. You spoke of a kind of flour being sold there at one time. Will you state the kind?

A. I say that I bought about two sacks myself, and paid a dollar and a half for it.

Q. But you spoke about a large quantity being sold. I understood you to say so. Perhaps I did not hear you distinctly, but I thought you said upward of a hundred sacks were sold.

A. I did not say that.

Q. Do you know of any more being sold than what you bought?

A. There is lots of it being sold that I know of.

Q. To whom was it sold?

A. Sold to the Indians. I only know that I bought a couple of sacks for horse-feed.

Q. Then it was sold promiscuously, to anybody that would buy it?

A. Yes, sir. Most any white men who had married squaws could buy all they wanted.

By the CHAIRMAN:

Q. Are there a good many squaw-men about there?

A. Yes, sir. At the Red Cloud agency there are about fifty or seventy-five.

By Mr. FAULKNER:

Q. Can you say whether any of that flour was sold to the freighters?

A. No, sir; I do not know. I could not tell you that. I do not know anything about that?

By Mr. HARRIS:

Q. Where were you born?

A. In Switzerland.

Q. And where were you educated?

A. I was educated at a place called Freiburg, in Switzerland.

Q. At a college there?

A. Yes, sir.

Q. And graduated?

A. Yes, sir.

Q. How long have you been in this country?

A. Twenty-two years.

Q. And have you spent most of your life in this neighborhood?

A. About twenty-one years.

Q. Have you dealt in cattle?

A. Yes, sir.

Q. Raised cattle?

A. Yes, sir.

Q. How many cattle have you ever owned at any one time?

A. That is a hard question to answer; over a thousand, however.

Q. Do you own any now?

A. I have only about three hundred or four hundred now.

Q. Are you accustomed to sell cattle by weight?

A. It is no use to go around—you can't get me on that. I furnished cattle at this military post in 1866 that averaged 800 pounds net, but they were blooded cattle.

Q. Do you know something about the Texas cattle called through cattle?

A. Yes, sir; I do.

Q. Can you judge, from your experience, how much Texas through cattle—oxen, I mean—will weigh by September or October, on the average; good, first-class cattle?

A. They will weigh over a thousand pounds, if they are fat cattle.

Q. Suppose they are Texas through cattle, driven from Texas the same year; take cattle driven from Texas this spring; would you expect that by next September or October they would average a thousand pounds?

A. I cannot answer that, because I do not want to say.

Q. Do you believe you could get any such cattle?

(No answer.)

(Question repeated.)

A. I do not want to answer.

Q. Do you say you cannot answer that question or that you do not want to answer it, which?

A. I say I do not want to answer it.

Q. But you have an opinion?

A. Yes, sir.

Q. Now, what is the weight of a good cow?

A. That is another question I don't want to answer.

Q. Take a cow five years old, and a fat Texas cow, if you please.

A. If you take a fat American cow of five years old, or four years old, it will dress about 550 or 600 pounds, that is, I mean an American cow.

Q. What would such a Texas cow weigh? That is what I want to get at.

A. A Texas cow will not dress as much as an American cow.

Q. Now, Mr. Ecoffee, we called you because we supposed you had a large experience here. We understand you speak six or seven languages. We have called you here because we supposed you could give us better information than anybody else about here; we have not called you to ask you questions under oath, because we supposed that no oath would add anything to the weight of your testimony—

A. Excuse me for interrupting you, but I would like to swear to my testimony. I am willing to swear to every word I say.

Q. Are you willing to tell the commission all you know?

A. No; I could not say that either.

Q. Passing to another subject: You say you saw rotten tobacco?

A. Yes, sir.

Q. Did you see it in the hands of the Indians or in the hands of the agent?

A. I saw the Indians throw away tobacco, and I saw them selling it to soldiers for whatever they would give them for it; and I saw rotten tobacco in the hands of Professor Marsh when he was out there.

Q. You say you saw the agent giving it to the Indians?

A. No; I did not say that. This Indian tobacco is the only kind they have out there, and I saw Indians buy tobacco from the traders there; that is, natural leaf. The tobacco they had was darker; it was old stuff.

Q. You say it was rotten?

A. Yes, sir.

Q. Describe it fully, so as we can get an idea of its condition ?

A. They were plugs, probably between 12 and 14 inches long, and about 4 or 5 inches wide, and the tobacco was rotten ; it was not fit to use to smoke or chew, or anything.

Q. Was it wet or moist ?

A. It must have been ; it was very soft. You can tell rotten tobacco by the smell.

Q. Did you use any of it ?

A. I do not use tobacco, except cigars.

Q. You saw them buying some kind of tobacco from the trader ?

A. Yes, sir, twenty times.

Q. What kind of tobacco does the trader sell them ?

A. That is bright yellow tobacco—natural leaf.

Q. You saw none of this black tobacco sold by the traders ?

A. No, sir ; they do not get it. I have been in every place where they were selling goods there, and I did not see any of that kind of tobacco at all.

Q. You saw that tobacco which Professor Marsh had ?

A. Yes, sir.

Q. Did you see Red Cloud give it to him ?

A. Yes, sir.

Q. Did you keep a sample of it ?

A. I was present in General Bradley's tent when Red Cloud and Red Dog came there, and when they brought that tobacco, and gave it to them, and I took the tobacco in my hands, and General Bradley was present.

Q. You say you saw bad flour last year ?

A. Yes, sir.

A. Now, tell me where you saw it ?

A. I saw lots of it in the house of an interpreter we have there ; his name is Joseph Bissonett ; he is dead now.

Q. Describe the condition of that flour as you saw it, so that we can understand it.

A. It was all in lumps, and it was dark in color.

Q. Flour that had soured ?

A. I do not know if it was sour or not ; I did not get any bread made out of it ; it was in lumps.

Q. Do you know whether it had the Indian Department brand on it ?

A. That I could not tell ; I do not know. I know one thing, that a great deal of flour went there that was not branded by the inspector.

Q. How do you know that ?

A. Because I saw it.

Q. You saw it, where ?

A. At the Red Cloud agency.

Q. In the building there ?

A. Yes, sir ; when they were issuing it I saw it outside.

Q. You saw it as it came out of the store-house ?

A. Yes, sir.

Q. Did you, at any time, taste of bread made out of that flour ?

A. Yes, sir.

Q. Do you mean you tasted the bad flour ?

A. Yes sir ; it was bad flour ; it made the bread yellow, just about the color of that door.

By Mr. FAULKNER :

Q. Can you fix the time that this bad flour was there ?

A. Since I have been to the Red Cloud agency, for the last two years

and a half, they never had one hundred sacks of good flour; all the flour has been bad right along for the last two years.

By Mr. HARRIS:

Q. How lately have you been there?

A. Where? At Red Cloud?

Q. Yes.

A. About three weeks ago.

Q. Did you see the flour they had there then?

A. No; I did not go but very little around the agency; I went to the military post above it.

Q. Has Mr. Bosler ever got any cattle from you—J. W. Bosler?

A. I know him; yes, sir.

Q. How long ago?

A. That I could not remember exactly, but we sold him some cattle at one time.

Q. Within two years?

A. I do not remember the time at all; I can tell you by looking over the books.

Q. Can you tell the number?

A. It was only a small number.

Q. Was it at the old agency or the new?

A. That is another thing I cannot remember. I can tell you to-morrow if you will be here.

Q. Can you tell me, then, what kind the cattle were?

A. Yes, sir.

Q. And how much they weighed?

A. They were not Texas cattle; they weighed probably about in the neighborhood of five hundred pounds or a little over.

By Mr. FAULKNER:

Q. Do you mean dressed—net?

A. Yes, sir.

Q. Do you know where they were sent?

A. No, sir.

Q. Mr. Ecoffee, you speak of the Indians complaining of the agent stealing their food and clothing?

A. Yes, sir.

Q. Have you any personal knowledge of any act by the agent that would subject him to that charge of stealing or depriving the Indians of what was justly due them?

A. I cannot tell that, because if there has been any supplies stolen they have to be stolen before it comes to the agency; it has been done either where it comes from or in Cheyenne, where it is shipped from; at the agency the agent has no chance in the world to sell any grub to any one.

Q. Then you think there could be no act of stealing by the agent at his agency?

A. No, sir; not of grub.

Q. I mean of grub or clothing?

A. As to clothing I do not know, but as to grub he could not very well do it.

By Mr. HARRIS:

Q. What means have they at the agency for determining accurately the amount of beef that is delivered there?

A. None at all, except—

Q. Could you not undertake to cheat the agent in the delivery of cattle if you wanted to bid for the contract?

A. No, sir; I don't want it.

Q. Is there anything to prevent the agent receiving cattle that are under weight?

A. I would like to know what would prevent it. There is nothing in the world. They take a drove of cattle in there and they can take one big one and average the rest by it; they generally weigh five or six, as many as they can put on the scale, (they have a Fairbanks scale;) they can put in the biggest and weigh them, and average the whole number by them.

Q. Have you ever seen cattle weighed?

A. No, sir; they would not allow me to go near the scales.

Q. When were you refused such permission?

A. About a couple of months ago.

Q. Did they tell you so?

A. They said they did not want anybody to go down there.

Q. Did you ask to go down?

A. No, sir.

Q. Who told you that?

A. No one.

Q. Who said it?

A. The men who were herding the cattle.

Q. Who were they?

A. I do not know their names; the employés of the agency.

Q. Do you know Mr. Appleton?

A. Yes, sir.

Q. Was he there?

A. No, sir; I do not know that he was.

Q. Were either of the Boslers there?

A. No, sir.

Q. Did you see the cattle turned out to the Indians, after they had been weighed?

A. No, sir.

Q. So you really don't know anything about it at the time you spoke of, two months ago?

(No answer.)

Q. Have you at any time during two years seen cattle weighed at Red Cloud agency?

A. No, sir.

By Mr. FAULKNER:

Q. Does your experience enable you to suggest any possible check that could be used at the agency so as to prevent any abuse in its management?

A. Yes, sir.

Q. Let us hear what your suggestions would be?

A. The suggestion would be just to turn the whole thing over to the War Department, letting the officers issue the rations, and have an officer for agent that will do the Indians justice. The Indians themselves wish to have an officer of the Army for agent; I heard them say so a hundred times.

Q. How much do you get per pound for beef furnished to the Army on the block here?

A. When I furnished beef for the Army, at the military posts near

Red Cloud and Spotted Tail agencies, up to the 1st of July, 1875, I had 9 $\frac{3}{8}$  cents per pound net.

Q. What sized cattle were you obliged to furnish under that contract ?

A. Cattle that would weigh over 500 pounds net.

Q. If you failed to supply that kind of beef, what was the result ; what happened to you ?

A. They could break up my contract ; but I furnished very good beef, yet I furnished a great many cattle that did not weigh that much.

Q. Is it all inspected by an Army officer after you turn it in ?

A. Yes, sir.

Q. Suppose it is rejected ?

A. Some of it has been rejected.

Q. What is done in that case ?

A. I have to furnish some other in place of it.

Q. Have you not to pay what the Army officer may have to pay for beef to take its place, if he steps out and supplies it himself ?

A. If they condemn my beef, and get some other beef, I have to pay whatever they pay for it ; it does not make any difference what the price is ; if they pay 50 cents a pound I have to pay it ; they take it out of what is coming to me on the contract.

By Mr. ATIERTON :

Q. But they may allow you to make it up ?

A. Yes, sir.

By the CHAIRMAN :

Q. You say that up at the Red Cloud agency, at the time they were about to weigh some beef, some one told you they did not want you there ?

A. Two or three of the employés of the agency said so.

Q. You started to go down ?

A. They stopped me, and I know several others whom they stopped from going down.

Q. They told you they did not want you out there ?

A. Yes, sir.

By the CHAIRMAN :

Q. How long ago is that ?

A. About a couple of months.

By Mr. FAULKNER :

Q. You spoke of the time, Mr. Ecoffée, when they were out of meat, flour, and almost everything needed to feed the Indians ?

A. Yes, sir.

Q. Can you state who was responsible as far as your observation extended for that condition of things ; were there supplies at the agency, and could they have been supplied, or had not they been brought there, so as to enable the agent to distribute them ?

A. It is either the agent or the contractor for freighting, the men who contract to take the goods out there.

Q. I know it was one or the other, but I ask you, if your knowledge, and experience, and observation enable you to determine who has failed to do so ; in other words, were the goods on hand there and not distributed, or was the agent without the goods and without the provisions to issue ?

A. Well if there has been any fraud about selling goods, that is selling the rations, it must be with the agent, but at the same time the con-

tractor, the man who took the contract to carry the freight from Cheyenne, to Red Cloud agency or Spotted Tail agency, may have failed —

Q. I am not asking you your theories, I am asking you for facts; are you enabled to state from your own knowledge whether the agent had them there and would not distribute them, or whether he did not have them there, because of the negligence of the contractor for transportation to have them there?

A. I do not think he did.

Q. Then it was the fault of the contractor of transportation?

A. Either the contractor or somebody else, but not the fault of the agent.

By Mr. AHERTON :

Q. You spoke of remaining at the agency as trader only three or four days after Dr. Saville came there; have you any objections to tell us the circumstances of your leaving?

A. No, sir; I was out there, and I had some whisky with me; I had about half a gallon, and Dr. Saville had some whisky at the same time; I drank some in his own tent, and some Indian got mad at me and took my whisky out of my wagon; I had it wrapped up in a blanket; some one told him I had it there; I had just about half a gallon, and the Indian told me to leave. After I got about six or seven miles away there were three or four hundred of them charged on me. I was in the wagon, and they wanted me to go back and give them \$3 for hides. At that time I was paying only \$2 for their beef-hides, and I would not pay them \$3, so they told me to go on, to leave the country, and I went. I made three different affidavits about beef when I was in Washington, but they paid no attention to them. Myself and this interpreter I spoke of—Joseph Bissonett—who is dead, and Thomas Reed, made affidavits when we were in Washington about Dr. Saville's way of doing business, and the Interior Department never took any notice of them.

By the CHAIRMAN :

Q. When was this?

A. The last time I went with Red Cloud; not this last time—that is the time when I went East with General Smith, with the Cheyennes and Arapahoes.

Q. And then you say the affidavits were made about Dr. Saville and his doings?

A. Yes, sir.

Q. And you gave them to the Commissioner of Indian Affairs?

A. We gave them to Colonel Walker.

By Mr. FAULKNER :

Q. He was then Commissioner of Indian Affairs?

A. No; he was then with the Christian Commission; he is the man who got shot in the eye.

By Mr. AHERTON :

Q. What did you do with your goods when you were leaving Red Cloud agency?

A. I sold them.

Q. Did you go away without any order from Dr. Saville?

A. No, sir; Dr. Saville ordered me away.

Q. You said the Indians ordered you away.

A. Yes, sir; the Indians in the first place; and the Doctor broke my license and appointed somebody else in my place.

Q. What have been your relations with Dr. Saville since then ?

A. Not very friendly.

By the CHAIRMAN :

Q. Who did Dr. Saville appoint there after you were removed ?

A. Mr. Deer, whom I had for a clerk, was appointed ; but the first man appointed was another man—a man from Sioux City ; I cannot remember his name, and he sold out to Frank Yates.

By Mr. ATHERTON :

Q. Do you think your judgment is influenced by your unfriendly feeling toward Dr. Saville ?

A. Well, it may be a little, you know, not being friendly together ; but I have said nothing more than what is true, and I will swear to it.

Q. You mean to say that your unfriendly feeling toward Dr. Saville don't influence your judgment about the facts ?

A. O, no, sir ; not about the facts.

### TESTIMONY OF HIRAM B. KELLEY.

By the CHAIRMAN :

Question. How long have you resided in this section of the country, Mr. Kelley ?

Answer. About fifteen or sixteen years.

Q. What has been your business chiefly ?

A. I am a freighter and stock-raiser.

Q. What is your present business ?

A. My present business is raising cattle. I have a ranch on the Chugg.

Q. Are you pretty familiar with the different kinds of cattle that they have in this section of the country ?

A. Yes, sir.

Q. Well, now, have you some experience with reference to Texas cattle ?

A. Yes, sir ; some.

Q. Have you had any contracts for supplying the Government, either the military or the Indian department, with cattle ?

A. I had a contract for two or three years. This is the third year I have been furnishing beef for the military at this post.

Q. Do you furnish that beef net weight or gross weight ?

A. Either one ; I have a contract either way.

Q. Well, you furnished beef on foot when the military authorities here require it to take with them on any expeditions ?

A. Yes, sir.

Q. How do you arrive at the weight of the beef you furnish on such occasions ?

A. We either put them on the scales or take a few of the average out of a herd and weigh them.

Q. Have you ever furnished in that way any Texas cattle ?

A. Yes, sir.

Q. What kind of Texas cattle were they, steers ?

A. Yes, sir ; steers.

Q. Were there any cows among them ?

A. Well, I have given a few cows on the block, but never on the hoof.



Q. Well, the Texas cattle you furnished on the hoof, about what did they average in weight?

A. Well, I have given an average of 577 pounds for 136 head, and I think was a little light. I think the average would have been about 600 net weight.

Q. That is the average of those you sold on foot; how did you get at the weight of those you sold on the block?

A. We killed three and weighed them on the scales after they were dressed, and averaged them.

Q. A steer that will weigh 577 pounds or 600 pounds net, what will it weigh gross?

A. About 1,200 pounds.

Q. A Texas steer that will weigh 1,200 pounds will be about how old?

A. Well, sir, three-year olds or four-year olds might weigh that amount.

Q. Those Texas cattle that will weigh that much have been wintered here, have they?

A. Yes, sir.

Q. Stayed here over one winter?

A. Yes, sir.

Q. Have you seen the droves of Texas cattle that come up here, what you call in this country, among the drovers, through cattle?

A. Yes, sir; I have seen them.

Q. Will they average as much, either gross or net, as cattle that have been wintered over here and have been one summer on the bunch-grass in this country?

A. Some of them that come up here very early and are put on a fair range and get in fair order before the fall, would average that much. When they get up here early in July or August, they have three or four months of fine weather and good grass on which to fatten.

Q. They continue to fatten until how late in the fall?

A. Until after Christmas, and some of them fatten right through the winter.

Q. These Texas cattle that are brought up into this range improve very much, I understand; they spread out, grow larger and heavier, and get fat?

A. Yes, sir.

Q. Do you know anything of the character of the beef that has been furnished to the Red Cloud agency?

A. I do not, sir; that is something that I know less about than any man in the country. I know what I have heard. I never was at the Red Cloud agency.

Q. Cattle that you furnish to the military department generally are not full-blood Texas cattle, are they?

A. Generally, sir. I raise some half-breed, some American, and some Texas cattle.

Q. The Texas cattle that you furnish to the Army have been kept over here one winter?

A. Yes, sir.

By Mr. FAULKNER:

Q. Can you state whether the percentage of net to gross varies according to the condition of the cattle—whether they are fat or lean?

A. O, yes, it makes some difference if they are very fat; of course, they don't tare as much; there is not so much loss in the offal; there is less percentage off.

Q. In this part of the country you seem to have established a uniform

rule of percentage at 50 per cent.; whereas in our country it is different. How is it that you have established such a rule?

A. In your part of the country I suppose you have fatter cattle—stall-fed cattle; and the percentage is not so much—only 40 or 45 per cent.

By the CHAIRMAN:

Q. But in Texas cattle the percentage is larger on account of their large horns and hoofs?

A. Yes, sir; and they are smaller, and they don't fatten up early.

Q. And the percentage is less upon a large fat beeve than upon one of those poor ones?

A. Yes, sir.

Q. What should you judge to be the average weight of the smaller Texas cattle?

A. About 50 per cent.

Q. What is the average gross weight of an average herd of Texas cattle as they are driven up here, including steers and cows?

A. They are of different ages, you know.

Q. I mean as they run, four-year-old steers and cows?

A. A good lot of four-year-old steers and cows ought to go from 900 to 1,000 pounds.

Q. What are you getting for your beef on the block here?

A. Six dollars and thirty-four cents per 100 pounds.

Q. What is beef generally worth on the foot here; cattle that will average 1,000 pounds?

A. They generally sell at about 3 cents per pound, gross. When you buy them by the lot, you buy them for less; when you buy four or five hundred head, you get them for less than that.

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#### TESTIMONY OF LIEUT. LEONARD HAY.

By the CHAIRMAN:

Question. Mr. Hay, what is your rank and position?

Answer. I am first lieutenant and adjutant of the Ninth Infantry.

Q. I believe you were at Red Cloud agency November last?

A. Yes, sir; I was there about the first week in November, about the 10th or 11th of the month.

Q. Were you present at an interview that occurred between Professor Marsh and Red Cloud and Red Dog about that time?

A. Yes, sir. I was not at the whole of the interview, but I was there a portion of the time.

Q. While you were there did you have any opportunity to examine, or did you notice the quality of, the rations that were issued to the Indians?

A. The interview took place in General Bradley's tent, between Professor Marsh, Red Cloud, and Red Dog. Red Cloud and Red Dog had a portion of the rations, certain component parts of the rations, which they said they had received from the agent, and those I saw. I saw two samples, a sample of coffee and a sample of tobacco. Those were all I saw.

Q. Did you see any of the issues of rations by the agents to the Indians?

A. I did not, sir. I did not go to the agency at all.

Q. Did you see any rations in the hands of the Indians ?

A. I saw tobacco in the hands of Red Cloud ; I saw the coffee which he had in his hand, and which he passed over to Professor Marsh, and it was passed around to the officers and the others in the tent.

Q. Did you see any others besides the samples that Red Cloud had ; did you see any other of those provisions in the hands of the other Indians ?

A. No, sir.

Q. What was the character of the samples of coffee and tobacco which you saw there ?

A. The tobacco I noticed particularly, for the reason that I know more about tobacco when it is prepared for consumption than I do about coffee in the raw grain. This tobacco which I saw seemed to be about one-quarter plug-tobacco, and it had neither the smell nor taste of good tobacco. It seemed to be composed of the sweepings of the factory, which were fastened together by some sort of viscid substance. It was sticky, clammy, and soft ; it was unfit for chewing or smoking, particularly unfit for smoking. This sample of tobacco was passed around, and Red Cloud had it in his hand. When he passed the plug I bent it, and it showed no fracture, it was so soft. This was in cold weather, even in that dry climate. The coffee which I saw was quite a small portion—about as much as one might hold in the hollow of his hand. It seemed to be composed of undeveloped grains of coffee with a little gravel in it ; they were not full-grown grains of coffee.

Q. Did you see any beef-cattle that were issued there during that fall ?

A. Yes, sir ; in the afternoon of the same day—I think it was the 11th of November—I was told that a party was going out to see the butcher's shop, and I did not know for what purpose they were going. I did not expect to criticise these things at all, because I did not think there was any investigation going on whatever. I was invited to go, and accepted the invitation. We finally found the butcher's shop, and it was kept by an old Indian living there—a half-breed—and it was a long time before they got up the herd. We were told that all the herd was composed of seven head, the remainder of the herd. It was a half-breed Frenchman who drove them up ; he told us those were all there were.

Q. Was Agent Saville there at the time ?

A. No, sir ; there were two herders there. Red Cloud and Red Dog, and another Indian, whose name I don't know, were present. The herder brought these cattle from the direction of the agency ; I don't know where he got them. The snow was on the ground and the weather very cold. I did not examine very closely into them, only I noticed the cattle.

Q. A poor looking lot of cattle, were they ?

A. There were seven head of cattle there, and there were two cows out of seven. There was only one which might be called a steer, but it was not full grown at all, and the others were undersized and meager in flesh ; they were Texas cattle.

Q. Poor ?

A. Yes, sir ; a very poor lot of cattle. The herder was a half-breed Frenchman, and he said the Indians had picked out the best. Red Cloud said that those were the kind of cattle issued to them ordinarily. Red Dog said that they were larger and better cattle than had been issued to them previously on ordinary issue days. One of the herders said that they were all the same size as the cattle ordinarily issued. The other herder said that the Indians had picked out the best, and these were the refuse.

By Mr. HARRIS :

Q. Do you understand that there had been a larger issue on that day?

A. I do not know anything about an issue at all.

By the CHAIRMAN :

Q. Those cattle were driven up from toward the agency to the Indian camp?

A. My inference was that there had been an issue of cattle, and these had been left—the other seven head on hand; in fact, the herder said there were only seven head of cattle on hand on that date, the 11th of November.

Q. Were those herders the agency-herders; were they herding cattle for the Indian agent or for the Indians?

A. I cannot state positively; I suppose they were the agent's herders.

Q. Did you see the agent, Dr. Saville, there during that visit?

A. No, sir, I did not; some of the other officers went up to the agency, but I did not. There was an issue of annuity-goods, I think, about that time, and I was invited to go to see it, but I did not go.

Q. Well, General Bradley, Captain Mix, and yourself were there. Do you remember the circumstances of your making an estimate of the gross weight of those cattle?

A. Yes, sir; my estimate was 450 pounds gross, just as they stood. The estimate of the other gentlemen was small, and the total added up and divided by the number was, I think, some 358 pounds gross.

By Mr. FAULKNER :

Q. You are speaking now of the seven head?

A. Yes, sir.

By Mr. HARRIS :

Q. We have the date of that occurrence; it is the 11th of November.

A. Yes, sir.

By the CHAIRMAN :

Q. Have you had any opportunity of observing the working of the system of issuing rations to the Indians by the agents and the management of affairs at Indian agencies generally?

A. No, sir; I had no opportunities of observing; I have been by the agency three times, but stayed only a very short time; in fact, I only stayed there a couple of days either of the times when I was there; I only passed through. The first time I went up with General King I saw a large herd of cattle, that seemed to be in the hands of the contractor, and appeared to be going to the agency to be delivered to the agent. Those are the only two lots of cattle I ever saw there.

Q. What kind of cattle were those with reference to their size?

A. It was quite a large herd, probably 200, more or less; they were Texas cattle; I had a good opportunity of judging of them, because they were in a cañon, and we drove right through them, and I noticed them particularly; they were Texas cattle.

Q. Steers or cows?

A. Mostly steers; I may have noticed a few cows among them, but they were very few; most of them were Texas steers.

Q. What was their general condition and size?

A. They were in good condition, but they were rather small. I should judge that the herd—I have no experience—but, as near as I could judge, I don't think they would have weighed over 650 pounds apiece, gross weight.

Q. To average the herd ?

A. I think they would average fully that.

Q. You are not positive that they were for the agency, however ?

A. No, sir ; it is only a supposition ; they could have been intended for no one else ; they were going right up to the agency ; they were within three or four miles of the post then.

By Mr. FAULKNER :

Q. Do you remember what day that was, lieutenant ?

A. Yes, sir ; it was about the 1st or 2d of September, 1874.

By the CHAIRMAN :

Q. How long have you been stationed here ?

A. I have been stationed here a year, sir.

Q. Do you know Jules Ecoffee ?

A. Yes, sir.

Q. What kind of a man is he ?

A. I have always regarded him as a truthful man.

Q. Is that the general reputation he has in the community ?

A. Yes, sir. Some inquiries were made as to his character by General King when he first came here and took command of the post. General King was trying to find and fix upon a new site for the Spotted Tail agency, and Jules Ecoffee gave him some advice, and I remember that he was regarded as a truthful man.

Q. Do you know a man by the name of Louis Reshaw ?

A. I have seen him three times. I have seen him around the post here three times.

Q. Have you ever heard him spoken of by the people around here who know him ?

A. Yes, sir ; as a sober and truthful man.

By Mr. HARRIS :

Q. If you have any information in regard to these Indian matters that we do not happen to call out by inquiries, we would be glad to have you give it to us.

A. No, sir ; I have not. I know very little about the management of Indian affairs, because I have had no opportunity of judging of facts, and so far as rumors go I pay no attention to them.

By Mr. ATHERTON :

Q. When you were speaking of those two herders, you said one of them said that that little drove of seven cattle was quite up to the average, while the other differed from him. I wish to ask you whether that remark of the herder was made in response to Red Dog's statement, that they were smaller than they were generally getting, and as a sort of a justification ?

A. The first herder who drove up this little band of cattle was on his horse, and the moment he got them together he said, "The Indians pick out the best, they always leave the worst," without being questioned or interrogated at all, and one of the party asked Red Cloud and Red Dog and the other herder, and the other herder made his statement in answer to a question.

Q. Did he say that before or after Red Dog spoke ?

A. He said it afterwards ; he was the last one who was questioned, but I don't think he heard Red Dog's remark.

By the CHAIRMAN :

Q. Neither of the herders heard what the Indians said ?

A. No, sir.

By Mr. HARRIS:

Q. One of them said, "This is the kind of cattle we are issuing," or words to that effect?

A. He was asked if these were the kind of cattle usually issued by the agent, and he said, "About the same kind of cattle."

Q. The other remarked that the Indians had picked the best?

A. He volunteered that remark as soon as he drove them up.

By the CHAIRMAN:

Q. And then the last herder who was interrogated said——?

A. He said they were up to the general average.

By Mr. HARRIS:

Q. You don't know the names of those herders, do you?

A. No, sir.

### TESTIMONY OF DR. BENJAMIN G. McPHAIL.

By the CHAIRMAN:

Question. Doctor, what is your position here?

Answer. I am acting assistant surgeon at this post.

Q. I wish to ask you, from your observation, your opinion of the average weight of an ordinary herd of Texas cattle?

A. I am not an expert at all in estimating the weight of cattle; I never paid much attention to the subject until I went to Arizona, and there my attention was directed to it by the constant talk about the issue of beef to the Indians. Beef for the Army was supplied by the pound net, and of course there was no trouble about that. At the San Carlos Indian reservation, in Arizona, I have seen them issue cattle for ten, eleven, twelve, and even thirteen hundred pounds that I suppose would really range from six to eight hundred pounds; maybe an extra large one would go up to nine hundred or one thousand, but to average them through they would not weigh any more than six hundred or eight hundred pounds.

Q. Have you seen herds of Texas cattle in this section of the country?

A. No, sir; except when passing along the road I saw two or three herds along the line of the railroad; they seemed to be mixed cattle, but I never saw any of them weighed.

Q. How would the Texas cattle you have seen up here in this part of the country compare with the cattle you saw down there in Arizona?

A. Well, sir, they seemed to be a similar class of stock; but those down there were in better condition than those I have seen here; there I saw them in the spring of the year, and here late in the summer or early in the fall.

Q. I understand that you have never seen any cattle up here intended for issue to the Indians?

A. No, sir; I know nothing of them in this part of the country except by report.

By Mr. ATIERTON:

Q. But those you have spoken of seeing were intended for the Indians?

A. Yes, sir, in Arizona on the two Indian reservations which I visited.

Q. Were these that you speak of as being issued to the Indians Texas cattle?

A. Yes, sir; they seemed to me to be so. I tell you, gentlemen, I do

not consider myself as an authority on cattle at all; in the course of conversation a few evenings since, I just gave my opinion on the matter.

Q. What is your estimate of the average weight of the Texas cattle you have seen, taking them right through, herd by herd?

A. Seeing them there in the spring of the year, as I did, I do not think they would run over 700 pounds, taking them all through, cows and bulls together. If you should pick out the bulls, occasionally there would be one of them which would weigh 1,000 or 1,200 pounds.

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FORT LARAMIE, W. T.,  
Thursday, August 5, 1875.

Present: Hon. THOMAS C. FLETCHER, chairman; Hon. CHARLES J. FAULKNER, Hon. B. W. HARRIS, and Prof. GEORGE W. ATHERTON.

#### TESTIMONY OF GENERAL L. P. BRADLEY.

By the CHAIRMAN:

Question. General, what is your rank and position here?

Answer. I am lieutenant-colonel of the Ninth Infantry, and at present in command of the fort.

Q. How long have you been stationed in this vicinity?

A. I have been in this department eight years; most of the time in the Territory of Wyoming.

Q. Do you remember being present with Professor Marsh at Red Cloud agency at the time that Red Cloud and Red Dog showed you some rations?

A. Yes, sir; last November.

Q. At that time did you see anything more than the samples which they showed you. Did you see any of the rations in the hands of the people to whom they had been issued, or in the Indian agency store-house for issue?

A. No. I did not go into the store-house.

Q. You did not see in the hands of the Indians any of the supplies, but simply the samples which were shown you?

A. No.

Q. Do you remember seeing seven head of cattle there?

A. Yes, sir.

Q. Were those all the cattle that you saw there?

A. All I saw as in the hands of the contractor or his men.

Q. You have repeatedly been to Red Cloud agency, have you not?

A. No. I have been there perhaps three or four times.

Q. On other occasions when you were there did you see any beef-cattle?

A. No; I think not. None belonging to the contractor; none for Indian issue.

Q. The seven head of cattle that you saw there were, as you stated in a certificate given to Professor Marsh, estimated by yourself and Captain Mix and Lieutenant Hay, and the average of the estimate was 358 pounds. Do you remember anything that was said by the herders or any one else there as to whether those cattle were a fair sample of the cattle they had been issuing?

A. I remember myself asking the question; and the answer of the

herder was they were a fair sample of the cattle issued; that is to say, he announced himself as the herder employed by the contractor for furnishing beef to the Indians. My recollection is that he said they were about a fair sample in size.

Q. Have you ever had occasion to know anything about the general management of affairs at Red Cloud agency?

A. Not from personal observation. I have never asked any questions. Of course, looking to information of that kind there, I know from talking with the Indians more than in any other way; talking with Spotted Tail, and Red Cloud, and some other of their chiefs and headmen.

Q. How did they express themselves?

A. They made to me very frequent and serious complaints. My position here is such, being in command of the district in which the agencies are included, that the Indians look upon me as a man who can help them; but I cannot interfere in their affairs. Yet they think I can, and they talk with me and send communications to me. I have had three or four communications since New Year's from Spotted Tail, complaining of the quality and quantity of the supplies, and stating to me that his people were starving for lack of food, and I have asked white men who were living with them, Nick Janis and others, and they said that some of the Indians had starved last winter for want of food; that they ate their ponies and their dogs. They eat dogs commonly, but they would not kill a pony unless they were very hard up for food. Spotted Tail, when I saw him in November, asked to have a talk with me. He came to Bissouett's ranch, where I was stopping, and we had a couple of hours' talk, and he told me then they didn't get their regular supplies. Sometimes they were weeks without beef, and sometimes weeks without flour; that was last November. And, by a message he sent me in the winter through a man named Quigley, it would seem they must have been very short of food. Red Cloud, at Red Cloud agency, told me substantially the same thing last November, and I think you will find that there was a long period during this summer when no rations were issued. At least it is so reported to me by our officers over there, and one reason why they notice these things and report them, is, that the lack of supplies to stay the hunger of the Indians makes the Indians restive and mischievous, and we are watching all the time to counteract their movements in the way of raids, and we notice when they are well fed the trouble is less than when they are hungry. Our officers over near the agency report a state of disquietude on the part of the Indians, and account for it in that way. You will see the bearing of that.

Q. With the small force you have at your command, and the large number of Indians in the district, I suppose it behooves officers at the several posts to watch vigilantly what the Indians are doing?

A. Certainly; and it is their duty to do so, and they do it without intending in any way to interfere with the conduct of Indian matters. As soon as the Indian leaves his reservation we have a right to strike him; we have no right to touch him on the reservation, until the Indian Department calls upon us for assistance, and if we follow the trail of those who are raiding and killing families, and strike a band of Indians raiding among the settlements, we can then follow them on to the reservation, or wherever they may go; but while they are on the reservation, no matter what may be the cause of discontent among them, or whatever may be their preparations for raids, the military can do nothing to prevent them, but must wait until they commit some overt act. We can do nothing unless the Interior Department calls for it; the



Indians are solely in the charge of the agents and the Interior Department, and our military posts are stationed near the agencies for the purpose of watching them, in order to have a force ready in case it is called for.

Q. I understand, General, that you know Louis Reshaw.

A. I have known him since 1867, eight years.

Q. What is his general reputation among the people of this country for truth and veracity?

A. It is good.

Q. Do you remember observing the specimens of tobacco and coffee that Red Cloud and Red Dog had on the occasion of your visit to the agency?

A. Yes; he gave me some samples, and I examined them.

Q. What kind of articles were they?

A. They were poor. The coffee was mostly in small black beans. I had no sample of flour; the sugar was, of course, cheap sugar. I saw no particular fault with it. I didn't examine it closely. The tobacco was very poor. He gave me one of the ordinary plugs of it, and I broke it in half, and the inside was entirely soft, so that by putting the ends together it would stick and string out. It looked more like black molasses and tobacco mixed together. Outside it was dry, but in the center it was soft—so soft that you could not rub it in your fingers, and yet before it was broken it looked tolerably black and dry. It was unfit to smoke. I don't think it would burn until it was picked apart and dried thoroughly.

Q. The Indians, I believe, use tobacco chiefly, if not entirely, for smoking?

A. O, yes; entirely for smoking. I never knew one of them to chew tobacco. They are great smokers. Smoking is a business with the Indian; he never has a talk but he smokes. Smoking is a sort of religious rite with them. When they have a council they point to the four quarters of the heavens, and then they light their pipes and take a couple of whiffs and pass the pipes around.

Q. When you were at Red Cloud agency, in November, did you have any means of ascertaining with any degree of certainty the number of Indians about the agency?

A. No, not then; but we have among ourselves an estimate of the number of the Sioux—those bands of Sioux that are over there, the Brulés, the Ogallallas, and the Minneconjoux. The Ogallallas and Red Cloud's men. We make an estimate of the number we would have to fight if the Indians broke out, and of course make a calculation of the entire number upon the same basis.

Q. About how many do you estimate the number at the Red Cloud agency?

A. My estimate is that there are not over six or seven thousand Indians. I should say not more than six thousand of the Red Cloud men, from all the information I have, and I have known them for eight years. The first year I was out here, we were fighting them all the year. Before the treaty of 1868 I was at the extreme northern post, and we knew what their fighting strength was, because at times we met the whole of them, and I don't think they have increased in numbers at all since then. I think their mode of life prevents their increase. I don't think their mode of life favors increase. There are about 1,200 fighting men among the Ogallallas. The Brulés do not number probably over 4,000 altogether. I have no data for those figures; it is simply our estimate, and it is an estimate in which a great many Army officers agree with me; but I know nothing about the actual counts. I have seen

several large villages ; that is the estimate upon which I would be willing to fight them. The Minneconjoux are smaller than the Brulés. I don't think they will reach 4,000. Now, the Onepapas live in the Yellowstone and Tongue River region ; they are wild ; they never come down here. I don't believe they number over 1,500 or 2,000 altogether.

By Mr. ATIERTON :

Q. Where are the Onepapas fed ?

A. They never visit the agency at all ; they keep aloof ; and part of the Minneconjoux do not come down for food, but part of them are fed here at Red Cloud agency. In 1867 and 1868, when we were at war with the Sioux in the upper country, Red Cloud commanded the whole of the hostile forces. He had Ogallallas, Minneconjoux, Onepapas, and with them the Northern Cheyennes and the Arapahoes. They never turned out more than 2,300 men in any one movement. Of course that was not their entire fighting strength, but it was all they could get together at one time ; they had to leave some men in the villages and sent some out to hunt.

By Mr. HARRIS :

Q. What is the number of the Northern Cheyennes and the Arapahoes ?

A. It is small. I don't think the Cheyennes have more than 2,000 people up here, and the Arapahoes more than 1,000 ; but there are more Cheyennes now ; a great many of the Northern Cheyennes have come up here this spring ; there are several hundred up here now. They are the ones that are making trouble this summer, and that stole the stock on Laramie Plains in June. They are up on the Powder River. Judge Kelley, of Pennsylvania, had a herd of cattle up there, and they stole them all.

By Mr. ATIERTON :

Q. Will the General be kind enough to state his estimate of the total number of Indians fed at the Red Cloud and Spotted Tail agencies ?

A. I can only say what I have already said, Professor. I have no other means of knowing than as I have told you. The Ogallallas are fed at the Red Cloud agency, and part of the Minneconjoux and part of the Cheyennes are fed there, though my impression is that the Cheyennes have no legal right to go there for rations.

By Mr. HARRIS :

Q. How about the Arapahoes ?

A. Some of them may get rations there, but they have no business there.

The CHAIRMAN. The papers at the agency will show just what Indians are supplied there.

By Mr. HARRIS :

Q. I would like to have your statement of what occurred in your presence when Professor Marsh was there. Just state it in your own way, so that we may have the opportunity of comparing your account with other statements.

A. Red Cloud came to my tent, near Camp Robinson, about the 10th or 12th of November. Professor Marsh was in my tent, and I sent for Mr. Ecoffee, who was then beef-contractor at Camp Robinson, and for John Nelson, an interpreter, whom I had formerly employed ; and several officers were present, among them Captain Mix and Lieutenant Hay, the adjutant of the post. Red Cloud and Red Dog were there together, and

made statements to this effect—the one talked after the other, first Red Cloud and then Red Dog, and what they said was interpreted by Ecoffee and Nelson—Red Cloud and Red Dog complained that they were poorly supplied with food, and, after making a statement to that effect, asked me to send to the President, and tell him what they said. They said that if I would promise to do it that the word would reach the President, but if they made complaint to the agent, they did not believe it would reach the Great Father at Washington. They complained of the poor quality of food—beef, flour, sugar, tobacco, &c., and of insufficient quantities, and that their people and children were hungry and crying for food; that they had relied for a good while upon the Government to feed them, and relied upon it still to do so; that they had given up their old hunting-grounds on the Republican River, and the Government didn't feed them. Both Red Cloud and Red Dog made this statement. I told them I would send word back to the President, and I did send forward a report to General Ord, commanding the department, at Omaha, and I told them also that Professor Marsh, who was with me there, was going East soon. They asked me if he was a friend of the President, and I told them that he was, and I would ask him to go to Washington and state their complaints personally; and they said that they would be very glad to have me do so. Professor Marsh then promised that he would go to Washington and carry this message to the President.

Q. You were saying that they asked you if Professor Marsh was a friend of the President's.

A. He recognized him as a citizen, being merely a transient traveler. I told him who he was; that he was a teacher in the East, who had come out here looking for bones, and that when he went back he would go to Washington and carry these messages. That was the substance of the conversation. Of course it was a lengthy talk, as all talks with the Indians are. There is a great deal of repetition in them, but the pith of the conversation was the insufficiency and inferior quality of the supplies.

Q. Was there anything said particularly about the beef?

A. Beef was mentioned with those other articles, and they complained that they did not have enough of that. Meat is the main reliance of the Indians.

Q. Did they say anything about the size of the cattle?

A. Yes, sir. Red Cloud asked me the next day to look at the cattle. We went out next day, and looked at those cattle with him; Red Dog went along; Red Dog is one of the headmen.

Q. He showed you the seven cattle?

A. Yes, sir; the seven were all that were on the range.

Q. What did they look like? Give us your description of them.

A. They were small young steers and cows.

Q. Something was said about their being lame, I believe; of their legs being broken?

A. Some of them were lame, as cattle will be frequently out here—foot-sore from travel. They were thin in flesh and small in size, and there were eight gentlemen there who made estimates; three of them were Army officers and one a beef-contractor to the Army. The officers were all accustomed to handling beef at the posts, and know what Army beef is, and accustomed to see large numbers of cattle on the ranges. Professor Marsh, the marshal of the Territory, who was up here at the time, who is himself a stock-owner, and the paymaster, and a gentleman who was with the paymaster, whose name I now forget; there were eight, all western men, who estimated the average

weight of that little band. Those estimates are averaged, and that is the way those figures are reached. My own opinion was then and is now that it was very large; my estimate was very much less.

Q. Now, I want to know whether you were present on the next day, the 14th, I think it was, when the distribution of annuity goods was made?

A. No, sir; I had gone to Spotted Tail agency.

Q. You know nothing of the facts in that connection?

A. I did not see any of those goods; I did not see any annuity goods in store.

Q. In driving cattle from the Platte (where I understand they are generally herded) to the agency, what is the distance on that route between water?

A. I cannot tell you exactly, but it is a regular road for trains.

Q. About a dozen miles?

A. From twelve to twenty; it is a very well-watered country.

Q. Well watered for this country?

A. I mean well watered for traveling, where you can get water every twenty miles. If you can get water morning and night, you are well off.

Q. Suppose an ox was watered in the morning and then driven during the day, how much water would it drink at night?

A. I do not know. Under those circumstances stock won't drink more than once a day. Our horses won't drink more than once a day on the march; we usually break camp early in the morning, and if they won't drink then, they get no water until night; and it is just so with cattle.

Q. How much will they take when they come to drink?

A. They will take a big drink then. A horse, at the end of his day's march, will drink two buckets full and more at a time. As soon as we go into camp they go for water, and they will take several drinks; but if you tie a horse up, as I do my own horses, (I have them picketed, and a man brings them water,) they will take two buckets full of water at once, and after a while they want more. An ox will drink, I suppose, more than a horse.

Q. I notice in your Army contract for beef that you do not allow the cattle to be watered within twelve hours of the time they are weighed.

A. Yes, sir; you understand the reason of that?

Q. Well, I suppose I do.

A. It is simply because we don't want to weigh the water.

Q. Do you know whether any such precaution is taken in the supply of beef to the Indians?

A. No, I don't; I never saw an issue at the agency.

Q. Do you know whether it is a matter of knowledge in the country that that is the practice there?

A. I don't know whether it is or not; I have never had occasion to observe it.

Q. Would you think one hundred pounds in weight of water would be an unusual quantity for an ox to take?

A. I don't think it would be excessive.

Q. What do we call the weight of liquids, twelve pounds to the gallon? My impression is that first-quality molasses weighs twelve pounds to the gallon, and I think water weighs about the same.

A. A gallon of water, I should think, would weigh twelve pounds; it is a long time since I was at school. You have noticed horses which have been without water for a long time, and you know how greedily they

will drink, and of course there is no restraint on animals, and when they drink under these circumstances, when they have been without food for a long time on the road, and their stomachs are empty, they take in a great quantity of water. Our horses will not graze until night; they will rest during the day and not graze until the cool of the evening, and I think one reason of this is that their stomachs are full of water. There is one thing that I will say with reference to beef; I say that no contractor who furnishes beef to the agency to be fed to the Indians can furnish it any cheaper than the Army contractor furnishes good beef; of course the contracts are for good beef always. Now, I claim that we buy beef in the Army as cheaply as it can be bought; and you can ascertain easily what the Army prices are if you will write to General Hawkins, the chief commissary at Omaha; he will give the prices paid at every post in this part of the country.

The CHAIRMAN. We have got that there.

WITNESS. And if you compare the prices you will see the difference in the prices paid for Army beef and Indian beef.

By Mr. HARRIS:

Q. When your beef is furnished on the block you give about  $6\frac{1}{2}$  cents for it, but you reject the necks and shanks?

A. Yes, sir; necks, and from 4 to 8 inches on the shanks.

Q. And in paying for the beef you pay only what you receive?

A. That is all.

Q. And you require the animal to weigh so much?

A. Yes, sir.

Q. Estimating the beef by the known weight of the animal after it is killed?

A. We allow one-half shrinkage.

Q. If you were going to buy cattle on the hoof for a march, for an expedition, how would you buy them?

A. The contractor agrees to furnish whatever cattle we want, on the hoof or on the block, and the price is fixed for each contract, so much gross and so much on the block, and part of them are weighed, and some experts, usually a board of Army officers, are appointed to inspect the cattle to see whether they are up to the contract; whether they are in proper condition as to flesh, and of the proper size, and to weigh a fair number of average size and estimate the average weight of the herd by that number.

Q. And you require that the cattle shall not drink within twelve hours before that time?

A. Yes, sir. I think that is the provision.

Mr. HARRIS. I saw the contract last night in the hands of Mr. Kelly.

WITNESS. There is another thing in connection with beef that is important: the smaller the animal you kill the greater is the difference between the gross weight and the net weight, and that is one reason why we require steers of about 1,000 pounds, because they will come to the block with a greater percentage of beef than smaller animals. If you buy a herd of light-weight small animals you will get a less percentage of meat than if you buy a herd of larger animals; so it is to the interest of all people buying cattle to buy them large.

Q. It is claimed here by the contractors that it is to their interest to furnish large cattle. Do you understand that to be so?

A. Yes, sir. There is a saving in the handling, in killing, in issuing, if in nothing else.

Q. That is upon the presumption that they get paid only for their weight?

A. Yes, sir; and they make more money on the offal, on the tallow and hide. Hides sell by weight as well as tallow.

Q. I want to ask whether or not, since you have been in command of the post, if any considerable amount of transportation for Red Cloud agency has passed through or near Fort Laramie?

A. Only a small number of teams pass through here, and then only during the season of high water in the Platte, when the ferry here was the only means of crossing the Platte, some six or eight weeks; that is, in June and July. It may have commenced this year in April. I call the distance ninety miles from Cheyenne to this place, but I think the Army contractor estimates it at a little more. It is one hundred and sixty-three miles from Cheyenne to Red Cloud agency by the way of Fort Laramie, according to my estimate; but the next man may estimate it differently. This whole road has been measured by the odometer, and you will find, I think, at Camp Robinson, near Red Cloud agency, the odometer measurements; but the odometer is a very unreliable instrument. You can scarcely get the same distance unless it is measured three or four times. It varies sometimes six or eight miles in a hundred.

By Mr. FAULKNER:

Q. Your attention has been called upon more than one occasion to the condition of the Indians in their destitution of supplies. Did your observation or conversation with the Indians, or anything else, enable you to form any opinion as to what was the source of this evil, of this destitution; whether it sprung from the inattention of the Indian agent or of the contractor for transportation, or the want of appropriations by Congress? Can you give us any idea, as far as your observation extended, as to the source of the evil? It seems to be a great one.

A. It arises frequently, I think, from the failure of the contractor to get this supplies at the agency in time. I mean the freight contractor. There may be very reasonable excuses at times, such as bad weather, for instance, which he could not foresee, and which would prevent his reaching his destination on time. I think that is a frequent source of the trouble in the lack of supplies. I don't know anything about what the appropriations are for these different bands of Indians. Therefore I don't know whether the Government is blamable for any deficiency except in the matter of enforcing contracts. If we make a contract for the Army and the contractor fails to fulfill it, we hold him responsible. The Indian is not treated as white men are treated.

By Mr. ATHERTON:

Q. Have you had any difficulty on account of the failure to deliver supplies to the Army?

A. Very rarely. I have known such failures, but they are very few indeed. There is another thing that accounts for the Indians being short of supplies: The Indian is a very improvident fellow, and if you furnish him with ten days' supplies to-day, he very often will not have a mouthful at the end of five days. He does not take care of his property. An Indian may be hungry though you feed him well, for he will eat five days' supplies in three; but that does not account for all the deficiency, although I think the Indians are learning, by this system of being fed by the Government and by intercourse with the white men, to apportion their food to the number of days. I don't think that evil is as great as it was formerly.

Q. You saw that specimen of tobacco that has been mentioned. I

don't now speak of the quality of that particular article of tobacco; but is it your opinion that that general kind of tobacco is the proper kind to be distributed among the Indians for smoking purposes?

A. No, sir; it is not such tobacco as we would use for smoking and as the Indian uses it entirely for smoking, I think that kind of article is a bad selection, conceding it to be sound.

Q. I would like to ask you whether it frequently becomes necessary for you to consult with the officers of the Indian Department in your district with regard to the management of Indian affairs?

A. No, sir; we never do it.

Q. Can you give us copies of those communications of Spotted Tail that you spoke of, if they should be desired?

A. I cannot say now whether I can or not, for I may not have preserved them. I will see, and if I can find them, I will hand them to you when you come back.

By Mr. FAULKNER :

Q. General, does your experience enable you to suggest any check that might be imposed upon the present system at the agency, by which more certainty could be obtained in the distribution of those annuity goods, and supplies? It seems they are distributed now without any check upon the agent, so far as I can see, except his own honesty and integrity.

A. Yes, sir, I think decidedly that you need a system that will provide for close watching and better management. Where there are several thousand people to be fed, large amounts of goods to be issued to these people, blankets and clothing of all sorts, it involves a great deal of money, and as a business operation there should be somebody to see if that property is delivered at the proper time, and if it is not delivered, that the contractor is held responsible in money for the failure, and when issued, that they should be issued on a system that would provide for the checks that you would apply to any other business—such as a bank or any other business. No one man in the Army, no one man in a bank, no one man in a railroad company, has the handling and disbursing and accounting for half a million dollars without any check. There is more than one man concerned in that operation from first to last, and responsible, so that if one man makes a mistake or an improper use of the money, there is some one who would know it besides himself.

By Mr. HARRIS :

Q. Can you state the distance, by the usually traveled road for freighters, between Cheyenne and Red Cloud agency?

A. Yes, sir. The road was measured by an Army officer last winter. It is eighty miles from Cheyenne to the crossing at Janis's ranch, thirty miles below here. The survey was discontinued then on account of the extremely cold weather; but you can ascertain the distance from Janis's ranch to Red Cloud agency. It is commonly called seventy-five miles. Janis's ranch is at the old Red Cloud agency.

Q. It is further from that crossing than it is from here to Red Cloud?

A. I think it is. The Platte River makes a great deal of southing for the easting, so that the further you go in that direction the further is the line.

Q. But not exceeding one hundred and fifty-five miles, according to your estimate?

A. I think not.

RED CLOUD AGENCY, NEBRASKA,  
*Monday, August 9, 1875.*

Present: Hon. THOMAS C. FLETCHER, chairman, Prof. GEORGE W. ATHERTON, Hon. B. W. HARRIS, and Hon. CHARLES J. FAULKNER.

TESTIMONY OF WILLIAM ROWLAND.

By the CHAIRMAN:

Question. Of what part of the country are you a native, Mr. Rowland?

Answer. I am a native of the State of Missouri.

Q. How long have you been in the Indian country?

A. Since 1849.

Q. What tribe of Indians have you been chiefly with during that time?

A. The Cheyennes and Sioux.

Q. How long have you been in the vicinity of the Red Cloud agency?

A. I have been here since it was first started. I came here two months after Dr. Saville came here. I forget exactly the day of the month I came here; it was about the 1st of October.

Q. Have you been in this vicinity pretty much ever since?

A. Ever since; and I have been employed here more or less during that time.

Q. You are interpreter for the Cheyennes, are you not?

A. Yes, sir.

Q. Do you understand the Sioux language?

A. I understand the Sioux pretty well, sir.

Q. Were you here in November, 1874, the time that Professor Marsh was here?

A. Yes, sir.

Q. Were you present at the issue of beef about the 8th or 14th of November, 1874?

A. Yes, sir; I have been at every beef-issue; I guess I have not missed one since I have been here. It is part of my business to be here to interpret for the Indians in receiving their beef.

Q. As you have seen all these issues of beef, generally, were the cattle issued at that time of similar quality to those issued before and since?

A. Well, yes; I don't think the way the beef has run, as a general thing, (except about two issues last winter, during that cold weather, when it was a little thin and poor,) that they have been any different. Most of the time we have had what we call good beef here.

Q. Do they weigh the beeves?

A. Yes, sir.

Q. All of them?

A. Yes, sir; every head.

Q. Well, the beeves that have usually been delivered, would they always average about the same weight?

A. Well, yes; I think they would vary very little.

Q. Were they exclusively steers, or were there some cows among them?

A. Some cows mixed with the steers; I cannot say how they would run—what proportion there were of cows to steers; I never paid any attention to that.

Q. You could not say whether there would be more steers than cows?

A. I think, perhaps, there would be sometimes more steers and some-



times more cows; they would vary in different issues. There was a part of the time last winter when we had almost all steers.

Q. Were any of those beeves that you saw issued at that time, or at other times, yearlings and two-year-olds?

A. They used to bring in some small yearlings, but they did not issue them as beef. I believe Mr. Bosler threw them in.

Q. By throwing them in, you mean just threw them in without weighing them, or making any charge for them?

A. Yes, sir.

Q. The manner of weighing those beeves, as I understand, is to drive the cattle through from one corral to another, and between those two corrals are the scales, and there they are weighed?

A. Yes, sir.

Q. In passing through from one corral to another, if there were any yearlings, would not they go on the scales and be weighed too?

A. Yes, sir; I have heard the clerk speak of deducting the weight of the yearlings; at least that is the way I understood it. They were not considered beef.

Q. Do you remember anything of a circumstance, about November or December, of some seven head of cattle being left over and issued to the Indians?

A. Yes, sir; there were six or eight here; they were taken out of the herd, and I guess those were very thin cattle—too poor to issue; and I think they sent them up to the herd. I don't know in fact what they did with them. It was the time that Professor Marsh was here.

Q. After the cattle are turned over by the contractor to the agent they are not all immediately issued, but some are sent to the herd-camp for future issues?

A. Yes, sir; they have some on hand most of the time—more or less; sometimes enough for two or three issues; at another time there will be just a small quantity left over the last.

Q. Have you ever weighed any of this beef yourself, or seen it weighed?

A. I never weighed a hoof of it myself.

Q. And never saw it weighed so that you knew the weight; saw the figures?

A. No, sir.

Q. So that you could not say what would be the weight of the cattle?

A. I could not, sir.

By Mr. ATHERTON:

Q. Who does weigh them?

A. Mr. Gibbons, the clerk, most of the time.

By Mr. HARRIS:

Q. I understood you to say that all the cattle are weighed?

A. Yes, sir; they are all weighed.

By the CHAIRMAN:

Q. Do you remember of noticing during last fall anything of the quality of the flour that was issued to the Indians at this agency?

A. Yes, sir; last fall, when Mr. Bevier came here, I went through the commissary with him, and examined the flour and everything that was in the commissary. I forget exactly what time that was. We examined the flour, and found most of it to be pretty fair flour; there were some sacks in which the flour was a little dark. When Professor Marsh was

here I do not remember; I could not say exactly, what kind of flour was here, I do not remember noticing it at all.

Q. Do you remember at any time during last fall or winter of seeing, in the Indians' tepees, or in the commissary, or anywhere about here, any flour that struck you as being of any particular mark or grade, either good or bad?

A. No, sir; I remember at one time there was some flour fetched here that got wet crossing the Platte; the driver said so.

Q. Do you remember what time that was?

A. Last fall.

Q. During last fall and winter and last spring did you hear any talking among the Indians, Cheyennes, or Sioux, or any of the others—did you hear them grumbling about the quality of the flour?

A. I never did, sir. All I heard them grumbling about was not getting enough.

Q. Do you see and talk to the Indians generally a good deal about the agency?

A. O yes, sir; every day, more or less.

Q. Did you ever hear them complain to any one about the quality of the coffee?

A. I heard them grumbling about the sugar—the brown sugar; they would rather have white sugar. I never heard them grumble about the coffee.

Q. Did you ever hear them talking about the tobacco?

A. Yes, sir; I heard them speaking often about the tobacco. As a general thing they do not like the kind of tobacco they get here. They say it is not good for anything; that they cannot smoke it.

Q. Your long acquaintance with the Indians enables you to judge what use the Indian makes of tobacco?

A. Smoking, as a general thing; very few of them chew it. But there has been some good tobacco; there have been all kinds. One kind would not do to smoke very well, for it was too wet. [Sample of the tobacco shown.] That is the kind I speak of—short plug; it is very damp tobacco and not good for smoking; but the long plug is good. It is the kind of tobacco we used to get from the traders, in the early days, to smoke.

Q. Do the Indians generally use flour a great deal?

A. They are getting to use it a great deal. They use as much again now as they did three years ago; three years ago they had not got used to eating bread; but now their children and families are getting, like the whites, to use bread all the while.

Q. Formerly they lived chiefly on meat?

A. Yes, sir; when we came to this country you would not see a piece of bread among them once a year.

By Mr. FAULKNER:

Q. Of neither corn nor wheat?

A. No, sir.

By the CHAIRMAN:

Q. How do they use corn?

A. They boil it up and make this old-fashioned lye-hominy; what they call in the East hulled corn.

Q. Among the Indians, after the last issue of annuity-goods, did you observe any difficulty with their blankets on account of the marks that were on them; any holes in the blankets where they were branded?

A. Yes; those that the Sioux got, where the letters were, there came

holes in in a short time. The Indians said to me, those blankets had been burned with a hot iron as they brand a Government mule, and that was the reason for the holes. I helped to issue them, and they appeared to be sound.

Q. Do you recollect how many bales of blankets were issued at that time?

A. No, sir; I do not. Perhaps I knew at the time, but I have forgotten now.

Q. Do you remember whether all the annuity-goods for that year were issued at one time or not?

A. They were all issued at one time except a big box of axes and a small box of hardware, (I forget just what the articles were.) They were not here when the other things were issued, but they got them soon afterward.

Q. Have you at any time heard complaints among the Indians of Agent Saville?

A. Well, some of them; yes. I have heard some of them talking about him, the same as they talk about every man. Some of them speak well of him and others speak bad of him.

Q. Those who speak bad of him, what do they say?

A. They thought he was not trying to assist them, and others thought he was a rascal; and that is the way they speak of all the agents.

Q. Do you say that it is usual among the Indians to complain of their agents?

A. Yes, sir; an Indian to-day may get mad, and he will sit down and give the agent a terrible raking, and come back to-morrow and talk the other way. But take the Cheyennes and Arapahoes, and, as a general thing, I think they all like Dr. Saville very well; that is, all the headmen.

Q. Is there, among the Cheyennes here, so far as you can observe, any division into parties, adhering to different leaders?

A. O, yes; now there are two or three different parties right here. There is Red Cloud, he has a party of his own. Then there is this man they call Little Wound, of the Cut-off band, and four or five different parties. There is Red Leaf, of the Wahashaws. Those are the three principal ones.

Q. Well, what are the causes of difference among them, the questions that divide them?

A. There have always been different bands since I have been in this country, and each band has its chief. At the same time, Red Cloud has been recognized here as the general chief; but he has not much more power, so far as that is concerned, than the rest of them outside of his small band, nor as much as some other headmen.

Q. Have you anything like a correct idea of the number of Cheyennes who get subsistence at this agency?

A. Yes, sir; there are at present here about one hundred lodges—just one hundred families.

Q. Are there others who are absent from here who occasionally come here?

A. Out north there must be about one hundred and forty lodges more.

Q. They come in here occasionally to get their goods?

A. Yes, sir.

Q. Are there any portions of the Cheyennes that you know of who are generally absent from here, but who occasionally come here, only in the winter, to get rations?

A. No, sir.

Q. They report regularly here—all the Cheyennes ?

A. Yes, sir.

Q. There are some of the Northern Sioux that you think have never been here at all ?

A. Yes, sir.

Q. Then there are others who have come here occasionally ?

A. Yes, sir.

By Mr. FAULKNER :

Q. How many Indians do you calculate to a lodge ?

A. This spring I think they averaged about eight to a lodge.

By Mr. ATHERTON :

Q. The Sioux or Cheyennes ?

A. The Cheyennes.

Mr. HARRIS. That would be about nineteen hundred, or a little less than two thousand of them.

Mr. ATHERTON. That is what I have it, nineteen hundred and twenty.

By the CHAIRMAN :

Q. Since you have been at the agency, have there been times when the supplies or the annuity-goods were delayed on their way here ?

A. Not annuity-goods, that I remember ; but last winter, during the very cold weather, the agent was out of supplies.

Q. Do you know anything of why that was ?

A. I understood that the freighters lost their cattle ; the snow was so severe that they lost their cattle.

By Mr. ATHERTON :

Q. How did you get the information ?

A. I went into Cheyenne myself, and saw a good many freighters—some of them on the way and some of them at Cheyenne. There were a couple of trains that got caught over here on Snake Creek, and they lost their cattle, and the men got frozen.

Q. Do you remember of seeing any pork issued to the Indians here last fall ?

A. Yes, sir ; they issued pork here last winter.

Q. That, I believe, was something unprecedented ; they had not issued pork before ?

A. No, sir ; that was the first pork they issued.

Q. How did the Indians like the pork ?

A. They did not like it at all.

Q. Did you notice what the character of the pork was, whether it was good, sweet pork or not ?

A. The first lot of pork we had here was very good pork, about as good as I ever saw.

By Mr. HARRIS :

Q. What was the character of it ?

A. It was mess-pork ; the second lot was of no account at all ; it was small hogs chopped up and thrown in.

Q. Was the quality of the pork bad, or was it simply spoiled ?

A. Some of it was spoiled ; some of it smelled bad when you opened the barrel. The quality was bad. The brine leaked out of the barrel, and it was dry.

Q. And it seemed to be the thin part of middlings and a portion of the shoulder ?

A. It was the whole hog chopped up into small pieces—shoulders sides, hams, and all. It looked like small pigs. The Indians used to throw it away; you could gather up wagon-loads where the Indians threw it out on the prairie.

Q. Were there regular issues of beef made at the same time that those issues of pork were made?

A. Yes, sir.

Q. So that at the same time the Indian got an issue of pork he also got an issue of beef?

A. Yes, sir; they issued rations like—to-day pork, and to-morrow beef.

Q. They issued the pork as rations as they now issue the bacon that we see?

A. Yes, sir.

By Mr. ATHERTON :

Q. Was there at any time last winter any suffering among the Indians on account of the shortness of supplies?

A. I think last winter, sir, there was a time when there were probably some of them suffering. I am pretty sure there were.

Q. Did you know any such case directly?

A. No, sir; I did not see any; I only know what they used to tell me.

Q. Did you hear of any cases of starvation?

A. O, no, sir; there was nothing like that at all; nothing anywhere near starvation, because they had beef most all that time, and they had been raised on beef. There was a short time when they were out of flour and sugar and coffee and pork.

By the CHAIRMAN :

Q. Does the Indian use sugar in his coffee as we do?

A. They use a great deal more than the whites; more sugar and less coffee.

By Mr. FAULKNER :

Q. Mr. Rowland, have you any particular and special recollection of the issue of that beef on the 14th of November, when Professor Marsh was here?

A. No, sir; I did not pay any more particular attention to that than to any other.

Q. Does your memory enable you to state whether there was anything particularly marking that distribution; whether the cattle were inferior to those of the ordinary issues, or whether they came up to the ordinary standard?

A. I think there was very little difference, so far as I can remember. There were two issues here when the cattle were very thin. I am sure both of these issues were after Professor Marsh was here. That was during that very severe cold weather last winter.

By the CHAIRMAN :

Q. Do you know anything of the Indians selling any of their flour to the traders?

A. They sold flour to the freighters who came here last year.

By Mr. FAULKNER :

Q. Mr. Rowland, you say that, in the discharge of your duty as an interpreter, you were required to be present at the weighing of the beef?

A. Yes, sir; I was there at every issue.

Q. Well, have you ever noticed any parties designing to conceal from anybody the weighing of the cattle ?

A. No, sir ; not at all.

Q. Was it a matter of publicity ?

A. Yes, sir.

Q. Were anybody and everybody permitted to be present ?

A. Yes, sir.

Q. Were the Indian chiefs present ?

A. Yes, sir.

Q. Did they exercise anything like supervision to see whether the cattle were fairly weighed ?

A. No, sir ; they have two or three times said something in a joking way. Red Cloud would ask Mr. Gibbons or some of the clerks if they were weighing right, or something of that kind. I never saw anything concealed about the matter ; it was always a public thing.

Q. When the Indians kill these beeves, do they use the greater portion of the meat, or do they waste any of it ?

A. Sometimes I have seen them leave some of it on the ground, such as the bony parts, the hips and back bones, and legs.

Q. You say you were present at the distribution of the blankets on the 14th of November, 1874, and you say you do not recollect the precise number distributed ?

A. No, sir ; I do not.

Q. Have you any recollection whether the distribution was very large or very small, or whether its character was such as to attract any attention to it ?

A. It was neither large nor small.

Q. Was there the usual amount distributed at that time ?

A. Well, I hardly think there was as much then as there was the year before, but I would not say positively.

Q. Could you from your recollection now of the amount of blankets—the number of bales then issued—form any opinion whether that issue amounted to eighteen or thirty-five bales, or whether it was between those numbers ?

A. No, sir ; I could not, because I do not remember, and I would not like to make any guess-work about it.

By Mr. ATHERTON :

Q. What was the size of the blankets that were issued ?

A. Different sizes. Those blankets were all marked with points from one up to three.

Q. Do you remember whether the proportion of one size to another was in any way unusual ?

A. No, sir ; I do not.

Q. You don't know whether there were more large blankets issued than small ?

A. I think, if either, there were more large. In fact, I heard a great many speaking about their children—speaking of their not getting many small blankets ?

By Mr. FAULKNER :

Q. You say you occasionally heard the Indians speak harshly of Dr. Saville ?

A. Yes, sir.

Q. Have you ever heard him charged with any act of concealment, dishonesty, fraud, or any specific act of impropriety ?

A. I heard the Indians tell him that they thought he was a thief.

Q. Have they ever charged him with any specific act of thievishness or dishonesty?

A. No, sir; not through me.

Q. I mean have you ever heard them make such statements?

A. No, sir; I heard them make such a remark as that, that they thought he was a thief, and accused him of stealing.

By Mr. HARRIS:

Q. Do you mean to say they said so through you?

A. I only heard them call him a thief.

By Mr. FAULKNER:

Q. Have you ever, in your intercourse with them, heard any complaints on their part that looked to any particular act of thievishness or dishonesty in him?

A. No, sir; I have not; that is a common thing with the Indians, to call a white man a thief—any one that has got any business with them.

Q. Then, according to your idea, when they called him a thief they merely meant to express some general disapprobation of his conduct, and not to charge him with any specific act of dishonesty?

A. Yes, sir.

Q. What significance do the Indians attach to the word thief when they use it in that way?

A. Well, sir; they call one another thieves and rascals. When they think a man is a bad man they call him a thief or something like that.

By Mr. HARRIS:

Q. I merely want to ask, in this case, if you remember what provocation they had at the time for calling him a thief? What was the occasion? What was it about?

A. Well, I think it was in regard to issuing rations. The rations perhaps were a little short. There have been times when the provisions were short, and there would not be enough to issue full rations, and they would have to issue half rations to make them go around.

By Mr. ATHERTON:

Q. Would not that indicate that they meant to say that he had stolen part of their rations?

A. Yes, sir.

By Mr. HARRIS:

Q. Now, you say that you know the freighters have been accustomed to buy flour from the Indians?

A. Yes, sir.

Q. Have you known them to buy any other supplies?

A. I have not seen them do it; I suppose they bought corn.

Q. Any bacon?

A. Not much bacon, I think.

Q. To what extent, as far as your observation and knowledge go, are they accustomed to sell flour and corn to freighters?

A. In 1873 and 1874 there was considerable sold.

Q. Did the freighters make a practice of buying their supplies at this end of the line, rather than at the other, because they could buy them cheaper?

A. I presume they did; they could buy a sack of flour of an Indian for a dollar—a sack of a hundred pounds.

By the CHAIRMAN:

Q. Did you ever know of any flour being issued in less than 100-pound sacks?

A. No, sir.

By Mr. HARRIS:

Q. Have you known those freighters to take away loads of flour to sell at the other end?

A. I have seen some, and I have been informed of a great many different times when they took away quite a lot.

Q. Were those McCann's freighters?

A. Yes, sir; the man that freights to this agency. I suppose it is McCann.

Q. Do you know of whom those freighters had bought the flour?

A. No, sir; I could not say.

Q. Have you known either of the traders here to buy flour from the Indians?

A. I never saw either of them do it.

Q. Have you any information that they did?

A. I never saw them buy any, and never heard that they bought any.

Q. Is it your impression that this trade has been directly between the freighters and the Indians?

A. Yes, sir.

Q. Have the white men who live among the Indians, and have married Indian women, been engaged in that business?

A. I think one of them would buy a sack for his family if he wanted some.

Q. I mean, would he buy some to accumulate and to sell again?

A. There may be some cases of that kind, but I think not.

By Mr. ATHERTON:

Q. Did they go round and pick up sack by sack at different lodges until they got as much as they wanted?

A. Yes, sir.

By Mr. HARRIS:

Q. Do you know Bob Randall, or Todd Randall?

A. Yes, sir.

Q. Do you know that he sold any directly to the freighters to be shipped away by the wagon-load?

A. No, sir.

By the CHAIRMAN:

Q. Do you know what he did with his flour? Did he haul it away?

A. I think he used to feed it to his mules; he had a mule-train here.

By Mr. HARRIS:

Q. Did you ever know of his carrying away 150 sacks at a time?

A. No, sir.

Q. Did you ever know him to turn in any flour which he had bought of the Indians instead of flour which he had to freight?

A. No, sir; I did not.

Q. You think this business was carried on to a considerable extent, do you?

A. Yes, sir.

Q. Extending to thousands of sacks?

A. Probably over a thousand sacks, anyway, were sent away from here—corn and flour.



Q. Now, I want to go back to the pork. You say that some of the pork which came here was nice, clear pork ?

A. Yes, sir ; the first lot of pork was very nice pork.

Q. Do you mean by that clear pork ?

A. Yes, sir.

Q. Did the Indians like that ?

A. They did not like that as well as they liked bacon, but it was very good pork.

Q. The second lot of pork was composed of small hogs, very lean, cut right through, hams and all ?

A. The whole hog cut up, as I would think from the looks of the bones ; the whole hog chopped up.

Q. Did you see any heads or feet ?

A. No, sir.

Q. You say some of it smelled bad ?

A. Yes, sir.

Q. Utterly ruined ?

A. Yes, sir.

Q. Did the Indians make use of any part of it ?

A. Some parts of it ; they used to take what little fat there was, and the balance they threw away.

Q. Was there any pork there so bad that no part of it was fit to eat ?

A. No, I believe white men would have eaten it—boiled it ; but it was of no account to an Indian, because he don't know how to use it ; and there was very little grease in it.

Q. After that bad pork came here, you say the last was better than that ?

A. The last was pretty fair pork ; part of the last was pretty fair pork, but it was mixed.

Q. You say of the second lot that it was utterly unfit to give to Indians ?

A. Yes ; it was utterly waste—of no account at all.

By Mr. ATHERTON :

Q. I understood you to say there was some of it that was not fit for anybody to eat ?

A. Yes, sir ; a few barrels that the brine leaked out of. The Indians said it all stunk.

Q. Did they throw away any part of the first issue of pork ?

A. No, sir ; I don't think so. If they did, I never saw it.

By Mr. HARRIS :

Q. Do you know whether that bad pork was around here when Professor Marsh was here ?

A. Yes, sir ; I think it was.

Q. And what Professor Marsh says of it, that some of it was thrown upon the ground and was old and strong and rusty, and unfit for human food, was true, was it not ?

A. Yes, sir ; I think he saw some of it.

Q. Now, will you tell us, in your own way, the mode of weighing cattle ? Give the commissioners a description of the process, so that we can fully understand it.

A. They have two corrals, something similar to these rooms, with a division between them, and have scales in the middle division, just like where that door is, [pointing to the door between the rooms,] with a framework over them. The platform of the scales will hold eight or ten head of cattle. There is a gate at either end of the inclosure where the scales

are. The cattle are driven through the first gate on to the platform, and that gate is closed; then they are on the platform and are weighed; and as soon as they are weighed the man who stands at the other gate opens it and they pass out into the other corral.

Q. When they are weighed, who weighs them; who takes the weight?

A. The chief clerk is generally the man who weighs them.

Q. Does he announce the weight?

A. No, sir; he does not.

Q. Do they drive on to the scales ordinarily all kinds, including calves, cows, and small cattle?

A. Yes, sir; mixed.

Q. What should you judge to be the weight of the smallest cattle weighed there during last year?

A. Well, sir, I am a poor judge of the weight of beef-cattle. I never weighed one in my life. It was very seldom there were any two-year-olds, only a very few; seldom any less than three-year-olds.

Q. Were there any large cattle among them?

A. Yes, sir.

Q. And some small ones?

A. Large and small—the different sizes—such as you would find in any ordinary herd of Texas cattle.

By Mr. ATHERTON:

Q. What is your understanding of the term "beef," when you speak among yourselves of beef—of beef-cattle?

A. We speak of "beef" here among ourselves as beef butchered, and of "beef-cattle" as cattle on the hoof.

Q. Do you have any standard by which you estimate what a beef-animal is, whether it is a cow or a yearling; a four-year-old, or a three-year-old, &c.?

A. A beef-animal, wherever I have been, is an ox, four, five, six, seven, or eight years old. Everything above a calf is called a beef.

By Mr. FAULKNER:

Q. Have you ever known a circumstance, or have you ever had satisfactory information of a circumstance, where any of the Government goods brought here for distribution have been otherwise disposed of than in the regular course of distribution to the Indians?

A. No, sir, I have not; not a particle—not a pound or a dollar's worth of anything.

Q. By whom are you paid for your services?

A. I am paid here by the agent.

Q. Are you in the employ of the agent?

A. Yes, sir.

Q. As an interpreter do you not get a salary from the Government independent of any compensation that the agent gives you?

A. No, sir.

By Mr. HARRIS:

Q. Are you boarded at the agency?

A. Yes, sir.

Q. So that your pay includes board and salary?

A. Yes, sir.

Q. Have you the entire confidence of the Cheyennes?

A. Yes, sir, pretty much. What way do you mean?

Q. Do you consider it at all your duty to see that the Cheyennes receive what belongs to them?

A. O, yes; they look to me to help them in that way; they have no one else. I am the only man who can talk their language.

Q. Do they ever complain to you?

A. Yes, sir, very often. If things don't go just to suit them, they turn round and give me a raking.

By Mr. FAULKNER:

Q. Do they regard you as a friend and protector?

A. Yes, sir.

By Mr. HARRIS:

Q. Do you regard yourself in that light?

A. Yes, sir. I have been amongst them a great while. In fact, I have raised a family of children by one of their women.

Q. Then you are married to one of their tribe?

A. Yes, sir.

By the CHAIRMAN:

Q. And you feel an interest in looking after their welfare?

A. Yes, sir.

By Mr. HARRIS:

Q. Does your family draw rations the same as the Indians?

A. Yes, sir.

Q. And you do not draw rations yourself?

A. No, sir. I board here at the agency.

Q. How far from here do you keep your family?

A. About three hundred yards.

Q. Do you have coffee in your family from the supply furnished to the agency?

A. Yes, sir.

Q. Will you look at that, [sample of coffee shown,] and tell me how it compares with coffee issued to your family during the year 1874 and thus far during the present year?

A. Some of our coffee varied; some was fully as good as that. We had some that was not as good. Perhaps the coffee we had in 1873 was not as good as this; it was more like damaged coffee; it had a great deal more of these black grains in it—nearly one-third of it.

Q. Was the coffee which was supplied to the agency in the years 1874 and 1875 equal or inferior to the coffee now shown you?

A. I think some of it was as good and some not as good.

Q. Do you consider this as good as any you received?

A. Yes, sir; I think it is.

Q. So that is a specimen of the best coffee you had here?

A. As a general thing the 1875 coffee was as good as that specimen. I have some of it in my house now.

Q. Have you any that is worse than that in your house?

A. No, sir.

By the CHAIRMAN:

Q. What was the quality of the coffee that was issued here during last fall and winter and spring?

A. This last fall I don't think the coffee we got was quite as good as that.

Q. Was it ordinarily good coffee?

A. Yes, sir; I never heard the Indians grumbling about the coffee at all. They simply said they would prefer white sugar instead of brown.

By Mr. HARRIS :

Q. What do you understand by "white sugar?"

A. What you call "Government crushed," pure white.

Q. Have they ever had any of it distributed to them?

A. No, sir; but they say that is the kind they see the whites use when they go to see the Great Father in Washington, and they would like to have that kind issued to them.

Q. How does the sugar which is now being issued at the agency which you have seen compare with the sugar which you received during the years 1874 and 1875?

A. During the years 1874 and 1875 we received two different kinds of sugar here.

Q. How does this compare with the best? [Sample of sugar shown.]

A. Some was similar to this and some was a good deal lighter in color.

By the CHAIRMAN :

Q. Was any of it wet and heavy that you saw?

A. Yes, sir; some brown sugar something like this was wet; it got damaged; it was about like this.

By Mr. HARRIS :

Q. Won't you look in the barrel in the other room in which there is quite a quantity, and tell us how that compares with the darkest sugar you received?

A. [After looking.] That is some of the same sugar.

By Mr. FAULKNER :

Q. I am not entirely satisfied upon one point. You say you are paid by the agent; does not that pay come out of the appropriation made by Congress?

A. Certainly. I misunderstood you. I am paid by the Government through the agent.

By the CHAIRMAN :

Q. You have often been to Cheyenne?

A. Yes, sir.

Q. Have you been to Cheyenne over the different routes—the one they haul the freight over and the one by the way of Fort Laramie, and the mail-route?

A. Yes, sir. I have been over the whole three of them.

Q. On horseback?

A. Yes, sir; horseback and wagon.

Q. Well, what do you men who travel on these routes estimate the distance by the usual traveled road over which they haul freight from Cheyenne to this place?

A. We used to call it, before it was measured, one hundred and sixty miles, by the way they haul freight.

Q. Have you been from here to Sidney?

A. No. I have never been on the road to Sidney since they made that road, although I was here when the road was made.

By Mr. HARRIS :

Q. Who made it?

A. It was only made through here this year; it was just tracked through there a year ago. We make a road in this country by taking a wagon and making a track, and following it up; there is no work done on it.

By the CHAIRMAN :

Q. Have you talked with the men who have hauled freight from Sidney here ?

A. Yes, sir ; I have spoken to a great many of them. There is a difference of opinion among them. Some say they would rather haul from Cheyenne, and others say they would rather haul from Sidney ; but I have never been over the Sidney road myself. So far as the distance is concerned, I don't think myself there is a difference of five miles.

Q. And you are not prepared to say as to which is the better road ?

A. No, sir. I have never been over the road. I have been through the country there before there was any road tracked out, but I could not say what kind of a wagon-road it is.

Q. What is the general feeling and disposition toward the military among the Indians that you have talked and are acquainted with ? What is their general feeling toward the soldiers here ? Do they feel kindly toward them ?

A. They don't want them. They don't feel as if they wanted them in their country. They don't want anything to do with them.

Q. Those Indians told us this morning that if they received ten days' rations at one time they will last them only seven days, and if they receive seven days' rations they will last them only four days. How is that ? Do you know ?

A. I will explain to you how that is. Indians when they get their rations don't do like white people. They don't take them home to their houses and store them. They take them right in and commence making feasts, and as long as they have anything to eat they cook it and call their friends in from one lodge to another and eat until it is all gone. They have no forethought. They don't save for to-morrow.

By Mr. FAULKNER :

Q. Would not that difficulty be obviated by giving them a larger quantity ?

A. No, sir ; it would make it worse. The more they get, the more they cook, and the more they will waste.

Q. The custom among them is, as I understand it, that no particular family keeps its rations for itself alone, but so long as they have anything to eat it must be given to any one who comes in and wants it ?

A. Yes, sir ; they must cook and give him something to eat as long as they have anything. Perhaps the man they are cooking for has eaten twenty times that day.

Q. That is a universal custom among all the Indians ?

A. Yes, sir.

Q. So that what they have is in common, to be partaken of by any one who comes along ?

A. Yes, sir ; as long as it lasts.

Q. I don't think you understood the other question that I asked you. Considering those very habits you ascribe to the Indian, would it not be more expedient to distribute the rations every week than every ten days ?

A. Yes, sir ; I misunderstood you. The oftener the distribution, the less liable they are to waste. They would waste less by receiving rations every seven days than every ten days.

By Mr. HARRIS :

Q. What do you know about intoxicating liquors having been sold here to the Indians ?

A. Well, there has been very little of that done at this agency. Of course, now and then a case of that kind happens; but it is all over before any one knows anything about it. There have been some Mexicans up here who would slip into camp with a keg of whisky and trade it off and be gone. Of course the Indian won't tell you where he got the whisky.

Q. Have you known any of the employés about the agency to be intoxicated on any occasion?

A. No, sir; there is a rule to discharge any one that is drunk. They discharged two or three a few days before you came here.

Q. Then you have trouble of that kind here?

A. O, yes; they will have it. I think they get the most of it here at the fort—at the military post. I don't think there is much whisky comes directly here to the agency.

Q. Have the traders been in the habit of trading it out here?

A. No, sir.

Q. Will you tell us with regard to the habit of seduction of Indian women; whether that has been practiced or attempted by anybody about here?

A. A great many men come here, such as loafers and men coming in here, who try to get hold of a woman to keep her for the purpose of getting rations and living here.

Q. How is it with the Indian women as a rule—take females of the Sioux Nation; are they ordinarily chaste, what you would call virtuous, according to their mode of life and ideas of virtue?

A. Yes, sir; it is considered all right for a man to have as many wives as he can support.

Q. Are the women inclined to be loose in their habits before marriage?

A. No, sir; there is very little of that among them.

Q. How is it with the young females that come round here; are they liable to fall into the hands of bad men?

A. O, yes; they will do it; those that come around and hang round.

Q. Have you known of any person employed about the agency to be guilty of anything of that sort?

A. No, sir; none of the employés.

Q. Have any been discharged for that reason?

A. No, sir; I don't remember of any; there might have been; but I don't remember.

Q. Have you ever heard Red Cloud or any of the chiefs complain of white men seducing members of their families?

A. No, sir; but I heard them complain of white men marrying Indian girls, and living a while with them, and then going away and leaving them, and, perhaps, leaving a child.

Q. That is done for the purpose of drawing rations at the agency?

Q. It has been done; but I don't think it is done much at the present time.

By Mr. ATHERTON:

Q. You speak of the Indians feeling obliged to feed each other so long as they have anything to eat. Have they any means among themselves of preventing persons who are lazy from living on them in that way? That is, persons who do not contribute any; persons who are lazy.

A. No, sir; what you call a lazy man they don't know anything about.

By Mr. HARRIS :

Q. They are all lazy, you think ?

A. Yes, sir ; they are.

By Mr. ATHERTON :

Q. Again, when you say they hold everything in common, you do not mean by that, as I understand, that each family considers what it owns is equally the possession of the others ?

A. O, no ; they use it up among one another.

Q. When you say they hold all things in common, you mean they hold themselves bound to exercise a constant hospitality ?

A. Yes, sir ; the man who can feed out what he has got, first, is the biggest man.

By Mr. HARRIS :

Q. Is there any difference with reference to chastity between the females of the Arapahoes and Cheyennes ?

A. O, yes ; the Arapahoes are loose ; three-quarters of them are prostitutes, and a part of the other fourth, I presume.

Q. And they prostitute themselves with the whites and anybody that comes along ?

A. Yes, sir.

Q. Does that apply to the young women or to the married women, or both ?

A. All of them, I believe, and the old women, too—young and old alike, that are big enough.

Q. Is it not considered disreputable among them ?

A. No, sir ; I don't think it is. It is among the Cheyennes and Sioux ; but I don't think the Arapahoes look at it in that way much.

Q. Do you owe your appointment to Dr. Saville alone ? That is, did you get your appointment from him ?

A. Yes, sir ; he wrote on to get it for me.

Q. Were you here at the time he came to take charge of the agency ?

A. About two months later.

Q. Where were you when he came here ?

A. I was up north, and I went with the Indians to Washington as an interpreter.

Q. Did you know Dr. Saville before he came here ?

A. Yes, sir ; I knew Dr. Saville in Denver City, Colorado.

By Mr. ATHERTON :

Q. Have you had any conversation with Dr. Saville, or with any one else, about the testimony that you were to give before this commission ?

A. I have not, sir. I did not know I should have to come here before I was called.

By Mr. HARRIS :

Q. You were never informed that you would be likely to be called before the commission ?

A. No, sir.

Q. Did you see any flour of last year's supply which was not branded ?

A. Yes, sir ; some sacks came here that were not branded. I am not positive, but I think they were sent back.

Q. What was the character of that flour ?

A. Some of it was an inferior grade of flour. I helped to pick out some of the sacks myself to be sent back.

Q. Do you know whether any flour came here that was not in double sacks ?

A. No, sir ; if there did, I never saw it.

Q. Where do you take your meals ?

A. In the mess-house of the agency.

Q. Where do you get the flour from ?

A. It is taken from the commissary.

Q. I understand that, in addition to the duties of an interpreter, you act as marshal.

A. Yes, sir.

Q. What do you think is the disposition of the Indians toward the Government ?

A. I think the majority of them are well inclined.

Q. What do you think of their agricultural prospects—of the possibility of their making any progress on the reservation as an agricultural people ?

A. I think it would take some time.

Q. Can it be done ?

A. There is no place here to do it.

Q. Have you ever been in the Black Hills region ?

A. Yes, sir.

Q. How does that locality compare with this ?

A. It is not much better. There are some small valleys among the hills that could be cultivated.

Q. Do you know whether or not many of the Indians live up in the Black Hills ?

A. No, sir ; the Black Hills country has always been a kind of reserved piece of ground ; it is not inhabited ; the Indians used to go to the foot of the hills for deer and elk. They have not been in the habit of camping or living there.

By Mr. ATHERTON :

Q. What do you mean by saying it is reserved ?

A. They call it a sort of sacred place ; they call it " Medicine-place ; " that means sacred.

Q. They incline to the prairie or the plain rather than to the mountains ?

A. You seldom see the Cheyennes, Sioux, or Arapahoes go to the mountains. Recently some of the Northern Indians have been going up to the Big Horn country to hunt, because buffaloes are scarce.

Q. Can you tell why the Cheyennes and Arapahoes are not willing to go south, to the Indian Territory, with the other Indians ?

A. Yes, sir ; they claim this country as theirs. They say it originally belonged to them. When I first came here it was called the Cheyenne and Arapahoe country all the way from the Bad Lands, including the Black Hills. Most of the Cheyennes and Arapahoes who are here now, about White River and the North Platte, have been born and raised here, and that is the reason why they don't like to leave this country.

Q. Have you any means of estimating the number of Sioux who are fed here ?

A. There would not be any correct way of doing it unless you went around and counted them. We counted them last winter before they drew their annuity-goods.

Q. How did you count them ?

A. We went into each lodge, and took down the number of the family.

By Mr. HARRIS :

Q. Are the Indians inclined to claim supplies for more people than they have in their families ?



A. O, yes, sir; they will do it all the time if you don't watch them mighty close.

Q. Do you know of their making any opposition to their being counted?

A. Yes, sir.

Q. What sort of opposition did they make? What did they do or say?

A. Last fall, when we started out to count them, some of them refused to be counted, and it was some time before we could talk them into it at all; they said the Government wanted to swindle them and cheat them, and would not allow them supplies for as many people as they really had. Some stood out four or five days.

Q. What is the average number of people to a lodge?

A. I forget what the Sioux would average.

Q. What would the Cheyennes average?

A. I think it is eight to a lodge.

Q. The Sioux more or less?

A. Less.

Q. The Arapahoes how many?

A. The Arapahoes more. Some of their lodges have two or three families in one lodge. At the little fight they had with the Snake Indians and some others, they lost many of their lodges, and had to double up several families in a lodge.

By the CHAIRMAN:

Q. As a general thing, how long do they keep their lodges in one place?

A. A month is a long time for an Indian to stay in any one place.

By Mr. HARRIS:

Q. Why is that?

A. I suppose when they camp a month it becomes filthy and dirty, and they move to a clean camp.

Q. They don't take any pains to clean their camp?

A. No, sir; they will let it go until it gets too filthy. It is easier for them to move their camp than to move away the filth.

#### TESTIMONY OF H. E. FARNHAM.

By the CHAIRMAN:

Question. How long have you lived in this section of the country?

Answer. Since November a year ago; two years next November.

Q. Mr. Farnham, you were here last November?

A. Yes, sir; I was.

Q. And December?

A. Yes, sir.

Q. Had you no means of knowing with anything like accuracy the number of Indians that were getting supplies at this agency?

A. I have not.

Q. Do you know anything of the number of Northern Sioux who came in here temporarily during the winter?

A. I do not. I was sick for nearly six weeks in the winter, and during that time I did not leave the house. At any other time, I do not know how many Indians were here from the north or anywhere else.

Q. Did you go with Professor Marsh up into the Bad Lands after bones?

A. I did.

Q. Did you hear nothing of any Northern Sioux being camped on the other side of White River before you started?

A. I did not.

Q. Did you see any camped there when you went along there?

A. We saw some camps, I think two; I do not think either one of them were Northern Sioux, but whether they were or not I am not able to state positively.

Q. Were you ever at the issuing of beef, about the 8th or 14th of last November?

A. I am not positive about the date; I cannot remember when I started to the Bad Lands with the Professor, but I was here before that, and most of the time after we came back.

Q. Did you in the fall see a number of issues of beef? Do you know anything about the issue of beef here?

A. I do not, sir; I never was at the corral; I had no business there.

Q. You did not know what kind of beef was issued?

A. No, sir; I did not, no more than that they were Texas cattle.

Q. Have you frequently seen the kind of cattle that have been issued here?

A. Not frequently, sir; I did see some last summer, two or three issues.

Q. Do you remember what kind of cattle they were?

A. Well, no; I never paid any attention to them.

Q. Were they steers and cows?

A. I never paid much attention to them; I think, though, they were mostly steers.

Q. Have you ever dealt in cattle or had much to do with them so as to be able to judge?

A. I never handled cattle in my life.

Q. What have you been doing in this country since you have been here; what kind of business do you follow?

A. I have worked at laboring work most of the time; I worked for Mr. Deer, and worked at the agency part of the summer.

Q. You had no information, then, as to the number of Indians that were supplied here at this agency?

A. No, sir; I had no means of knowing; they camp on different creeks some distance from the agency; nobody living here who did not make it his business would be able to tell without going the rounds.

Q. Did you see the issue of annuity-goods here last fall?

A. Part of it.

Q. Did you notice the blankets that were issued then?

A. I never noticed them particularly.

Q. Have you since noticed those blankets among the Indians?

A. Yes, sir; I never examined them. I have seen the Indians have blankets marked "U. S. I. D."

Q. Do you speak the Sioux language?

A. Yes, sir; a little.

Q. Did you ever hear the Indians complaining about their blankets?

A. Never did.

Q. Did you ever hear them complaining any about their rations?

A. Never did; not a word, only about the quantity.

Q. That they ought to have more?

A. I often heard them complain that they were hungry, but I never heard them say it was anybody's fault.

By Mr. HARRIS :

Q. You did not know how many Northern Sioux came down ; haven't you any idea of how many Sioux belonged at the agency and have been fed here for some time ?

A. I have not. I never heard anybody say, and I took no pains to find out.

Q. You could not give any estimate ?

A. No, sir.

Q. You were not here when Professor Marsh was here ?

A. I was.

Q. Before he went bone-hunting ?

A. Yes, sir.

Q. Did not you see any cattle that were delivered to the Indians at the time he was here ?

A. No, sir ; I did not. The Professor went down to the corral, but I did not go.

Q. Did you see any of the cattle after they had been turned out to the Indians ?

A. No, sir.

Q. All you can say is that the two issues that you saw last summer were Texas cattle ? Can't you tell us whether there were any cows among them, or what their size was ?

A. I am not any judge of cattle ; they were good beef-cattle.

Q. Were they small or large cattle ?

A. I do not know. They were good, large cattle ; average cattle, I should judge.

Q. Was there a good deal of difference in their size ?

A. Well, no ; not that I saw ; there is a difference in all cattle, but I did not see any great difference in those cattle.

Q. Have you seen Mr. Bosler since he came here the other day ?

A. Yes, sir.

Q. Have you talked with him about this matter ?

A. No, sir.

Q. Had no conversation with him about it ?

A. Had no conversation to amount to anything.

Q. Haven't you heard any talk about the cattle which he delivered here last year ?

A. I have not ; never.

Q. You haven't now, at this time ?

A. No, sir ; in fact I never heard him say a word.

Q. Neither of the Messrs. Bosler ?

A. No, sir.

Q. What are you now doing here ?

A. At present I am unemployed.

Q. In what way were you employed last ?

A. The last thing I done was, I came in from the bone-fields ; I had been gathering fossils for Professor Marsh. That was on the 23d or 24th of June, of the present year.

Q. Then you are in correspondence with him about bones ; you work for him ?

A. I have worked for him ; I made an agreement with him when he left here last fall that I would collect fossils for him, and done so as far as I could. The Indians stopped me at first.

Q. Did you hear him at the time he was here refer to the fact of bad rations, bad tobacco, bad sugar, or bad flour being issued to the Indians ?

A. I heard the Professor talk with Major Burt, of the Ninth Infantry, and heard him say that Red Cloud had laid some complaints before him.

Q. But you did not hear Red Cloud make the complaints himself?

A. No; I was not at the council. I stayed over at the store.

Q. Haven't you seen flour issued here to the Indians?

A. Yes, sir.

Q. What is the character of the flour you have seen?

A. Very good flour, as far as I have seen; as good flour as is sold here by the traders.

Q. Do the traders sell the same flour?

A. Not that I ever knew of.

Q. Have you ever seen any flour in the hands of traders marked "U. S. I. D.?"

A. I have not.

Q. Have you seen any bad flour in the hands of the Indians, that which was too dark and bad to be useful?

A. No, sir; I never seen but very little that was damaged at all, and that had probably lain on the ground and been damaged.

Q. You have seen that?

A. Yes, sir; but very little of that.

Q. Have you lived among the Indians; have you been acquainted with the Indians elsewhere?

A. I have not lived among the Indians.

Q. I mean so as to know them?

A. I have been in this vicinity ever since 1867.

Q. Therefore you are well acquainted with the Sioux people?

A. Somewhat; not well. I am pretty well acquainted with Red Cloud's band.

Q. In your interviews with Red Cloud has he ever complained to you about his rations?

A. He never has.

Q. Have you seen him frequently?

A. Seen him probably twice a week.

Q. Seen him at his tent?

A. I never was at the lodge.

Q. You worked for Mr. Deer in the store here?

A. Yes, sir.

Q. Have you heard any Indians complain of their rations when they went in the store?

A. No, sir; I do not think I have.

Q. Have you ever heard them express any feeling toward Dr. Saville—any of the Indians with whom you are familiar?

A. Well, I have; but nothing that amounted to anything. Of course they are a very trifling people, and say a great many trifling things; some speak against him and some for him.

Q. What do those say of him who speak against him?

A. They say a great many things.

Q. Do they accuse him of anything particular, of any particular act?

A. No; I do not know as they do.

Q. What have you heard any of them say? If you can call to mind the worst charge you have heard them make against him, I wish you would state it.

A. I never heard any very bad charges made against him; I do not know as I could call to mind any.

Q. Then you simply know the fact that some of the Indians dislike him and some like him?

A. Yes, sir.

Q. But you say now you never heard any specific charge of fraud made by any Indian?

A. Never did.

Q. Or deception?

A. Never did.

Q. Or unfairness in dealing with them?

A. Never did.

Q. And you have been here all the time, except when you have been off on this bone business?

A. And twice, I think, I have been to Cheyenne and Fort Laramie with Mr. Deer.

Q. Otherwise you have been here close to the agency all the time?

A. Yes, sir.

By Mr. ATHERTON:

Q. While you were associated with Professor Marsh last fall, did you have any conversation with him, make any statements to him respecting your estimate of the number of Indians at the agency?

A. No, sir; I do not think the Professor ever spoke to me anything about Indian affairs at all, no more than one day when I was picking up the fossils at the fort, Spider and Sword came up there, and I believe they asked him for some little present, and the Professor made one of them a little present, and then he told them that Red Cloud had asked him to show to the President those samples—some samples of poor grub which, I believe, the professor had, and he had agreed to do it, and he wanted me to tell the Indians that he would make his word good, and I think that is all the talk the Professor had with me; that was all the business he had with me at that time.

Q. But you never gave him any estimate of the number of Indians which you supposed were entitled to draw supplies here?

A. I do not think I did. I have given you all I remember of any talk I had with him.

By Mr. HARRIS:

Q. Did he show any specimens of grub to those Indians?

A. Not to my knowledge.

Q. What did they say in reply to him?

A. They did not make any reply at all; they wanted money; they did not appear to care to have any complaint made; they did not urge the matter or say anything about it; they wanted pay for those bones the Professor had taken as fossils.

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#### TESTIMONY OF MITCHELL JARVIS.

By the CHAIRMAN:

Question. What countryman are you?

Answer. I am from New Mexico, north of Santa Fé.

Q. How long have you been at the Red Cloud agency?

A. Just about four years.

Q. What have you been doing here?

A. I have been herding cattle one year for Mr. George and three years for the agent. Mr. George was a man who had a contract here the first year.

Q. You helped drive cattle into the corral about that time ?

A. Yes, sir ; and after they are weighed then I take care of them, and take them down to the herd.

Q. Do you remember what kind of cattle you had here last fall ?

A. Yes, sir.

Q. In November and December ?

A. Yes, sir.

Q. What kind of cattle were they ?

A. Texas cattle ; mighty good-sized cattle.

Q. Steers ?

A. Steers and a few cows.

Q. Well, in the winter and in the spring did you have mostly steers ?

A. The same way, some cows and some steers.

Q. More steers than cows ?

A. Yes, sir ; more steers than cows ; twice as many.

Q. Were there some yearlings among them sometimes ?

A. Two or three. We did not count them at all.

Q. Was there at one time a good many yearlings ?

A. No, sir.

Q. Don't you recollect of one time when there were a good many yearlings ?

A. Only once ; they brought all the herd here and then there were a few yearlings among them.

Q. Can you remember how many ?

A. No ; I cannot.

Q. Do you know whether they were counted or not ?

A. I do not know anything about that.

Q. Do you remember one time when you had only seven cattle left in the agent's herd ?

A. Eight. I was there at the herd with the cook, and the military officer came and said, "Bring the herd up." He wanted to see it, and there were eight cattle altogether.

Q. What kind of cattle were they ?

A. Most all cows and yearlings, only one beeve ; they were small and the Indians did not want to take them.

Q. The other cattle that you had herded were better than these, were they ?

A. Oh, yes ; take them all through, they were mighty good cattle. They were the best cattle I ever saw. I did not see very old cattle at all ; they were about five or six years old.

Q. Were all the herds that were turned into the agency last fall and winter good cattle ?

A. Yes, sir ; mighty good cattle.

Q. Did you see any of them weighed ?

A. I have been all the time in the corral. I helped to weigh them.

Q. Do you know how much they weighed ?

A. No, I don't. I was in the corral and not at the scales.

Q. Do you remember last winter one time when you had no beeves ?

A. Yes, sir.

Q. That was after you had those eight head of cattle ?

A. Yes, sir.

Q. Those eight head you gave to the Indians, did you ?

A. Yes, sir ; they were pretty near starving and we gave them to them.

Q. Then you had none ?

A. No, sir ; there were ten or fifteen days that we had no cattle at all.

- Q. Do you remember when that was ?  
 A. No ; I do not know.  
 Q. Was it before Christmas ?  
 A. After Christmas ; somewhere about there.  
 Q. How long had you had those eight head of cattle ?  
 A. About a week, I guess.  
 Q. Before they were issued to the Indians ?  
 A. Yes, sir ; it was at the time of the storm.  
 Q. How many beeves have you got in the herd now ?  
 A. None. I issued the last yesterday.

By Mr. HARRIS :

- Q. Do you know when it was that you had only eight cattle ?  
 A. I do not know.  
 Q. Did General Bradley go there ?  
 A. I guess so ; there were three officers and one man who had buck-skin clothes.  
 Q. Was it Professor Marsh ?  
 A. Yes, sir ; the cook said it was Professor Marsh.  
 Q. That might have been before Christmas ?  
 A. Yes, sir ; somewhere along there.  
 Q. It was cold weather ?  
 A. Yes, sir ; mighty cold weather. Jules Ecoffee was there at the same time.  
 Q. After that, along during the spring, was there any time when you had no beef in the agency herd ?  
 A. Sometimes we have no beef for twenty days.  
 Q. And then the Indians would be wanting some ?  
 A. Yes, sir.  
 Q. You have no beef on hand now.  
 A. No ; I just issued the last yesterday.  
 Q. Do you issue them from the herd yourself ?  
 A. Sometimes it is mighty hard for me. The other fellows can talk Indian, and some of the boys curse the Indians.  
 Q. That is, some of the herders who are with you ?  
 A. Yes, sir.  
 Q. Michael Dunn and Dick Stirk ?  
 A. Yes, sir.  
 Q. And Moorehead ?  
 A. No ; he is the cook. Some of the Indians understand English words. They come to me and say, " What does he mean ? He cursed me bad."  
 Q. When you issue cattle to the Indians, what do they do with them ?  
 A. They kill them right away. I just cut them out from the herd and the Indians kill them right away.  
 Q. Do the Indians grumble to you about being hungry ?  
 A. Yes, sir ; awfully.  
 Q. All the time ?  
 A. No ; last spring it was mighty hard here, and they grumbled a good deal, and we had no beef to give them.  
 Q. How long did that state of things continue ?  
 A. I guess about twenty days.  
 Q. How many cattle did you issue yesterday ?  
 A. Two steers.  
 Q. When did you issue any before that ?  
 A. On the 3d of this month.

Q. How many did you issue on the 3d ?

A. I do not know; they were issued at the corral; they were issued on foot; they are all issued on foot.

Q. Have the cattle last fall and last winter and this spring been usually good cattle, big cattle ?

A. Yes, sir; good cattle, not very big. They looked like chunky cattle.

Q. Did they look like through Texas cattle, or cattle that had been wintered here ?

A. I do not know; some looked mighty well.

Q. You do not know how long they had been up in this country ?

A. No; I do not know.

Q. Do you speak any Indian ?

A. Yes, sir; the Indians bother me a good deal because I speak the language.

Q. Did the Indians ever grumble about the quality or kind of beef they got; that it is not good beef ?

A. No; never grumbled. Sometimes some of the Indians would want a beeve and some would want a cow. They like cows better than beeves.

Q. Did the Indians, in talking to you, ever grumble about anything else they got, and say that it was not good ?

A. No, sir.

Q. Did they ever tell you they got any bad flour ?

A. No, sir.

Q. Or any bad coffee ?

A. No, sir.

Q. Have you been in their tepees or lodges ?

A. No, sir; only in the corral.

Q. Do they come to talk to you often ?

A. No, sir; only when they come after beef.

By Mr. ATIERTON :

Q. How much do these beef-cattle generally weigh ?

A. I do not know.

Q. You could not tell by your own judgment about how much ?

A. No, sir.

By Mr. FAULKNER :

Q. How did those eight cattle that you spoke of compare in size and quality with the general issues of cattle to the Indians ?

A. They were small cattle, but not very poor either; they were good to eat, but small; they were the tail-end of the herd.

Q. How did they compare with the cattle that were generally issued ? Were they larger or smaller ? Were they a fair sample of all the cattle ? Were they as good as the rest ?

A. They were small; they were what we call yearlings. They were smaller than the other cattle. The Indians did not want to take them the first time.

By Mr. HARRIS :

Q. Were there no other cattle issued during that year like those eight ?

A. No, sir.

Q. Were there none as small ?

A. No, sir.

Q. Were there not any poor ones among them ?

A. No; they were good size. These eight were the tail-end of the cattle, and were small ones. Sometimes the cows have calves, and they grow up.



Q. During that year were any calves driven in with the herd ?

A. Mighty few calves.

Q. Were they weighed ?

A. No, sir; they let them go.

Q. Are you sure about that ?

A. I am pretty near certain.

Q. How many calves or yearlings came in with the cows ?

A. Three, or four, or five; sometimes none; sometimes one.

Q. Don't you remember one time when there were fifty or sixty of them ?

A. No, sir.

Q. Don't you remember a time when they turned them out, and let the Indians kill them ?

A. No, sir.

Q. You think they did not count them for beef ?

A. I know they did not.

By Mr. ATHERTON :

Q. How do you know ?

A. Mr. Bosler gave me one. He said, " You can take that one; it does not count for a beeve."

By Mr. HARRIS :

Q. Did you hear him say so to any Indian ?

A. No, sir.

Q. How many times do you think you have been without cattle here for twenty days ?

A. I don't know.

Q. Do you remember what you stated to the military officer ?

A. He just wanted to see the cattle.

Q. Didn't you say anything to him after you brought them ?

A. No, sir. Jules Ecoffee asked if these were all the cattle, and I said, " Yes; they are all the cattle I have on hand."

By Mr. ATHERTON :

Q. What other herder was with you at the time ?

A. Oliver Appleton.

#### TESTIMONY OF RICHARD STIRK.

By the CHAIRMAN :

Q. How long have you been at this agency ?

A. I have been at this agency going on a year now.

Q. What have you been doing here ?

A. I have been with this herd of cattle going on four months.

Q. What did you do before that ?

A. I worked for the man that lives here at the agency, driving teams on the road. His name is David Coche.

Q. Did you see the herds of beef that were brought in to the agency here last fall ?

A. No, sir.

Q. Did you see those that were brought here last winter ?

A. I saw some last winter; I have not seen any only since I have been on the herd; I was not here before that more than four or five days at a time.

Q. Have you had some experience in herding cattle ?

A. Yes, sir ; I have done right smart of it.

Q. You have herded cattle before now ?

A. Yes, sir.

Q. What kind of cattle are those that you generally have here ?

A. Pretty fair cattle ; Texas cattle.

Q. Steers and cows ?

A. Yes, sir.

Q. About what proportion of cows ? Were there more steers than cows ?

A. Yes, sir ; they would average more steers than cows ; not a great many more.

Q. Were there sometimes yearlings among them ?

A. Yes, sir.

Q. About how many yearlings to a herd would they average since you have been here ?

A. Since I have been here I never noticed over eight or ten yearlings in a herd.

Q. Do you know what became of the yearlings ?

A. The Indians have killed some of them.

Q. Were they issued to them ?

A. No, sir ; they issued no yearlings to them.

Q. So you don't know anything about the cattle issued last winter ?

A. No, sir.

Q. Well, did you notice the weighing of the cattle ; how it is done here ?

A. I know how they weigh ; I see them weighed and help them weigh them. I am in the corral with the cattle all the time when they weigh them ; I drive them from one corral on to the scales.

Q. Don't those yearlings go on to the scales too ?

A. No, sir—yes, sir ; some. I have noticed when the yearlings went on Bosler's men would not count the yearlings with the other cattle. They weighed them but told the men not to count them, and to allow so much off on the reckoning of their weight.

Q. Do you know what one of those steers will weigh generally—an average of them—not what the biggest would weigh nor the smallest, but an average ?

A. I should judge they would go from six to six hundred and fifty or seven hundred ; and some go eight hundred on the hoof.

Q. And the cows would weigh about how much ?

A. The cows would generally average about six hundred and fifty or seven hundred.

Q. Then the average of the steers would not be more than that of the cows ?

A. No, sir ; I don't think it would.

Q. Are those steers which you have seen thus far usually three-year-olds or four-year-olds or older ?

A. From three to five I should judge.

Q. You speak of having driven a team when you were hauling freight ?

A. From Cheyenne and Sidney.

Q. Which is the longer road ?

A. The Cheyenne road, I think.

Q. Which is the better road ?

A. I think the Sidney road is a little the better road, take it all through.

Q. About how much difference do you think there is in the distance between the two ?

A. About forty miles.

Q. It is that much nearer from here to Sidney than from here to Cheyenne ?

A. Yes, sir ; between thirty and forty miles.

Q. You do not speak the Indian language ?

A. No, sir ; not much. I understand a little, and talk a little.

Q. The Indians understand a little English ?

A. Some of them do, and some do not.

By Mr. HARRIS :

Q. I understand you to say you think the weight of the steers would be from six hundred and fifty to eight hundred pounds ?

A. Yes, sir.

Q. Have you seen any that you thought would average a thousand ?

A. I don't think I have.

Q. You have seen all the cattle delivered here for four months ?

A. Yes, sir.

Q. You are testifying from your own judgment rather than from any knowledge of what they weighed ?

A. Yes, sir.

Q. And the cows from 650 to 800 ; about the same ?

A. Yes, sir ; I don't think there is much difference.

Q. Now, when the cattle come here, when they are driven here by Bosler's men, they are driven right to the corral and then put in ?

A. Yes, sir.

Q. How soon after they get here are they usually weighed ?

A. Sometimes they stand four or five hours, but they are weighed on the same day.

Q. Have you plenty of water at the corral ?

A. No, sir.

Q. Where is the nearest water to the corral ?

A. About half a mile above the corral.

Q. Where do they generally water the cattle before they are brought to the corral ?

A. At a little creek, called the Little White Clay.

Q. Do they generally water them after they come in ?

A. No, sir.

Q. Do you know anything about how much a good-sized thirsty steer, that has not had any water for twenty-four hours, would drink when he got a chance ?

A. I don't know.

Q. Can you form any idea ?

A. He would drink enough to make him weigh several more pounds.

Q. Can you tell how many pailfuls he would drink ?

A. He would drink four or five pailfuls.

Q. Do you know what the practice is about letting cattle drink before they are weighed at that corral ?

A. No, sir.

Q. You don't water them ?

A. No, sir.

Q. And you don't know where they are watered last before being weighed ?

A. I don't know, but I should judge that they would let them water at the creek, eight miles from here.

Q. How long would it take to drive them eight miles ?

A. About an hour, or an hour and a half.

Q. Can you drive cattle more than five miles an hour?

A. Yes, sir; you can drive these stock cattle more than that; it may take longer; I never timed them.

Q. You understand that these cattle drank there last?

A. No, sir; I could not say.

Q. Do you understand that they are always allowed to stop there and drink?

A. I have heard the men say that they stopped at White Clay an hour or so.

Q. Is it not your idea, that after being watered they weigh a hundred pounds more?

A. No, sir; I think they would not weigh any more after driving them that far.

Q. That is, that they would not weigh more than their ordinary weight?

A. Yes, sir.

Q. How many times have you been without beef since you have been here during the last four months?

A. Four or five times—five, I believe.

Q. Have beef issues been delayed on account of that?

A. Once or twice, I believe, the issue was delayed when the cattle were not here.

Q. Do you know how long each time?

A. Not over ten or eleven days at a time. They aim to issue every ten days; they may have gone three or four days at a time over the ten days; that was during the last high water on the Platte.

Q. Do you know anything about beef-hides?

A. Yes, sir.

Q. Take an ox or a steer that weighs eight hundred pounds, do you know how much his hide will weigh?

A. I don't know as ever I saw one weighed.

Q. How do they sell hides, by green weight or dry weight?

A. Green weight.

Q. Haven't you any idea how much a green hide weighs?

A. About from sixty to seventy-five pounds.

Q. That is the hide of a steer?

A. Yes, sir.

Q. And I suppose in the same proportion for a cow?

A. Some might go over that; some are larger than others.

Q. Do you know how much the largest would weigh?

A. There might be some that would weigh eighty pounds.

Q. And how much the smallest that you know of?

A. The smallest I don't think would go less than sixty. I never saw them weighed. I don't know much about hides.

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#### TESTIMONY OF OLIVER B. APPLETON.

By the CHAIRMAN:

Question. Were you employed at one time here as herder?

Answer. Yes, sir.

Q. Were you here last fall and winter?

A. Yes, sir.

Q. Do you remember the occasion when you had left only eight head of cattle, and some Army officers came to look at them ?

A. I remember something being said about it, but I don't remember the number of cattle or what kind of cattle they were. I remember hearing them speak of some officers being up there to see the cattle.

Q. Were you there at that time ?

A. I could not say. I was at the agency, but whether I was stopping there or here I do not know.

Q. You do not remember the circumstances ?

A. No, sir ; I do not.

Q. Do you know of a time last fall when you got out of cattle ?

A. I know we were out of cattle sometime last fall, but I don't remember dates.

Q. What kind of cattle did you have last fall as a general thing ?

A. We had very good cattle.

Q. Steers and cows ?

A. Yes, sir.

Q. Some yearlings among them ?

A. Well, the yearlings were not counted in as cattle.

Q. There were some, however ?

A. Yes ; there were some.

Q. Do you remember any considerable number of them in any particular herd ?

A. No, sir.

Q. About how many, generally, would be in a herd ?

A. Well, there would not very often be many yearlings. They would be mostly small calves. Once in a while there would be a few yearlings.

Q. What was done with the yearlings ?

A. They were issued.

Q. To the Indians ?

A. Yes, sir.

Q. You kept them altogether in the herd after they were turned over to you and weighed ?

A. Yes, sir.

Q. Did you see the weighing of the cattle ?

A. I was in the corral driving cattle on the scales, and driving them off again.

Q. Did those yearlings go on the scales with the other cattle ?

A. Yes, sir ; they would.

Q. Have you any knowledge of the weight of cattle ?

A. No, sir ; I don't know what they would weigh ; I did not hear the weight at all.

Q. Have you ever weighed any cattle yourself ?

A. No, sir.

Q. Have you ever seen any weighed ?

A. I have seen them weighed on the scales, but I did not notice how much they weighed.

By Mr. **ATHERTON** :

Q. Was all the cattle in the herd weighed ?

A. Yes, sir ; once in a while there would be one or two get mad and run over out of the corral, so that we could not weigh them, and we have to average them.

Q. Did you ever take a few of the cattle and average the rest of the herd by them ?

A. No, sir ; I don't recollect of that being done while I was at the corral.

Q. Do you remember when Professor Marsh was here ?

A. Yes, sir.

Q. Did you ever see him ?

A. Yes, sir.

Q. Don't you remember seeing him with the Army officers when they wanted to see the tail-end of the herd you had left there ?

A. No, sir.

Q. Who else were herders with you at the time you were at the herd ?

A. Mitchel Jarvis, and the boss herder, McNamara ; he is not here now.

Q. Is Mitchel Jarvis a pretty good judge of cattle ?

A. I don't know but he is a pretty good judge.

Q. Does he seem to understand pretty well about cattle ?

A. He understands herding, I know that.

Q. Were you about the agency during the time you were here, last fall and winter ?

A. O, yes, sir ; I was down here once in a while.

Q. Did you see any issues of supplies and annuity goods ?

A. Yes, sir.

Q. Did you notice what kind of supplies they were ?

A. The provisions ?

Q. Yes.

A. Yes, sir.

Q. Do you remember of seeing some pork issued to the Indians ?

A. Yes, sir.

Q. What kind of pork was that ?

A. It was very good pork, only it was not the kind of pork the Indians liked. It was sound, as far as that goes, but it was mess instead of prime.

By Mr. HARRIS :

Q. Prime instead of mess ?

A. Yes, sir.

By the CHAIRMAN :

Q. Did you see the coffee that was issued to them ?

A. Yes, sir.

Q. What kind of coffee was it ?

A. It was very good coffee ; it was not any extra good coffee.

Q. Such as is used in the country here ?

A. Yes, sir ; such as is used around here.

Q. Did you see any sugar issued to them ?

A. Yes, sir.

Q. What kind of sugar was it ?

A. Very good sugar ; dark brown sugar—a very good quality of brown sugar.

Q. Did you ever hear the Indians talk much about their supplies, or grumble about the quality of them ?

A. I could not tell anything about that. I could not understand their language.

By Mr. FAULKNER :

Q. Mr. Appleton, you say that yearlings were issued to the Indians ?

A. Yes, sir.

Q. Upon what occasion was that, and how had you the means of knowing that fact ?

A. I was at the issuing-coral when they were issued ; we had to re-

ceive cattle and issue them—drive them out of the corral when they were being issued.

Q. Do you know whether the weight of the yearlings was estimated by the agent and deducted from the gross weight?

A. I could not say anything about that.

By Mr. HARRIS:

Q. You are a nephew of Dr. Saville?

A. Yes, sir.

Q. You had a brother here with the doctor, Frank, a young man who was killed by the Indians?

A. Yes, sir.

Q. Were you here at that time?

A. No, sir.

Q. What was your brother's duty here?

A. I think he was clerk of the agency.

Q. Did he have any trouble here before he was killed?

A. Not that I ever heard of.

Q. Do you know that he wanted to get away from here?

A. No, sir.

Q. Did you ever hear it said that he tried to go away?

A. No, sir.

Q. Was your father here?

A. I believe he was here at one time, when my brother was here, before he was killed.

Q. He had been employed here?

A. Yes, sir; I think he had.

Q. He built this building?

A. Yes, sir.

Q. Did you hear him complain at all?

A. Who?

Q. Your brother; did you hear him complain of any duty he had to perform?

A. No, sir; I did not.

Q. How old was he, elder or younger than yourself?

A. Elder; two years.

Q. What is your age?

A. I am twenty-three.

Q. Where is your home?

A. Sioux City.

Q. Have you been a farmer's boy, living on a farm?

A. No, sir; I never lived on a farm a week in my life.

Q. You have no judgment about the weight of cattle?

A. No, sir.

Q. Do you know anything about the watering of cattle before they go to the corral?

A. No, sir.

Q. You don't know anything about where they are watered?

A. No, sir.

Q. You never watered them there yourself?

A. No, sir.

By Mr. ATHERTON:

Q. Do you remember any time when there were a good many calves in the herd?

A. There are most always some few calves in the herd.

Q. How many generally?

A. Sometimes there would be a lot, and sometimes none; sometimes five, six, eight, or ten.

Q. Do you remember when there was any unusual number?

A. No, sir.

By Mr. HARRIS:

Q. You say there were calves. You make a distinction between calves and yearlings?

A. Yes, sir.

Q. You say the yearlings were driven on the scales and weighed; how about the calves?

A. They were hardly ever weighed; the Indians would kill them before the cattle were weighed.

Q. Then they would not reckon at all in any way?

A. No, sir.

Q. Spring calves came in with their mothers in the fall, and those the Indians were allowed to take?

A. Yes, sir.

Q. Who gave instructions to that effect?

A. I don't know as anybody did; they took it into their own hands; if they could catch a calf they would take it.

Q. No objection was made?

A. No, sir.

Q. Would any calves get on the scales?

A. Once in a while one might get on, but very seldom.

Q. Do you know anything about deducting their weight?

A. No, sir.

Q. Who took the weight?

A. The agent or the clerk, whoever weighed the cattle. When the agent was here he generally weighed them; when he was not here his clerk did it.

RED CLOUD AGENCY, NEBRASKA,  
*Wednesday, August 11, 1875.*

Present: Hon. THOMAS C. FLETCHER, chairman; Hon. B. W. HARRIS, Hon. CHARLES J. FAULKNER, and Prof. GEORGE W. ATHERTON.  
OLIVER B. APPLETON was recalled.

By the CHAIRMAN:

Question. Mr. Appleton, you were at one time the commissary in charge of the provisions in the warehouse here?

Answer. Yes, sir.

Q. Do you remember of sugar being delivered to the trader from the commissary?

A. No, sir; I was commissary last fall when Mr. Roberts was clerk. I never heard of anything being given to the trader, only what was in the newspapers; I never heard of any blue cloth being given to the trader; I never heard of anybody doing so. The traders keep blue cloth, but whether it is the same quality as the Indian cloth, I don't know.

Q. Do you know anything about the return of a barrel of sugar?

A. No, sir.

Q. Mr. Roberts said you were accused of taking goods that did not belong to you.

A. I never did. I knew who wrote the articles and paid no attention



to them. I supposed it to be George Stover who wrote the articles ; his name was signed to one of them, and the supposition is that he was the author of the rest of them. He is not a reliable man ; he has the reputation of doing such things at the Spotted Tail agency, and on the Missouri River ; he was down on me because I would not give him all the rations he wanted ; he is a squaw-man.

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RED CLOUD AGENCY, NEBRASKA,  
Monday, August 9, 1875.

Present: Hon. THOMAS C. FLETCHER, chairman ; Prof. GEORGE W. ATHERTON, Hon. B. W. HARRIS, and Hon. CHARLES J. FAULKNER.

### TESTIMONY OF BENJAMIN TIBBETS.

By the CHAIRMAN :

Question. What is your employment ?

Answer. Butcher, sir.

Q. For the agency here ?

A. Yes, sir.

Q. How long have you been here about the agency ?

A. I came here, I think it was, the 6th of August two years ago.

Q. And you have been here ever since ?

A. I was at the old agency before it was moved.

Q. Since you have been here, have you generally seen the most of the cattle that have been brought in ?

A. Yes ; pretty much all of them.

Q. Do you remember of seeing cattle that were brought in here last November ?

A. No, sir ; I don't know as I really remember.

Q. About the time of the cold weather before Christmas ?

A. I was here for two years all the time, and have not been away except once to Horse Creek and once to Cheyenne.

Q. So you were here last fall ?

A. Yes, sir.

Q. What was the appearance of the herds of cattle that were turned in here last fall as compared with the cattle you are receiving now ; were they as good ?

A. Yes, sir ; I think they were very good cattle. I have not been here during the last two issues, but previous to that they were as good, or probably a little better.

Q. Were those herds that you saw delivered here last spring and fall mostly composed of steers and cows ?

A. Yes, sir.

Q. And some yearlings ?

A. A few yearlings came in.

Q. About what proportion of steers and cows were there ; were there more steers than cows ?

A. Yes, sir ; I should think probably two-thirds steers and one-third cows ; probably more than that.

Q. Do you remember one occasion when there were a good many yearlings in the herd—calves and yearlings ?

A. There was one time, I think it was this last spring or last fall—I cannot be sure which, but last spring, I think—when there were a good many yearlings in the herd.

Q. Can you form an estimate of about how many yearlings and calves there were in that herd?

A. I could not say exactly. I never paid any particular attention to the number; probably there were twenty-five head and probably there were not that many.

Q. Do you remember any occasion when there were left eight head of cattle in the herd here, and that they were examined by some military officers and Professor Marsh?

A. Yes, sir. I remember the time.

Q. Did you see those cattle?

A. I did not.

Q. Well, the cattle that you received along last fall and winter during cold weather, what would they average in weight, take them all around?

A. I should think they would go 900 pounds; probably heavier than that.

Q. Did you see any of them weighed?

A. I always tended the gate at the lower end of the scales, and counted the cattle as they went out, and called the number. The clerk generally weighed them, and I called out "all right."

Q. In counting the number of head, did you count the yearlings and calves?

A. No, sir.

Q. But the yearlings and calves would pass through on to the scales?

A. Yes, sir. There was a rush by the Indians for the calves. They would rather have a calf than a cow; they would take the calves before they got into the corral, but the yearlings would run through the scales and get weighed; but we never counted the yearlings, as long as I staid at the gate.

Q. Do you know what the Indians generally got for beef-hides here?

A. They have been getting four dollars until lately, and the price has been cut down to three, I believe. Before that they got three, and two and a half, and on the Platte for two years they got two dollars; that was the highest that was paid there for two years.

Q. Have you ever heard the Indians grumble about the quality of beef they get?

A. No, sir, I never did; sometimes a man would grumble a little, if he got one that was thin. Of course they all like to get the fattest cattle that are there, and if one man gets a thin one, he grumbles, but of course all the cattle have to be issued.

Q. Do you speak the Indian language?

A. Yes, sir; a little.

Q. Have you ever heard the Indians grumble about the kind of supplies they were getting—coffee, sugar, flour, and tobacco?

A. I have heard them grumble some. They would say that the tobacco was not good.

Q. Did you ever hear them grumble about the other articles?

A. Sometimes they would say of an article, "This is not good," and "That is not good;" and it is natural for them all to do that.

Q. Did you yourself see the supplies that were issued to them last fall?

A. Yes, sir. Part of the time last fall I worked in the warehouse as watchman. I did not have a great deal to do. I worked most of the time in the warehouse, and issued a great deal in the warehouse myself.

Q. Do you remember the kind of coffee you issued there?

A. Yes, sir.

Q. How would it compare with that coffee? [Sample shown.] Was it something like that?

A. I should think it was as good as that; I don't really know that it was quite as good as that; it was a little darker; but all the last coffee that has come here has been as good as that, if not better.

Q. Do you remember any coffee issued last fall that was bad and not fit to use?

A. No, sir; there never was any bad coffee at the agency, only two or three sacks or four or five sacks that got moldy—some that was moved from the Platte up here when we first came here, when Dr. Daniels was here.

Q. The kind of coffee that was issued, was it the kind of coffee that the white men use?

A. Yes, sir; the coffee, sugar, and flour are the same.

By Mr. HARRIS:

Q. Taken from the warehouse for your use?

A. Yes, sir.

By the CHAIRMAN:

Q. Did you ever see anything wrong about the sugar—whether it was bad in any respect?

A. No, sir.

By Mr. HARRIS:

Q. What kind of sugar was it?

A. Dark-brown sugar—very good sugar. It would have come very good this spring if we had had a little of it. We were out of sugar for some time.

Q. Have you occasionally been out of beef, so that you had none to issue?

A. Not lately. Sometimes during the winter it was hard to get cattle here to make issues regularly, on account of the storms.

Q. Well, you have slaughtered and weighed a good many cattle, haven't you?

A. Yes, sir. I weighed them pretty much for a year before the scales were put up; perhaps it could not have been more than six months.

Q. Well, the cattle that were received and issued last fall and winter, about what would they average, take them all around, as near as you can guess?

A. Well, gentlemen, that is a pretty hard question for me to answer. Cattle come here and slip past without a person noticing them, if his attention is not called to them; but I should think the cattle would go 950 pounds, or probably over that.

Q. I am speaking particularly of the cattle received last fall and winter.

A. There have been some very large cattle, and some that would not weigh quite as much; and some as fine cattle came here as I ever saw in my life.

Q. These cattle that you received during last fall, were they generally steers and cows mixed together?

A. Most of them would be steers.

Q. Four-year-old steers?

A. Yes, sir; four or five year old steers, and some would be younger—three-year-olds.

Q. About what would an ordinary Texas steer, four years old, generally weigh?

A. Well, it is a good deal owing to his age.

Q. Say four years old.

A. A good ordinary steer four years old will net 450 or 500 pounds dressed.

Q. Well, an ordinary Texas cow that is in reasonably good order, do you know what that would average?

A. They vary more in regard to weight than the steers; I killed a cow last fall and weighed her in the scales, and she weighed net 650 pounds; and I killed others that would not weigh over 400; it would be quite a heifer that would go over 350; an ordinary cow would dress about 400.

Q. According to your experience, about what is the difference between the net weight and gross weight?

A. They generally allow about one-half in this country in Texas cattle. I don't think they allow that much in the States in stall-fed cattle.

Q. Texas cattle have larger horns and larger feet?

A. Yes, sir; they are pretty well horned.

By Mr. ATIERTON:

Q. There was one thing I did not quite understand; or rather one thing I would like explained a little more fully. You state in regard to driving those cattle on the scales, that they are driven in when they come up; you count them all, but the yearlings are not counted in making up the weight?

A. I don't know in regard to the weight; I only know in regard to the number.

Q. Why do you count them at all?

A. I don't count them.

Q. I understood you to say you counted every one as it went out; why do you count them?

A. Because the person that weighs them has not a chance to see them in the scales; and as they pass from the scales out through the gate, I halloo out the number of head.

Q. What is done with the count?

A. That is kept by the agent or whoever weighs them.

Q. When you come to issue the cattle, what becomes of those yearlings that you do not count?

A. They are generally given to the Indians. Sometimes they are killed in the corral and sometimes out of the corral. If one gets out it is gone.

Q. Now, what is the ordinary weight of a green hide?

A. I don't know; I have seen hides that weighed 100 pounds and some over. These hides are generally trimmed close. Neither the head nor feet are on the hides, and oftentimes the tail is thrown away. I never skin the head or even the feet. I take them off at the first joint and throw them away.

Q. What would you suppose such a hide would weigh?

A. That is another question that is very hard to answer; hides vary according to the cattle.

Q. Say an average four-year-old steer?

A. I should think the green hide of a four-year-old steer would weigh 75 or 80 pounds.

Q. What would the same hide weigh when dried?

A. I could not answer the question at all.

Q. You are employed here as a butcher for the agency?

A. Yes, sir.

Q. What work have you to do as butcher ?

A. I have sometimes, I think, twenty-five head of cattle to kill for issue-day. They are all killed on the ground and issued out. I have all that to do.

Q. To whom are they issued ?

A. Principally to all the old women and children who have no men to look after them. They draw all the way from three to fifteen. They get all the way from 45 pounds to half a beeve.

Q. And then you slaughter beef for the mess-hall at the agency ?

A. Yes, sir.

Q. Where do you get the cattle for that purpose ?

A. At the agency-herd.

Q. About how many do you have to slaughter for the agency itself ?

A. I generally kill about one or two every ten days.

Q. Say five or six a month ?

A. Yes, sir ; sometimes in the summer they don't use all of it, and we give some of it to the old women.

Q. I am speaking of that you butcher for the agency.

A. That is what I am speaking of now.

Q. Do you select from the herd the cattle that are taken for the agency ?

A. No, sir ; no selection about it at all. I go up, and if there is a plenty there I take a good one, and oftentimes there is only one or two left. It is Hobson's choice—that or none.

Q. When you kill cattle for the regular issue, you kill for the agency at the same time ?

A. Yes, sir.

Q. About what portion of your time is occupied in this work ? You speak of being occupied in the warehouse sometimes. About what portion of your time is occupied as butcher ?

A. A part of the time I have not a great deal to do, and at other times I have a great deal to do. In the summer time I have to work sometimes late and early.

Q. About what portion of your time do you say is occupied as butcher ?

A. Over one-half of the time.

Q. Were you in the warehouse last year when the annuity-goods were issued ?

A. Yes, sir.

Q. Do you remember the issue of blankets ?

A. Yes, sir.

Q. Do you remember how many were issued ?

A. I could not remember the number ; I helped to cut all the bales, and gave out the number that went to the different bands ; but I did not keep an account.

Q. Can you not fix some estimate ?

A. I should think, gentlemen, there were between thirty-five and forty bales of blankets. I could not say whether there were more or less.

Q. Was that about the same number that were ordinarily issued ?

A. I think not. I think we were a little short last year. I don't think the annuity-issue was as large as it had been for two years previous.

Q. Do you remember the size of the blankets ?

A. Yes, sir. There were three points, two points and a half, and, I think, a point and a half.

Q. A point and a half being the smallest ?

A. Yes, sir.

Q. Do you remember anything of the proportion of these blankets—the number of each size ?

A. No, sir.

Q. Did you hear any of the persons receiving them complain of the size of the blankets, one way or the other ?

A. None at all.

By Mr. HARRIS :

Q. As I understand you, those two corrals are as if one were out that way [pointing] and one out this way, with a gate at each end, and a platform for the scales between them, as if in this room ?

A. Yes, sir.

Q. And the cattle are on the platform and the scales are on the outside ?

A. Yes, sir.

Q. Then the man who weighs them is in no condition to see what he has got on the platform ?

A. No, sir.

Q. He would not know whether he had steers, yearlings, or calves upon the scales ?

A. No, sir.

Q. He takes the weight, and your business is to let them out and give him the number ?

A. Yes, sir.

Q. So that in every instance where yearlings were put on the scales and weighed, as you have mentioned, the weigher did not know it ?

A. No, sir ; he did not know it ; there might be a yearling on and he not know it.

Q. But you did not count it ?

A. No, sir.

Q. So that while the number don't appear the weight does ?

A. Yes, sir.

Q. Do you know any earthly way that the weigher would know how many had passed on his scales ?

A. No, sir.

Q. Now, isn't it a matter of fact that they went through those scales, and were weighed, and reckoned as weight, but did not reckon as head of cattle ?

A. I don't think they were counted at all.

Q. So that the yearlings helped to increase the average weight of the cattle.

A. Yes, sir.

Q. And, so far as you know, they went to fill the contract requiring so many hundred thousand pounds of beef.

A. They must have been weighed, for they went on the scales ; but I have known several of them to have been killed before they had a chance to go on the scales.

Q. After they were turned out, being small head of cattle, the Indians captured them and killed them if they got a chance ?

A. Yes, sir.

Q. You considered it rather a waste to have such cattle come in any way, which could not be called fit for beef ?

A. Yes, sir ; it is not good beef ; but the Indians are particularly fond of anything that is young. Even if it is a slunk calf, they would rather have it.

## TESTIMONY OF ALFRED T. LOBACH.

By the CHAIRMAN :

Question. Mr. Lobach, what are you employed at here ?

Answer. I am a farmer, sir.

Q. You are in the employment of the agency here as farmer ?

A. Yes, sir.

Q. What is the extent of your farming operations here ? How much ground have you got under cultivation for the agency.

A. Between 75 and 80 acres, among the Indians, that I have plowed up for them.

Q. You direct their farming operations ?

A. Yes, sir.

Q. Your business is to teach the Indians farming, as far as you can ?

A. Yes, sir.

Q. What is the adaptability of the soil and climate around here to farming purposes ?

A. Well, it is very good. Our greatest trouble here comes from the grasshoppers.

Q. The soil is productive ?

A. The soil is good.

Q. That is, in some places ?

A. Yes, sir ; in some places ; I don't say in every place.

Q. The places where it is good are in the valleys of the streams ?

A. Yes, sir.

Q. Can you raise anything here without irrigating the land ?

A. Yes, sir ; I didn't irrigate any last summer at all.

Q. Did you raise anything last summer ?

A. Yes, sir ; I raised as fine corn as I ever saw.

Q. About how many Indians are there engaged in agriculture—who do anything at farming ?

A. I have the list in my room, and the number of Indians that are farming, and the quantity of ground that they have under cultivation. I have the names of the Indians who are farming, and the quantity of ground that each party has ; two, three, four, or eight in a party.

Q. Do you find a good many of the Indians inclined to learn how to farm ?

A. Yes, sir ; there are a good many who take a great interest in farming. There are some who will go right with them and destroy what they put in. That has been done this summer.

Q. I suppose those are Indians who want to follow the chase and the war-path.

A. Yes, sir.

Q. Some of that class think it is very degrading for an Indian to work on a farm, don't they ?

A. They think it is a disgrace for an Indian to work at all ; they think it is not right to follow the white man's way at all. I have some that have worked very hard this summer.

Q. How long have you been out here ?

A. I have been in this country about fifteen years.

Q. How long have you been here at the agency ?

A. I was employed the 27th of last April a year ago.

Q. Do you speak the Sioux language ?

A. No, sir ; I can understand a little ; I have to get along this summer by riding round and getting them to understand as well as I can

what is wanted. I can understand some of their talk, and I talk a little; I can speak a few words of their language and I can do a little by signs, a very little, though.

Q. If grasshoppers did not come, don't you think you could raise pretty good crops of corn, of potatoes and wheat in these valleys here?

A. Yes, we could do very well with corn and potatoes. I did not try any wheat last year; I tried tomatoes and summer vegetables. I had corn last summer about 14 inches long.

By Mr. HARRIS :

Q. Is that sweet corn?

A. It is what they call Mexican corn.

Q. Is it for eating green or for feeding cattle?

A. It is for eating green; it is winter corn.

By the CHAIRMAN :

Q. Do tomatoes grow well here?

A. The season is not quite long enough for tomatoes.

Q. Do you raise pumpkins here?

A. I raised very fine pumpkins and squash and very fine beets. I raised beets here last year that were four or five inches in diameter, and as fine lettuce as I ever saw.

Q. How is it about watermelons?

A. Watermelons don't do very well here.

By Mr. ATHERTON :

Q. Did you put down any manure?

A. I did not last spring.

Q. Did you find it necessary?

A. If the ground was worked very often I think it would be necessary.

By the CHAIRMAN :

Q. Is there any alkali in the soil here?

A. None in the ground that I plowed up.

Q. Have you ever tried to raise any fruit-trees in this vicinity—peach or apple?

A. No, sir; I tried apple-trees; planted some seed, but it did not grow.

Q. Now, Mr. Lobach, with your knowledge of the Indians, and your knowledge of this particular locality, and your knowledge of the subject of farming, what suggestion would you make in regard to encouraging the Indians more generally to engage in farming? Are there any means that you think would be well to employ for that purpose that are not being employed at present?

A. No; they have not ground enough in this vicinity here to put them all to farming. There are a great many that would go to farming if they had a good country to farm in. There are a great many who wanted to go over on Running Water to farm, but some other Indians stopped them and would not allow them to go over there.

Q. Did they give any reason for that?

A. Well, they did not want them to go to farming too extensively this year. They wanted them to wait a while; there would be a great many more farming this year, no doubt, if it had not been for the influence of some white men here who endeavored to dissuade them from farming. Some Indians told me that white men had told them they were fools for going to work.



Q. Are you pretty well acquainted on this reservation ?

A. Yes, sir.

Q. Where is the best locality for farming purposes on the reservation ?

A. In this part of the country or Running Water is the best. There is a large party wanted to go on Running Water to farm this summer.

Q. Is there upon the reservation any good soil for farming that you are aware of ?

A. Yes, sir, there is.

Q. Where does it lie ?

A. I don't know the name of the creek, but it is southeast of the Cheyenne River.

Q. Is it a tributary of the Cheyenne ?

A. Yes, sir ; it empties into the Cheyenne. It is good soil, and it is the best stock-country I have ever saw.

Q. About how far is that from here ?

A. Well, as near as I can tell by traveling over it on horseback, about thirty-five miles, or perhaps a little more.

By Mr. ATHERTON :

Q. Is there more water there than there is down this way ?

A. It is a pretty well watered country.

Q. Is the land immediately around the agency here considered good grazing-land ?

A. Well, we have good grazing here until about this time of year, and then the grass is pretty well eaten up. Just about this time we have our dry weather.

Q. And then the cattle have to go for good grazing how far ?

A. Well, you get good grazing four miles southwest of here ; east of here you get good grazing-land ; there are a good many springs east of the agency here ; within four or five miles.

Q. I noticed in coming down the valley of White River that there is very little land that is of any use for agricultural purposes.

A. After you get three or four miles above here the valley is very narrow.

Q. From there down the stream is the valley wider and the land better for agricultural purposes ?

A. Yes, sir ; there are a great many creeks between here and Spotted Tail agency that you could put from ten to fifteen families on.

Q. And are there timber and water ?

A. There is plenty of water.

Q. Any timber ?

A. And the bluffs are very close, and there is tolerably good timber on the bluffs, some that is from six to twelve inches square. Timber can be brought out right over the bluffs.

Q. Is it very difficult to get it down from there ?

A. No, it is not so much bother, but it requires work.

Q. You cannot drive wagons up on the mountains, where you could load the timber on generally ?

A. No, not generally ; but you can in some places.

Q. Do you think places could be found on the reservation where the Indians could engage in farming, grazing, and raising cattle and horses to better advantage than right in this locality ?

A. Well, I don't know that they could better themselves at present ; after they got to quiet themselves down more they might.

Q. If they were disposed to engage in farming and raising cattle, are there not better places for them to go to do that than right here ?

A. Yes, I believe there are.

Q. You think probably up on the stream emptying into the Cheyenne would be a better location?

A. Yes, sir.

By Mr. FAULKNER:

Q. Did you observe on the part of the Indians any inclination, any taste, any disposition to raise stock and horses?

A. Yes; they could do it better where I am speaking of.

Q. I ask you, do they show any disposition to engage in that sort of labor?

A. No, not at all.

Q. Don't you think the Government would do better by encouraging, on the part of the Indian, a taste for growing cattle rather than agriculture, in this region of country?

A. Well, it would be better for the Indians, but they are more inclined to farming than to raising stock.

Q. You think so?

A. Well, I just take it from their talk.

Q. I understood you to say that labor was regarded by them as degrading?

A. They have their women work, but they don't work themselves.

Q. Could not they accomplish that better by making their women attend to their herds?

A. Understand me aright; they don't work themselves—but very few of them. Some of them work very hard; they make their women do all their farming, but not attend to stock; their women don't go near any cattle; or when they do have cattle, they generally have either a half-breed or a white man to take care of them.

Q. Now, the point I want to call your attention to is this: The Government seems to be bent on civilizing the Indians. The Government proposes to do that by inculcating a taste for agriculture. Would it not be more expedient for the Government to cultivate a taste for rearing cattle as a means of self-support for the Indians?

A. It would be better for the Indians.

Q. Then of course what would be better for the Indians is better for the Government?

A. It would be better for the Indians; no doubt it would be less expensive for the Government to get them to raise stock than to get them to farm; I think that myself.

Q. Don't you think that the character of the country as well as the character of the Indian population make cattle-raising better adapted to the situation than agricultural pursuits?

A. Yes, I do think so.

By Mr. ATHERTON:

Q. How many assistants do you employ, Mr. Lobach?

A. I had three this summer, Antoine Janis, Andrew Barrett, who is a half-breed, and John Bridgman—and Frank Salway, a half-breed.

Q. How much of the time have these men been employed in farming?

A. Well, they have been occupied steadily at work all the time ever since I have had them farming, ever since the farming season came in. The only men that are employed at present are Bridgman and Barrett; but Bridgman told me the other day he was going to quit, and Barrett is the only man now employed. Salway is now working for himself.

Q. What was your employment before you went to farming here?

A. I was working for Mr. Ecoffee, at Fort Laramie, running his train. I had charge of his mule-train. I had general charge around his place.

Q. Had you farming work to do there?

A. I did some gardening for him.

Q. Have you always been employed in farming?

A. Not all the time I have been in this western country.

Q. Before you came here, were you?

A. Yes, sir; I was born and raised on a farm in Pennsylvania.

By Mr. HARRIS:

Q. Do you know anything about the cattle here?

A. No, sir; I go down sometimes and pull out the beef for the butcher.

Q. You have been a farmer all your days; you know something about cattle; you see cattle in the herds and in the agency-corrals?

A. I go down and select the cattle for the butcher to kill.

Q. What do you generally find them to be composed of—steers or cows?

A. In the fall of the year we generally have steers, and in the spring and fore part of the summer they generally have them mixed—cows and steers together.

Q. In your judgment, what would be the average weight of the cows and steers, take them together?

A. I should think they would run from 850 to 900 pounds, as near as I could tell; I could not say; I never was there when they were being weighed.

Q. Do you know anything about the percentage which a beef's hide bears to his whole weight? There is a rule among men familiar with those matters, I believe.

A. I do not know exactly; I should think from 75 to 80 pounds.

Q. That would be about the weight of the hide of a 900-pound steer?

A. Yes, sir; as near as I could tell; I never weighed any here.

Q. Have you been cognizant of the fact that the Indians have sometimes sold their flour after it has been delivered to them from the agency buildings?

A. Yes, sir.

Q. Do you know who have been accustomed to buy flour from the Indians here in that way?

A. No; I could not mention any man's name; I could not say, but I have seen them sell it out there.

Q. Sell it right on the ground?

A. Yes, sir.

Q. Have you seen it loaded up in wagons?

A. No; I have seen them let it lay right there, and take the money, if strangers would be here buying corn and flour, and they would pay the Indians money for it.

Q. Do you know the price at which they have been accustomed to sell their flour?

A. From 50 cents to \$2 a sack.

Q. Now, is it a fact that freighters supply themselves, or have to any extent supplied themselves, with it in that way?

A. I never saw a freighter buy a pound from any one there.

Q. Do you know whether it is given to them through the hands of other people?

A. I don't think a pound ever went to a freighter.

Q. What you refer to is, an exchange between Indians and white people here?

A. Yes, sir.

Q. Did you ever see Randall buy any ?

A. No, sir.

Q. Did you ever know him to have any around his buildings ?

A. I have never been around his buildings to notice anything of the kind.

Q. Do you know anything about the pork that they had here last year in the commissary, and that was furnished to the Indians ?

A. Yes, sir ; I helped to eat some of it.

Q. Do you know any difference in it ?

A. There was some that was not very good.

Q. In what respect was it bad ?

A. Well, it was not bad only in this way, that it was lean.

Q. It has been described here to-day by one witness as apparently small hogs cut right up—the whole hog cut right up and put in—did it strike you so ?

A. Well, it was in mighty small pieces.

Q. Did you see any clear pork here ?

A. No, sir. I was not around the commissary enough to notice.

Q. Do you know whether the Indians eat it much ?

A. The Indians are very glad, sometimes, to have hold of it.

Q. Did they throw any of it away ?

A. I saw some thrown outside.

Q. Was there some pork which, in your judgment, was hardly fit to eat ?

A. No. I never saw any there that you could call unfit to eat. We used it in the mess-house, and ate it all the time.

Q. Was there any of that pork where the brine had leaked out of the barrel ?

A. There was some. I ate some of that kind myself. It was not spoiled.

Q. How long would pork keep with brine out of the barrel ?

A. I could not say. It would not keep very long. We used some in our mess-house, and it was not spoiled when we used it.

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#### TESTIMONY OF J. W. DEAR.

By the CHAIRMAN :

Question. You are a trader at the agency here, I believe ?

Answer. Yes, sir.

Q. How long have you been here, Mr. Dear ?

A. I have been here about eighteen months.

Q. Where do you have your goods brought to on the railroad ?

A. Formerly I had them brought to Cheyenne, but now I have them brought to Sidney, that is, for the last four or five months.

Q. Why do you have them brought to Sidney ?

A. Because the rates are cheaper, both on the railroad and overland by wagon-trains.

Q. You can get them hauled from Sidney here cheaper than from Cheyenne ?

A. Yes, sir.

Q. Do the same men haul for you from Sidney that formerly hauled for you from Cheyenne ?

A. Some of the same men.

Q. What did you pay for hauling goods from Cheyenne here ?

A. I never paid less than \$2.50 a hundred pounds, and in case of an emergency I have paid as high as \$3.

Q. You contracted with the men who hauled them themselves—with the wagoners and teamsters ?

A. Yes, sir. I wish to explain about that. These parties have their individual teams, and they are men who are owing us, consequently we can afford to give them more than we would give outsiders; that is, they are men who have dealings with us.

Q. Then you pay them in goods here ?

A. Frequently we pay them in cash ; sometimes we pay part in cash and part in goods.

Q. Does this price prevail as to all kinds of merchandise, including the heavy as well as the light ?

A. Yes, sir ; it is all weighed. Generally our goods are heavy. The larger portion of them are groceries or dry goods, that are weighty.

Q. What do you pay for hauling from Sidney ?

A. I have not paid over \$2 a hundred, and I have paid as low as \$1.75 a hundred.

Q. Have you any trouble in obtaining all the teams you require at those rates ?

A. We can always get teams at those rates, because they are higher than the general rates.

Q. Your goods are shipped from where you buy them to Sidney, assigned to your commission-house there, or your agent, and then he employs the teams to bring them up here ?

A. No, sir ; he is advised of certain shipments, and then we would have teams there by certain times to meet those goods.

Q. In sending teams down there, do you furnish them with loads from here ?

A. We frequently give them loads, but when we are pushed, we pay them for a load down in order to get them to go down and bring goods up. I have paid one cent per pound for a down trip, that is, on ox-trains and trains that have brought out a load to the military post and are going back empty. Of course it was an inducement to take them down.

Q. Mr. Dear, were you here last November and December during the fall and winter of 1874 and spring of 1875 ?

A. I think I was.

Q. Did you have occasion to notice the character of the supplies issued to the Indians last fall, say in November and December ?

A. Let me study awhile to see where I was then. I think I was here. I saw some of the sugar and some of the coffee they were issuing during the fall ; I don't remember the bales, but it was during the cold weather.

Q. What was the character of that sugar and coffee ?

A. The sugar was a fair quality of brown sugar, and the coffee was a fair quality of coffee. I drank it myself, and I have found much worse coffee in the States.

Q. Did you notice the flour that was issued during last fall and winter ?

A. I ate some of the bread which was made out of the flour, and considered it a very fair quality of flour. It is a better quality of flour than you are eating over there now. That flour you have there now I bought at Sidney, and I used some of the flour that the agent had here, such as was issued to the Indians. I borrowed one or two sacks.

Q. Well, as trader, having considerable intercourse among the Indians, did you hear considerable complaint among them about the supplies that were being furnished them ?

A. The greatest complaint that I have heard is that they don't have enough.

Q. Do you remember noticing the blankets that were issued last fall ?

A. I didn't see them at all.

Q. Have you seen the Indians wearing blankets branded "U. S. I D." ?

A. I did not examine them closely.

Q. Have you seen the herds of beef-cattle that were brought in here for delivery to the agency ?

A. I have never been at the corral where the cattle are delivered during an issue since I have been here these 18 months.

Q. Have you ever seen any of the cattle ?

A. I have seen the cattle when passing through them while they were being herded after they were turned over to the agency, and I considered them an average lot of good cattle.

Q. Do you remember noticing them late last fall and winter, say from November to February, or any time along there ?

A. I have seen them off and on during the last six or eight months, and have always considered them to be a good lot of cattle, a fair lot of cattle. I could not confine myself to dates as to the time of seeing them. I don't remember.

Q. Do you remember whether there were more steers than cows ?

A. I do not.

Q. Do you remember noticing yearlings and calves among them ?

A. I have noticed calves among them. I don't know about the yearlings.

Q. Do you remember noticing whether the steers were four-year-old Texas steers, or younger ?

A. I am not a sufficient judge of cattle to say, on looking at them, but I should judge from the size of the hides I got without the heads and legs, from what they brought in market, that they were full-grown cattle.

Q. Have you any recollection as to what was the general average weight of their hides when green ?

A. No, not green ; but the average weight of dry has been from 23 to 30 pounds—well dried and fleshed.

Q. And all of those, you say, were without the skin of the head and legs ?

A. Yes, sir.

By Mr. HARRIS :

Q. What is the difference by shrinkage between a dry and a green hide ?

A. I don't know the exact proportion, but it is more than one-half. Hide-men can tell you better than I can.

By the CHAIRMAN :

Q. You have a man who tends to that business ?

A. Yes, sir.

Q. Now, Mr. Dear, you understand the object for which we are come out here, and if you know of any circumstance yourself, or if you can give us any suggestion by which we can learn from others any information concerning inefficiency or mismanagement or fraud in the administration of Indian matters here, we would be obliged if you will tell us.

A. As far as my knowledge is concerned, I know of no frauds or mismanagement on the part of the agent, or of any circumstances that show any insufficiency on his part. I know he has had a great many disaffected elements to contend with, and I don't think any other person would have done better under the circumstances. Judging from the course he has pursued under the most trying difficulties that we have had here, I should think he is a man of firmness and decision of character, more so than his appearance would indicate.

Q. Do you know anything of the Indians selling to the teamsters and others flour that was issued to them last year?

A. I do not. I think there were some squaw families that got some flour and corn from others who had a surplus.

Q. Do you know anything of a lot of flour being shipped from here to Sidney?

A. I do not. If there was anything of that kind done, of course it would be kept very private.

Q. Can you give us any information as to whether the agency has been out of supplies at various times, and the Indians suffering for the want of supplies, and whether, in such a case, it were attributable to the failure of transportation or not?

A. They were short several times during the winter, but it was during the extremely cold weather, and then for weeks it was impossible for teams to travel. I know I could not even send my own teams out, and the Indians themselves were frozen to death on the road. Several froze to death coming up from Sidney here; that is, they died from the effects of being frozen.

Q. Do you know anything of failure or neglect on the part of the contractor in transporting supplies from Cheyenne here; neglect to transport supplies before this extremely cold weather came on?

A. No, sir, I do not.

By Mr. HARRIS:

Q. Do you know any reason why the supplies for the winter should not be here before November?

A. I do not know; because the contractor has certain quantities to deliver at certain seasons.

Q. If the supplies are required to be delivered in Cheyenne by the 1st of August, is there any reason why they should not be here by the 1st of November?

A. I don't see any reason why they should not.

Q. Mr. Dear, could you suggest to us the names of any parties here who would be likely to have a knowledge of anything wrong that has been going on here—who would probably know something about it, if there is anything wrong going on?

A. I could suggest to you the names of probably a hundred disaffected parties who could tell you very plausible stories.

Q. Can you suggest the names of parties who would probably know something of their own knowledge?

A. No, sir; I could not.

Q. I believe there are two traders here at the agency; how are the traders appointed?

A. By the Commissioner of Indian Affairs upon the recommendation of the agent. I have known occasions where they have been appointed by outside influence without the recommendation of the agent. The trader is required to give bonds in the sum of \$5,000, with two or more approved securities, to conform to all laws regulating trade and traffic with the Indians.

By Mr. HARRIS :

Q. Were you appointed by Agent Saville ?

A. Yes, sir.

Q. How long have you known him ?

A. I have known him nearly two years.

Q. Where did you first know him ?

A. I first met him here.

Q. Were you a trader at the old Red Cloud agency ?

A. Yes, sir.

Q. How long had you been there ?

A. Sixteen months.

Q. And you never had known Dr. Saville until he came in as agent ?

A. Until I came here.

Q. Have you a partner ?

A. No, sir.

A. Does the agent directly or indirectly, in any remote degree, have any interest whatever in the profits of your trade ?

A. He has not.

Q. Have you, in consideration of any favor which he has shown you, or in consideration of your appointment, paid him directly or indirectly, or have you promised or implied that you will at any time hereafter pay him any consideration ?

A. I have not. I have simply extended to him the courtesies due from man to man.

Q. Well, since you open that, in what way have you extended him these courtesies ?

A. The courtesy due from one gentleman to another.

Q. Treated him as a friend and neighbor ?

A. Yes, sir.

Q. In order to make this thing perfectly clear, and that there should be no possible doubt or speculation about it, I will ask, Do you give Mr. Saville privileges to take from your store goods which he is not charged with, or which he does not pay for ?

A. No, sir. I treat Dr. Saville as I would any other man ; that is, as a business man should.

Q. Do you know of Mr. Saville's being in any way interested in any trade going on here ?

A. I do not, sir.

Q. I will ask you whether, in your judgment, \$1,500 a year is adequate compensation to be paid for an agent at this post, taking into consideration the expenses which he has to bear and the labor which he has to perform ?

A. I will answer it by saying that I do not consider it an adequate sum to support a man under the circumstances.

By Mr. FAULKNER :

Q. Have you had an opportunity of witnessing the temper and feeling of the Indians about this agency during the last two years ; and, if so, have you observed any tendency or inclination to adapt themselves to the policy of the Government ?

A. Yes, sir ; I have. For instance, three years ago the Indians would scarcely allow any one to cross on the north side of the Platte. The year following they permitted the agency to move from the North Platte to this point. At the time the agency was moved here, they would not permit white men to cross on the north side of White River, which is about 200 yards distant from here. Then they prohibited



the agent from allowing his stock to graze on the north side of the river; and to-day one or two men can go to the Black Hills without any molestation whatever. I mention the Black Hills particularly, but they can roam all over the country without molestation.

Q. Do you find more or less disposition on the part of the Indians to be more pacific and less troublesome than they were at that time?

A. Yes, sir; decidedly. I was at the old agency three years ago, and at that time I was afraid to ride a mile from the store. Those Indians had just been gathered in during that year. The Red Cloud agency is only two or three years old. These Northern Indians have only been gathered in within the last three years.

By Mr. ATHERTON:

Q. Were those Indians among whom you were afraid to ride the same ones that are now around this agency?

A. Yes, sir. The fact of these Indians having asked for cows and brood mares and agricultural implements shows of itself a tendency to advancement.

By Mr. FAULKNER:

Q. Have you discovered any material change in their temper and disposition so far as you have had intercourse with them?

A. Yes, sir; a decided change. Last year they were 100 per cent. more peaceable than they were the year before, and to day they are 100 per cent. more than last year. I think the residents at the agency can testify to that. There are a great many fractious individuals among the Indians, just as there are among the whites. While there are a great many disaffected parties, the larger portion of them seem inclined to assume the mode of living of the whites.

Q. Do you observe anything in the change of dress on their part that would indicate any approach toward civilization?

A. There are quite a number about the agency to-day who take quite a pride in dressing in white men's clothing. Red Dog, for one, never feels so proud as when he has got on a white man's suit. I fitted him out several times.

Q. How would that have been regarded a few years ago?

A. It would have been regarded by the Indians as an innovation upon their ideas.

By Mr. ATHERTON:

Q. What is the effect at present of this dressing in white men's clothing upon the standing of such Indians among the rest of the tribe?

A. The old heads think nothing about it; they take a consistent view of the matter, while the younger men, who are yet untamed, take a different view.

Q. Does it seriously affect the influence of those who dress in white men's clothes?

A. It does to a certain extent among those others.

By Mr. FAULKNER:

Q. You speak of the salary of the agent as being very inadequate, and there seems to be a popular impression pervading the whole country that these agencies are sought, not looking to the nominal salary, but to some covert means by which their emoluments are enhanced beyond the sum of their salary. Now, are you able to state, from your observation of the conduct and means and resources of this agent, whether, in any way, he has been able to increase his visible means of support since he has been agent at this place?

A. No, sir; I don't know, and I really could not state his means or his resources.

Q. Have you seen any indications of an increase of means or resources on his part since he has been here?

A. I have not, sir. He seems to occupy the same position financially, as far as I can see, to-day, that he did two years ago.

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### TALK WITH SITTING BULL.

In the evening (August 9) Sitting Bull and Old-Man-Afraid-of-His-Horse called on the Commissioners, when an informal talk was held.

SITTING BULL. Tongue came this morning and informed us that you wanted us to come and talk; and we have come to see what time you want us to be here in the morning. If you have any questions you want to ask us we are willing to talk this evening.

The CHAIRMAN. Did your people suffer last winter for something to eat?

SITTING BULL. No, sir; we had plenty.

The CHAIRMAN. Was the coffee and sugar you had last winter good; not only was it good, but did you have enough of it?

SITTING BULL. Yes, sir; the coffee was good; in all the coffee that was sent you could always find a few grains that were bad, but take it all around it was good.

The CHAIRMAN. How was the tobacco?

SITTING BULL. There was some kind of tobacco that was good; that is the short plugs; the other kinds were not so good to mix up with the Killikinnie; it does not smoke so well as the small plug.

The CHAIRMAN. What kind of beeves did you get last winter; were they good ones?

SITTING BULL. When we were over at the other agency on the Platte, I often complained of the small yearlings they gave us. They listened to us here and gave us larger beeves than they gave us on the Platte; they were average beeves. Our father here was not our agent then. Dr. Daniels was the agent when they gave us the beeves on the Platte, but here they gave us good beeves.

The CHAIRMAN. Were the beeves you got last winter all large and good ones?

SITTING BULL. Yes, sir; I am not the only one that knows that the beeves they gave us last winter were all large ones.

The CHAIRMAN. Did you get some pork last winter that was bad?

SITTING BULL. We got some pork last winter that was good, but it did not render out into grease; that was the only fault the Indians found. It would not melt well. The bacon we are getting now, we can render into grease, and we like that.

The CHAIRMAN. Do the Indians like the lean thin pork?

SITTING BULL. We want to have it so that we can render it to make bread.

The CHAIRMAN. Did you have some very bad flour last winter; so bad that you could not make bread out of it?

SITTING BULL. There was some flour that was pretty bad; some of it was not eatable; some of it was dark—darker than the other, but

we all eat it together, and they eat it here at the agency, and we all lived on it. We got as good as they did at the agency.

**THE CHAIRMAN.** Do you know of any of your people having any flour that they could not eat?

**SITTING BULL.** There were some few sacks that was not good; some that we could not eat; at least some of the Indians could not eat it.

**The CHAIRMAN.** Did the blankets that were issued have large holes in them where the letters were put upon them?

**SITTING BULL.** The blankets where they were marked would wear out very quickly. If they would not put that mark upon the blanket it would last much longer. [Sitting Bull here exhibited his blanket; and where it had been marked the nap had worn off.] This one is better than some others. The stamp affected the red and blue blankets more than the others. The white blankets are not branded that way; only the black ones. As to whether all the blankets issued last year were marked that way I never paid much attention. Some wear out much quicker than the others.

**OLD-MAN-AFRAID-OF-HIS-HORSE.** Some of the blankets are good but where they mark them. If they would not mark them that way they would wear much better.

**Mr. FAULKNER.** Have you any distinct recollection of the blankets issued last year? Have you any recollection of the number that were issued?

**SITTING BULL.** I counted them, but I have forgotten how many.

**Mr. FAULKNER.** Does your recollection enable you to state whether there was the full supply you had a right to expect?

**SITTING BULL.** There were less than there were the issue before.

**Mr. FAULKNER.** (To the agent.) You requested him to count the bales?

**Dr. SAVILLE.** The Indians themselves requested him among themselves to count them.

**Mr. FAULKNER.** Was there any dissatisfaction expressed by those who appointed you to make the count at the distribution of blankets at the time?

**OLD-MAN-AFRAID-OF-HIS-HORSE.** They all spoke about it. I recollect it all, but I would like the other Indians to be here before I say anything about it.

**The CHAIRMAN.** When the annuity goods were issued last year were there some Northern Indians camped on the north side of White River, near the agency?

**OLD-MAN-AFRAID-OF-HIS-HORSE.** We all know here that those Indians were all here—the Minneconjoux from the North. The men here all know that those Indians were here; but I don't like to say anything about it until the other Indians come in. There were more Indians here last fall than at any other time, and the goods were not sufficient to supply them all. A great many did not get any, and they did not expect any. I want to tell you about this to-morrow.

**The CHAIRMAN.** We want you to talk together, and know what you will say when you come. We want to know if anybody has cheated you; we want to know if you get all that is sent you. The Government has paid for all these things, and we want to know if you have been wronged; and if you have we want to go back and tell the Great Father all about it. We not only want to know if the agent has cheated you, but we want to find out if some rascal has been sending the agent bad things and cheating you in that way.

RED CLOUD AGENCY, NEBRASKA,  
*Tuesday, August 10, 1875.*

### COUNCIL WITH THE OGALLALA SIOUX.

The commissioners met the Ogallala Sioux in a general council which had been called to meet in the store-house, within the agency grounds. Seventy or eighty chiefs, headmen, and warriors of the Sioux Nation were present. The commissioners—Hon. Thomas C. Fletcher, chairman; Hon. B. W. Harris, Hon. Charles J. Faulkner, and Prof. George W. Atherton—occupied seats at one end of the building, and, sitting in order, beginning on their right, were Red Cloud, Little Wound, Conquering Bear, Red Leaf, Tall Lance, High Wolf, Old-Man-Afraid-of-his-Horse, Sword, and Sitting Bull, who came in after the proceedings had commenced. All these sat on benches, while the other chiefs and headmen sat mostly on the floor around the room. The chiefs of the Arapahoes and Cheyennes, not understanding that the invitation had been extended to them, did not attend, and afterward they were met in a separate council. Agent Saville and most of the employés and other white men around the agency were also present. Leon F. Pallarday, Jules Ecoffee, William Rowland, and Antoine Janis were requested by the commissioners to act as interpreters. Red Cloud expressed a preference for Louis Reshaw, who was absent. The council was opened by the chairman of the commission rising and addressing the Sioux as follows, Mr. Pallarday acting as interpreter:

#### GOVERNOR FLETCHER'S SPEECH.

We come here to see you and to talk with you, and we were selected for that purpose by the Great Father in Washington, not with the intention of making any treaties or bargains with you, or of getting you to agree to anything with us, but simply to talk with you. There are four of us here. Another, (Senator Howe,) a great white man, was to have been with us, but has not joined us yet; why we do not know. We were sent here to talk with you and learn from you if any person has ill-used you in any manner. If the agent or any of the contractors who have been employed by our Government to furnish you goods and supplies have cheated you, we want to find that out. And if we find that anybody has cheated you, given you bad rations, or not given you enough, or has done any wrong, we will have him punished for it by our law. We want you to talk with us as good friends, and tell us all about how you have been getting on and how you have been treated. The white man is very smart, you know; he will not only cheat Indians, but he will cheat white men too, and we want you to tell us all about what has been done here. But it is only a few bad white men that would wrong you; the great body of the white men want you treated right, and we are here to represent them. You are men and so are we, and we want you to talk with us not only in council, but as one man talks to another about his affairs. The Great Father and the white men want you to do well, want you to be happy, want you to be rich some time or other. You must learn the ways of the white man. You must learn to raise cattle and sheep, and then you will have great herds on the prairies that will be more cattle and sheep than there are grasshoppers on the plains. When the Indian shall have his great herds of cattle and sheep, then he will sell them to the white man to feed the white man as the white man sends supplies to feed the Indian now. The white men are

so many, they have not got great prairies like these to graze their cattle on; but they have to dig the ground to grow food for them, while here the cattle live on the open prairie. After a while, when the Indian has more herds of cattle, then he will send beef to the white man; when he has great herds of sheep, then he will make his own blankets, and he will send his sheep and his wool to sell to the white man, and he will get in pay sugar, coffee, tobacco, and everything else he wants. Now, we want to talk with all of you, and we want you to tell us freely all you know about the management of affairs out here, without fear of anybody. If we can do you any good, we want to do it. That is what we came for, and that is all I have to say.

#### RED CLOUD'S SPEECH.

Red Cloud then replied as follows, Pallarday and Janis acting as interpreters :

My friends, you men that are sitting down here, do you think that you will succeed in understanding what I tell you? May the Great Father above look upon us all! And what we are going to say, I hope you will look upon it well. You people that are here to-day have given me this land that I am on at present. And you people who belong down yonder toward the sea, that country where you have been born and raised, belongs to you; that is your country. I am one of the people who have been gathered here from the four winds of heaven. But those old people you see around you here, the most of them, have been raised in the country around Fort Laramie and on the river Platte. I have been working strong in years past against them; I mean the whites. The buffalo south and the buffalo north, on both sides of us, that is the game that has brought our nation where it is now. All those old people that were raised on the Platte called commissioners to come around and see us. They used to bring persons with them, and give us guns and clothing. I thought if we moved our agency up here and would come into this country we would succeed in getting more goods than we had been in the habit of getting there; but instead of that I succeeded backward, and all the time I got less of everything. Last fall, when the annuity-goods came here, there were only thirty-seven bales of blankets for all these people. There were upward of three hundred of our people who did not get any; and everything else was short in proportion to the blankets. It is two years since we have come here, and we have not got enough. We have had to divide with the Indians from the north, and we have to divide with them still, and that makes us short, so that the goods we get are not enough for ourselves and them. Before six months expire we are out of almost everything. When I went to see the Great Father in Washington this summer, he told me that twelve months' rations and twelve months' annuity goods were sent to us. I believe this myself, but I don't believe whoever the Great Father has to buy these goods and provisions to forward to us here sends them out. I think there is something wrong about that. When the goods from the East come up to Cheyenne, there a portion of them is lost, and that I think I know myself. I have no jealousy against any one, nor do I wish to backbite anybody; but what I see with my own eyes I wish to tell. The commissary man there [pointing to one of the employés] must not understand the weights. When he gives rations to the old women and children he gives them out by the shovel. That does not please me. My father, sitting there, [pointing to the agent,] the young men you have employed at the herds have been drunk and

drinking for some time, and I understand some of the cattle have been stolen and traded off. As a Sioux Indian, I was brought up with brains and a heart, and that is the way we are all brought up. Those three men sitting beside the agent [pointing to Dr. Snow, physician at the agency; Mr. Gibbons, clerk; and Mr. J. H. Bosler] are good men. I like those men; they have feelings and a heart; they are employed here, and they do what is right. The doctor is a man who helps us along a good deal; he doctors the women and children when they are sick, and does very well by them. The other man is the clerk here, and we have found nothing out of the way with him, and everything has gone on all right. That other man [Mr. Bosler] is the man who has brought cattle here, and he has brought them here in time. We have nothing to say against him. Last winter Mr. Bosler came very near freezing in bringing cattle over. My father, [pointing to Agent Saville,] we don't blame you about our provisions and goods, because you don't buy them. They are bought by other parties East, and sent to you, but you ought to see that they do well by us.

There is another thing I never did like, and I spoke about it when I was down East, and that is about the soldiers being in this country, camped above us on this creek. I told my father in Washington that we didn't want any soldiers here; that we didn't need them. My father here, [the agent,] I tell you to-day why the Indians spoke about you. Last year you wanted to put up a flag here, and it did not please the nation, and you came very near having good young men killed on both sides—whites and Indians; and since that the Indians did not like that plan at all, and they have talked against you, and that is the only thing that the Indians did not like in you. Some years ago we had officers for agents in this country beyond here, on the Missouri River, and now that is a thing that we don't want. I tell you now, and I have said it before, that we don't want any Army officer as an Indian agent. There are plenty of men in the country that you can get for agents besides military men. We want a man close to our Great Father's place—a good man, not an officer. We want some person who has the confidence of the Great Father in Washington. We don't want as an agent any man who wants to come out here to get rich. We don't want a poor man as an agent. That man that has been picking up bones in this country, [Professor Marsh,] what is the reason he did not come here with you?

The CHAIRMAN. Professor Marsh told all these things to the Great Father and brought him the samples of the things you gave him, and showed them to him, and the Great Father sent us here to see about them.

RED CLOUD. [To the agent,] My father, lately I have got jealous here. The reason why I got jealous was I went down to Spotted Tail agency, and down there they showed me a great deal of lumber, and the half-breeds and other people who are living with the Indians are putting up buildings, and so I got jealous. And the Indians themselves there have very nice houses too.

Mr. HARRIS. Do your people want houses here?

RED CLOUD. Yes; some of the Indians would like to have houses, but we can't get lumber. I am going to ask you a question, now that you are all here together. I went to see my Great Father and the Commissioner of Indian Affairs this summer. There were a great many persons present, and perhaps some of you were there; but I cannot recollect. I don't remember seeing any of you there. There are a good many of us here who were there. We had Mr. Hinman as our interpreter. What I have been telling you to-day they questioned me upon

the same subject in Washington, and I told my Great Father then what I have told you here to-day. And he asked me if I had come with the intention of getting another agent. I kept still and did not say a word, and he repeated the question to me, and then I spoke to him and I told him this: "My Great Father, you are sitting here with your people; and I am here with my people. You have told me before when I came here that if my agent did not do right, and I did not like him, and the nation did not like him, you had plenty more, and you would give me another. You told me these words when I was in Washington before this. The reason why I have come here is that the agent we have got, it seems, and myself don't succeed in getting the necessaries for my people, and that is why I have come here to tell you, so that you can decide what to do about it." Then he told me, "I will give you a father who will be ahead of all the fathers you have ever had." When he said that we shook hands together, and all was right. It was the Commissioner of Indian Affairs I had this conversation with. I told him, "My father, I don't want a soldier as agent, and I don't want a preacher as agent; but I want an old man about your age or a little younger, who has got a little gray hair on his head. That is the kind of man I want." He said, "All right, Red Cloud; go home, and in about thirty days there will be an agent at your place." Now, the question I want to ask, is, How is it? I am not a child. I am looking for that agent to come, and I hope my Great Father is not going to deceive me. That is all I have to say on that subject. That is what the next to my Great Father [the Commissioner of Indian Affairs] told me when I was in Washington. I am going to talk to you now about our provisions. Over on the Platte, when Dr. Daniels was agent, we used to receive our rations every seven, eight, and nine days. Here we would like to get them every ten days. I think if they were issued every nine or ten days they would last longer than if we drew them every seven days; I think we would save provisions by drawing them every ten days, instead of every seven days, which is the rule at present. We do not run around or go off anywhere. There are a great many of us here—the Ogallalas, the Wahashaws, the Cheyennes, and the Arapahoes—a great many Indians here, and I wish, after you get through, you would get in a wagon and go and see the number of Indians there is around here.

The CHAIRMAN. We will do that.

RED CLOUD. You will see it is something like the whites in the States. We have settlements like scattered towns; you have a good many women and children in those towns, and it is the same here with our bands and tribes. We are born all the same—the Indians and the whites—born with five fingers on each hand; born with face and eyes and ears, and a mouth to speak. There is no difference in us at all; the women are made alike, and the men are all made alike; they are all about the same. Now as to those Black Hills. Our great Father has got a great many soldiers, and I never knew him when he wanted to stop anything with his soldiers but he succeeded in it. The reason I tell you that is, that the people from the States who have gone to the Black Hills are stealing gold, digging it out and taking it away, and I don't see why the Great Father don't bring them back.

The CHAIRMAN. The Great Father has ordered those people to be away from there in five days from now, and if they do not go he will bring them out with soldiers.

Sitting Bull then arose, and, addressing himself to Old-Man-Afraid-of-his-Horse, said to him: "If there is anything that Red Cloud has said

that you don't like get up and speak. These gentlemen have not come here for nothing." Old-Man-Afraid-of-his-Horse made no reply.

The CHAIRMAN. If there are any others who would like to speak to us we will be glad to hear them, and to have them tell us all they want and all they think about. The white man regards Red Cloud as a great Sioux, a great warrior, a wise man, and the white man listens to what Red Cloud says, unless somebody else has something more to say. If any have we would like to hear from them too.

Old-Man-Afraid-of-his-Horse was invited to speak, but he declined ; and Red Dog, about whom inquiry was made, was absent in the Black Hills.

#### SPEECH OF LITTLE WOUND.

As Old-Man-Afraid-of-his-Horses won't speak for himself I will say a few words for him. I am glad you have come here and come with the intention of seeing and hearing what is going on. I understand you have come here to see about our annuity-goods and provisions—bacon, flour, coffee, and beef—and I am glad that you have done it. Back at our old agency on the North Platte we built some adobe houses. We did not build them for fun or to last for only a short time. There is where we were brought up. When we were over there on the Platte we had Dr. Daniels for our father, and I told him often about our ideas and views with reference to our agency. From there we came here and put a stick down to mark the land where to build the agency, and we were promised thirty years' provisions and annuities. We all did not expect to live to see those thirty years, but our children would, and that is why we were posted here ; that is what was told us when we left there to come here. A little before we started from there we had councils. There were men who came from the Great Father and had big talks with us, and put their hands up to the Great Spirit above with us, and told us if we would come here they would build us big houses and fill them with provisions, provided we would move our agency here ; but we have not seen that done yet. I want to say my Great Father eats good provisions, and I have asked him to send us such things as rice and dried apples and sugar and coffee, tea, and hominy—such things as you eat down yonder ; but I don't see any of them sent to us, and I don't see why we can't live as well here as you do down there, when such things were promised to us. It seems that my Great Father decides to send us such stuff as we have been eating, and a great many small cattle—poor, small, and lean. We have never asked for any beans, and have never asked for any American corn. We never asked for any pork—the pork is right yellow, and we never asked for that kind of pork. My father [the agent] has told me that by going around and counting all the Indians in every lodge he could tell exactly how much rations to give and how much annuity goods they would have to receive, but it has not been done yet—we have not received enough for the number of Indians that have been counted. Red Cloud told you that when you got through your business here you should go out and see how many Indians were here in our country ; but after you see them you must not think that that is all of the Indians, because there are a good many who are not here now ; about one-half of them have gone out hunting. These young men you see here, nearly all of them, are married men and have families, and they are almost in distress for want of lodgings. They have to double up, two or three families in one tent, in order to get shelter. We would like to have enough tents so that each family could have a tent. The blankets we get are not good. I was out south last winter



after buffalo, and I traded for the blanket I have on me now. Most of those we got last winter have big holes right in the middle of them; they are burned where they are branded. They told us when we moved here we were to get good clothes, such clothes as you wear—white shirts, frock-coats, and pants—but we don't get them. Now, my friends, I am going to ask you something. You all appear to be gentlemen and nice men, and I am very glad to see you. I want to ask you this question in regard to these poor people of ours who are trading the beef-hides that we get. We don't get all they are worth for them; two and three dollars is all we get, and I would like you to tell us why we don't get more.

Another thing—in regard to our stopping of hunting in the south. When we sold our right to hunt we did not expect to sell the ground; at least that was not told us. We sold the right to hunt for \$25,000, but not the ground. The reason why we accepted it was on account of white people going in there and killing the buffaloes and throwing all the meat away; that is why we were in such a hurry in accepting the offer. We told the commissioners when we took this offer of \$25,000 to buy us some wagons and horses and cows. I want to know now if you can inform us what they cost. The wagons have not come; the horses and cows have. When we accepted it we were told they would bring us the amount of \$8,000 in cattle, wagons, and horses for the Cut Off band (my band,) and Red Cloud \$7,000 worth for his band. The stock has come, but the wagons have not arrived yet. I want to know if we have got the full amount of the \$7,000 and the \$8,000. We have received sixty-four horses and sixty cows. We have looked at the cattle, and they are not more than three or four years old, and from the size of the cattle I should not think they would cost very much. The horses were the same—small—and could not have cost very much. Some of them are very wild and could not be broken. One of the horses we cannot go near at all; he will rush at us and bite us. There are fifteen young men of my people who have gone with the commissioners to try to get the Northern Indians to come here to hold the council about the cession of the Black Hills. They went there with good intentions. I have used my influence and have given twenty-five horses as presents to the Northern Indians to induce them to come in and hold the great council here. I wish you would tell my Great Father about my giving these horses; that I am a poor man, and I am using these horses for him. The commissioners have promised those young men a horse and saddle and bridle apiece for going after the Northern Indians, but I hope they are not part of the sixty we have received. [The agent here explained that those commissioners had not promised each a horse and saddle and bridle, but had told the Indians they would pay them for going.] Almost all my young men have gone out to catch wild horses at the mouth of Pawnee Fork. When you see my people you may think they are very few, but you will know that most of them have gone out after wild horses. About giving us rations every seven days—the amount is too small to last; it is small enough when we get it every ten days. I would like you to write to the Great Father and let him know this about the issue of our rations, that we would like to have them every ten days instead of every seven days. And I would like you to send one man from here to the cattle herd on the Niobrara River and see them bring in the cattle for issue. There will be cattle here for issue to-morrow, and I think they will be the best cattle in the herd, and I wish you would send some one to see the remainder of the herd. The way they give the rations here they must think we need only half a dollar's

worth apiece. They must count us all for about half a dollar's worth of rations each, and it may be less—a quarter of a dollar's worth.

Another thing—I have not seen it myself, but I have heard complaints by the women and children, that when the issues were given they would throw the corn nearly in their faces; they would issue it very roughly, and I wish you would see to that. There are a good many of the young men here who have been brought up among the whites, and they understand a good deal of the English language; they hear the people at the issuing cursing and swearing at them a good deal, and we don't like that, and I hope you will have it stopped. That is about all I have to say; only here [in the warehouse] is the sugar and the flour, if there is any here now, and I would like you to look at it. Last winter some of our people were starving; when we got back from Washington there were some that were nearly starving. For myself I don't know this to be a fact, but I was told so; I was gone for six or seven weeks, but I was informed of it by the people who were here. I hope before you leave here you will bore a hole in these barrels of sugar and taste it, and see what kind of sugar it is; and that you will open a sack of coffee and examine it; and if there is any flour like what we got here, look at it; it was full of mice-holes. I hope when you get back to my Great Father you will make a good report of this, and see that we get some white sugar instead of yellow sugar, and good provisions, hereafter.

The CHAIRMAN. We want to talk to two or three of you by yourselves, and we will try to answer as best we can the questions you have asked. We want to talk privately with Red Cloud and a few others whom he may choose to bring with him, before we go away from here, whenever it suits their convenience.

Red Cloud, Little Wound, and other prominent chiefs then came forward and shook hands with the commissioners, and the council closed.

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### INFORMAL TALK WITH THE OGALLALAS.

In accordance with the suggestion of the chairman at the close of the council in the warehouse, Red Cloud, Sitting Bull, Face Shoulder, Tall Lance, Scraper, Slow Bull, Fast Thunder, and Old-Man-Afraid-of-his-Horse had a private interview with the commissioners in the agent's house.

The CHAIRMAN. You have heard what Little Wound said to-day, and now, if you have anything more to say to us, we shall be glad to hear it.

SITTING BULL. We heard what these two men here, Red Cloud and Little Wound, said, and we understood it all. Here is the Old-Man-Afraid-of-his-Horse, he is a man of sense, and all these young men here, they are men of sense. I am living with them here, and anything they say I listen to. I listen to what they say; at the same time I listen to what the whites say. I said a few words when I was in Washington to the Commissioner of Indian Affairs; these words I would like to repeat here, with a few more words. All these men you see here with me are trying to be friendly to the whites, and are trying to follow their ways, and if any Indian says anything against the whites it does not please them. We understood that you have come out here for the Great Father because there are some things going on here that he don't like, and you want to get all the news and facts, and I am very much pleased

to see you. There is Old-Man-Afraid-of-his-Horse; he used to be the brave man of the Sioux Nation; we used to follow him, and everybody under him used to follow him, and listened to what he said, and anything he said we agreed with him. We asked Red Cloud to speak for us, and he has asked every time for a new agent. This don't please us, we young men sitting in here now. We have this man (Agent Saville) to work for us, and we have helped him, and just about the time he is trying to do something for us they are trying to throw him away; this is a fact. Red Cloud asked for another agent, and he will keep doing that, and we don't know where he will find a better one. About the blankets which came here: there were thirty-seven bales, and they were divided between twenty different parties; half of them were again divided into twenty parts, and they then went around and divided them again, and half of the Indians got blankets and the other half did not get any.

Mr. HARRIS. Did you count them?

SITTING BULL. I was right there in the door and counted them when they went into the warehouse; there were thirty-seven bales.

The CHAIRMAN. How many Northern Indians were here at that time?

SITTING BULL. When they counted us there were a great many, but when the goods came about half as many more as were here came in, and that made the goods to go around too small.

The CHAIRMAN. How many lodges of northern Indians were there camped on the north side of White River during the cold weather last fall, when the annuity-goods were issued?

SITTING BULL. When Professor Marsh came here we asked him to stop and wait for those Northern Indians to get out of the way so that he could go to look for bones, and we told him when he did go he could have some of the young men to go with him. When he did go there were a few of each band of the Unepapas, Minneconjoux, Ogallallas, Oukapes, and a few others of the Northern Indians remaining on the north side of White River, but most of the Northern Indians had gone.

SWORD and FACE corroborated Sitting Bull's statement in regard to those northern Indians, and so also did all the other Indians who were present; and this was verified by Mr. Pallarday, interpreter, and Jules Ecoffee.

SITTING BULL. You told me yesterday that the troops would take all the white people away from the Black Hills by the 15th of August, and the young men were all very glad to know that these miners were to be out of the Black Hills before the Northern Indians came down to the grand council.

The CHAIRMAN. We saw General Crook, and he said he had orders from the President to get those miners all out by the 15th of this month, and the miners have all agreed to go by that time. In five days more they must all be gone, or General Crook will make them go with his soldiers.

SITTING BULL. I wish that the agent would quit the seven days' rations after to-morrow, (some of us don't get them,) and give us the rations every ten days.

The CHAIRMAN. We have consulted with the agent about this matter. The law requires him to issue rations every seven days, but we have told him that if he would issue every ten days we would try and make it all right at Washington. [The Indians were much pleased to hear this.] But you must remember that we can only make the request at Washington that the agent be allowed to do this. We cannot promise to change the law, but we will try to do so. We have requested

the agent to keep his warehouse open until the tenth day, and when you come for your rations you can get them up to that time.

**SWORD.** We want to get the beef one day and the rations the next day, so as to get rations every ten days.

**The CHAIRMAN.** In regard to your not getting better prices for your hides, that is something we have nothing to do with; we have no power to change; but you had better see the traders and get some instructions how to skin the legs, and not make lariats out of them, and perhaps then you can get better prices for them. In regard to the wagons promised you, we don't know anything about that ourselves, but we will inquire about it and learn where your wagons are, and how you will get them, and we will let your agent know and he will tell you. About giving up the right to hunt in Nebraska, and whether the Government bought the land or not, is a matter that the grand council will settle; we cannot speak about that at all. We intend to see the herds of cattle that the contractor has here, and we will see if they are all as good as the cattle that he issues to you while we are here. Little Wound complained of some of the men at the agency swearing at your people when they came to get their rations. We don't know about that, but we will try and have the agent correct it; but you should all try and learn the English language, so as to be able to talk to these men at the agency. We have heard of the bad flour that was given you, and we have heard of some of your people starving, and we are trying to learn all about it, and whoever is to blame we will try and have him punished for it, and we will try and have things done better hereafter, so that there will be no more hunger and starvation. Little Wound has said that you would all like to have clothes like we wear, and we would all be very glad if you would wear clothes like ours; but do you really want to wear such clothes? [The Indians present all expressed the desire to wear clothes like the white man's.] We want all the Indians to wear clothes like ours, and do like white men do.

**Mr. FAULKNER.** In regard to the recently-married young men wanting separate tepees or tents, I think that a reasonable idea, and when we go back we may recommend it to the consideration of the Great Father.

**The CHAIRMAN.** You must remember that we do not promise all these things to you, but we will recommend them to the Great Father; we will ask him to do these things for you. We cannot promise anything ourselves, but we will ask the Great Father for them. Our business here is only to learn if there has been any wrong done you. Now, we would like to know if the cattle that were issued to you last fall were small and poor beeves?

**RED CLOUD.** Yes; they were cows and small yearlings, but they were not counted as beeves.

**FAST THUNDER.** Once they gave us beef, and out of five there was one yearling. Sometimes we have a full issue, just according to the cattle. They gave me four head of cattle, and then if there was a calf, they would drive it out.

**Mr. FAULKNER.** Was that yearling which was issued to you with the four cattle counted in as one beef?

**FAST THUNDER.** No; it was not.

**Mr. HARRIS.** [To Red Cloud.] Were the cattle that were issued to you all large cattle—large steers?

**RED CLOUD.** They were mixed up, small and large cattle, from two to twenty years old—some large and some small. There were eight head of cattle that were seen by some of the officers. I was there and

saw them myself. And I suppose that is why they complained about the beef, and those were the cattle they meant.

Mr. FAULKNER. Did the eight cattle you saw and speak of now not correspond in size and condition with the cattle that were usually issued ?

RED CLOUD. Out of those they issued to us there was only those eight left, and they were left because they were poor. They were kept back and not issued because they were poor. The cattle might have been fat when they bought them, (when the contractor bought them,) but in bringing them here they got poor.

The CHAIRMAN. Did you have flour issued to you last winter that was so bad that you could not eat it ?

RED CLOUD. Yes. There was bad flour. I am the one that took the flour and the tobacco, and some of the coffee, and I was going to take some of the pork, but it was not good—nasty—and I did not like to put my hands on it. Sitting Bull recollects this, and can tell you the same thing. When I took those samples to Professor Marsh, I said to him : “Take these, and show them to my Great Father, and when you get there tell him I will be there to see him, too ;” but I thought that Professor Marsh would throw them away before he got there. Last summer we asked for tea. They sent us eight boxes, but out of the eight boxes one got bursted, and about half a box was lost.

The CHAIRMAN. Was the flour so bad that you could not use it ?

RED CLOUD. Some of the Indians ate some of it before they found it out. Some of them could not eat it at all. It was very black. We tried to make it raise when it was made into bread, but it would sink down, and we could not make bread out of it.

Mr. HARRIS. Where did you get that specimen you gave to Professor Marsh ?

RED CLOUD. I took it out of the commissary. I was in the warehouse, and the clerk was shoveling corn and walking on it. I told him that corn cost money, and was paid for by the Government for me, and to pick it up, and not be treading upon it. And at that time I took the flour from the commissary.

Mr. HARRIS. Who was in the commissary at the time you took this flour ?

RED CLOUD. Some of the employés ; Dan, I think.

Mr. HARRIS. Was any flour like that you got at that time issued to the Indians ?

RED CLOUD. The whole nation that was around here got some of that flour.

Mr. FAULKNER. Was the specimen of coffee and tobacco which you gave Professor Marsh a fair sample of the delivery of coffee and tobacco at that issue ?

RED CLOUD. There is a man [pointing to Face] that was with me when I took the coffee. I did not pick it, but took it from the storehouse. Question me well. I am the man that took these things, and I will answer everything I can.

Mr. FAULKNER. I want to know whether those specimens you gave Professor Marsh were fair specimens ; or were they some bad pieces which you picked out of the issue ?

RED CLOUD. There was no different quality at all. The tobacco that was issued was the same as the specimens. There is some in the commissary now that is better than what was there—long black plug and small plug. The small plug we cannot do anything with. I took those

samples, and gave them to Professor Marsh for the good of the nation. I wanted to get good tobacco for my nation.

Mr. ATHERTON. Did you take the samples of tobacco, sugar, and coffee from the commissary as you did the flour ?

RED CLOUD. Yes ; and I also picked up a piece of pork, but I dropped it in the warehouse.

Mr. ATHERTON. Did those samples form a part of your regular issue ?

RED CLOUD. Did you see where we were sitting in the warehouse today ? That is where I got them.

Mr. ATHERTON. And you carried them direct to Professor Marsh ?

RED CLOUD. Yes, sir.

Mr. ATHERTON. Then I understand you to say that the tobacco that was given by you to Professor Marsh was some that you took from the warehouse ?

Mr. FAULKNER. There might have been some bad specimens in the warehouse which the agent would not issue to the Indians.

RED CLOUD. I went out and got Red Dog, and we went down and got two mules and a wagon, and then went and got those specimens from the warehouse. [Face verified this statement.] Colonel Walker was appointed by the President to come out here and examine our blankets, and we gave him a specimen to take to the President, and he promised that he would take them, but that was the last we ever heard of it.

Mr. HARRIS. Did any of the blankets issued to you last fall have holes in them on account of the stamp ?

RED CLOUD. Yes.

Mr. HARRIS. Can you show us any of them ?

[Face here exhibited his blanket, and so also did some of the other Indians present, and these blankets showed that holes had worn in them just where they were stamped. And all the Indians expressed a strong dislike to having their blankets stamped, because they always wore out in that place.]

OLD-MAN-AFRAID-OF-HIS-HORSE. You are asking us all these questions when you know where these blankets are made, and you have an idea where the flour came from, and that is the place for you to go and ask questions about them.

Mr. FAULKNER. Yes ; but we want to know whether you are thoroughly satisfied with them.

OLD-MAN-AFRAID-OF-HIS-HORSE. When these young men went to Washington, they took pains to take them around to the factories and show them all the good blankets and other goods ; but after they came out here and saw the goods, they found that they were not the same goods that had been promised us. It is the same way with the provisions. They send too small a quantity, and I have people coming here to see me, and I cannot feed them.

Mr. FAULKNER. It is the purpose of the Government to send you good things, and we have come to inquire if the things that have come to you are good ; and, if not, we want to know the reason why they are not, and make report of the failure to the Great Father.

OLD-MAN-AFRAID-OF-HIS-HORSE. You ought to know the man who has the contract for furnishing these things, and you can go back to him and find out these things.

Mr. FAULKNER. That is exactly what we mean to do when we find that the goods have not been delivered by him according to his contract.

OLD-MAN-AFRAID-OF-HIS-HORSE. I am very glad he has picked on you good men, and you appear to be good men, and I am glad you are taking

such an interest in us, and from this time on I am very glad to know that our women and children will get something good, and will be cared for.

Mr. ATHERTON. Did you have any difficulty last winter in regard to the size of your blankets?

[All the Indians present exhibited their blankets, and stated that they were too small.]

OLD-MAN-AFRAID-OF-HIS-HORSE. Last fall, at the Spotted Tail agency, we got some four and five point blankets, very large, and we are trying to get some of the same kind of blankets that we got down there. I wish you would ask them to send us some fresh bacon.

Mr. FAULKNER. How would you like rice, dried apples, and hominy?

OLD-MAN-AFRAID-OF-HIS-HORSE. We would like to have all these things you mention, and some good flour, too. You have been asking me these things, and I have been telling you the truth. We would like to have some Indian corn as well as hominy.

Mr. ATHERTON. Would you prefer the Indian meal to flour?

OLD-MAN-AFRAID-OF-HIS-HORSE. We would like to have corn, *not ground*.

Mr. ATHERTON. How would you like to have a baker to bake your bread?

OLD-MAN-AFRAID-OF-HIS-HORSE. We would rather make our bread ourselves.

Mr. ATHERTON, [to Red Cloud.] When you took the specimens of supplies from the warehouse, were any of the employés around, or did you show the samples to any of the employés?

RED CLOUD. I do not recollect. I did not look. I don't know how many persons were there.

Mr. ATHERTON. But did you show them to any of the employés?

RED CLOUD. The door was open for an issue, and I went in and got them. A white man was there and saw it, and so did one Indian.

Mr. ATHERTON. Were the samples that you gave Professor Marsh taken from the sacks from which supplies were then being issued to the Indians?

RED CLOUD. The supplies for my band were all issued together and distributed among the families; and I took a little from several different supplies, and these were the samples I gave Professor Marsh.

[Sitting Bull came to the commissioners after the talk with the other Indians, and said that he and the young men of the tribe wanted their present agent, Dr. Saville, to remain, and he wanted their wishes in this respect to be put in the report of the commissioners to the Great Father, so that he might know their wishes.]

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RED CLOUD AGENCY, NEBRASKA,  
Wednesday, August 11, 1875.

#### ANOTHER TALK WITH RED CLOUD.

Red Cloud, with a few other Indians, came and requested to have a little talk with the commissioners, and they were told the commissioners would be glad to hear them. Mr. Leon Pallarday acted as interpreter.

RED CLOUD. There are two things which I don't like, and which I want to tell you about:

First. There is another thing I wish to tell you in regard to Dr. Sav-

ille and the men he has employed here. They drink too much whisky and quarrel, and I don't like that.

Second. There is a portion of the cattle which have been brought up here, and issued to us, up on the creek. I can tell them by the brand. I do not understand why they are kept up there. They belong here, but they have been driven up there. Two of my young men have been up there, and have detected the brand. There are two camps there of men who are cutting wood above the agency herding-camp. Probably those men having charge of the herd have traded them off to the wood-choppers. It is about five or six miles from here. I am afraid that Dr. Saville knows nothing about these things. They are probably traded off to those wood-choppers. They are outside the herder's camp. This was told me by one of the young men yesterday, and I wish to inform you.

The CHAIRMAN. We will make inquiries about these matters. We want to ask Red Cloud how these cattle which were issued to his people to-day compare with the cattle issued to them heretofore. Were they as large?

RED CLOUD. This is the only time that the cattle have averaged so well and were so large. All the people here are very much pleased that they are getting such good cattle as those to-day. The commissary also acted very well to us to-day, and I am very glad.

The CHAIRMAN. Our coming here has done one good thing for your people.

RED CLOUD. Yes, that is a fact; and all our people are talking about it and are very glad. The commissary has been more polite and treated us better to-day. Mr. Bosler told me some time ago that they ought to give us two of the small cattle for one, as our families are so large. This is the fourth time I have asked for another agent. Yesterday was not the only time. And the whole people will consent to have another agent.

The CHAIRMAN. Why do you wish another agent?

RED CLOUD. I have told you the reason why. It is on account of the trouble we had because he put up the flag-staff. The Indians are afraid it might give them trouble.

The CHAIRMAN, [to Mr. Pallarday.] Have you noticed any difference in the treatment of the different tribes in the matter of issuing supplies?

Mr. PALLARDAY. No, sir.

The CHAIRMAN. Have you observed that one tribe was treated better than another?

Mr. PALLARDY. No, sir. Since I have been here, one tribe has been treated as well as the other. The same treatment is shown to all.

The CHAIRMAN, [to Old-Man-Afraid-of-his-Horse.] Did you see the cattle that were issued to-day? Did you ever see as large cattle issued here before?

OLD-MAN-AFRAID-OF-HIS-HORSE. Those that were issued to-day were a good lot of cattle. The cattle we have had issued to us would not average as large as those that were issued to-day.

The CHAIRMAN. What objection have the Indians to being numbered or being counted? We heard that you don't like it?

OLD-MAN-AFRAID-OF-HIS-HORSE. I cannot tell exactly what was the reason. There were some that did not want to be counted, but I don't know why.

The CHAIRMAN. Unless the Indians here consent to be counted, they cannot tell at Washington the number of Indians to send rations for, and it is very necessary that they should be counted.



CAMP ROBINSON, NEBRASKA,  
*Tuesday, August 10, 1875.*

Present: Hon. THOMAS C. FLETCHER, chairman; Hon. CHARLES J. FAULKNER, Hon. B. W. HARRIS, and Prof. GEORGE W. ATHERTON.

TESTIMONY OF MAJOR WILLIAM H. JORDAN.

By the CHAIRMAN:

Question. Major, I believe you belong to the Ninth Infantry?

Answer. Yes, sir; I am captain in the Ninth Infantry.

Q. How long have you been stationed here?

A. I have been here commanding the post since the middle of July, 1874, excepting a few intervals.

Q. What do you call the distance from your garrison here to the Red Cloud agency?

A. A mile and a half.

Q. During last winter did you have any opportunity of observing the condition of the Indians about here?

A. Yes, sir.

Q. Did you see among them any evidence on their part of suffering for want of supplies?

A. Yes, sir.

Q. What did they seem to be suffering most for the want of?

A. Clothing and food.

Q. Do you know what Indians they were?

A. Among the different tribes; Sioux, Arapahoes, and Cheyennes. More particularly the Arapahoes and Cheyennes.

Q. About what time was it you observed that?

A. In the severe part of the weather in January, when we had very cold weather. They made frequent requests to me for food. They said they were starving and their children were starving. They complained of the infrequency of the issues of food.

Q. Have you had any opportunity of observing the issues of beef here?

A. Not until the last issue. I was present on duty to look after some stolen horses. That was a week ago to-day.

Q. How did the beef you saw issued there compare with the beef you get for the army?

A. It is not as good, sir; I don't think we would receive it. There were a good many small and poor cattle.

Q. The beef you get here you buy on the block, dressed, I believe?

A. Yes, sir; the butcher furnishes it dressed. The contractor furnishes it on foot.

Q. Is it weighed on foot?

A. They furnish it on the block by the weight; it is received on the block; it is butchered according as we need it, and delivered as we want it; it is weighed and paid for by the net weight.

By Mr. FAULKNER:

Q. At how much a pound?

A. It was 9 $\frac{3}{4}$  cents on the last contract; but there is a new contract now, that went into operation on the 1st of July, and that is at 8 cents.

By the CHAIRMAN:

Q. Have you any means of knowing what is the average weight of these cattle that are delivered here that you receive?

A. No, sir; I never took particular notice of the average weight.

Q. Is there some one here who can give us that information?

A. Yes, sir; the post-butcher, Mr. Julius H. Green. He is hired by the contractor to do the butchering and look out for the cattle.

Q. Major, did you have any opportunity of observing any of the other supplies issued at the agency?

A. I never noticed anything but the tobacco, flour, and pork; that was during the winter, and I happened to be at the agency and noticed it.

Q. What was the character of the supplies?

A. The tobacco seemed to be very dark in color. It was wet and seemed to be very strong. The Indians complained of it making their mouths sore; and they often came to me to get what they called the soldiers' tobacco. They said it was much better.

Q. Did you take any notice of the flour?

A. I never noticed it, but I have seen bread made of it. The soldiers trade with the Indians hard bread for flour, and they had to mix it with their flour to make good bread of it. The flour seemed to be very poor and dark-colored, and soured very easily. It was not flour that the Army would receive for issue to the troops.

Q. Did you ever make a report to Washington on the subject of the suffering of the Indians here?

A. No, sir; it was outside of my business.

Q. You never sent any report to Washington in reference to the want of supplies and the suffering among the Indians?

A. No, sir; it was outside of my jurisdiction. It would have been interfering with business I had nothing to do with.

Q. Have you ever had any occasion to observe the official conduct of the agent at the Red Cloud Agency, so as to enable you to judge of his efficiency as an agent?

A. Yes, sir, I have.

Q. I will be obliged if you will give us the circumstances.

A. Yes, sir. I can give you some documents, too, if you wish.

Q. Yes, we would like to have them.

A. Well, it is rather a long story. When I first came here, in July, 1874, the officers then stationed here had a great deal to complain of against the agent, Dr. Saville, and warned me against him. But, knowing that these statements might be exaggerated, I resolved not to be influenced by them, but to make up my own opinion from what I saw myself; and, knowing at the same time that it was absolutely necessary for the good of the Indians that harmony should exist between the agent and myself, I did all I could to preserve harmony between us. Last October—the 23d day of October—at 1 o'clock in the day, I received a note from the agent, asking me to send a company of cavalry to the agency immediately. Being under strict orders not to furnish troops except to defend the agency, and the note not stating for what purpose these troops were to be used, I was at a loss what to do at first, whether to send up and find out for what they would be used, or to send them at once, taking the risk that a necessity called for the troops. Thinking probably that the lives of the persons and the public property were in danger, I resolved to send as much cavalry as I could spare, which was only twenty men. A few hours after the officer in command, Lieutenant Crawford, arrived there, a courier came from him stating that he was surrounded by 200 Indians, painted and ready for war. But owing to his coolness and the assistance of Sitting Bull, and Old-Man, and Young-Man-Afraid-of-his-Horses, (father and son,) and

Red Dog, and several other Indian chiefs, these Indians were prevented from attacking Lieutenant Crawford and massacring the whole party, as they could have done.

Lieutenant Crawford dismounted his men, ready to defend themselves. At this time, one of the employés of the agency came to the main gate, and told him he had better come into the agency inclosure with his command, as the Indians were increasing in numbers. Lieutenant Crawford took his men inside. About 4 o'clock Lieutenant Crawford sent us another messenger, saying that with the assistance he had he thought he could defend the agency, and advised me to look out at the post for the Indians. He thought they were coming to attack the post. He also said that Sitting Bull told the agent that if he would send the soldiers back to the camp, he would bring his band inside and defend the agency until the excitement was over. About 5 o'clock Lieutenant Crawford returned with his men, and Sitting Bull took his band inside, and the excitement died out. Lieutenant Crawford told me when he got back that before he left there must have been 400 Indians there—some with wisps of straw and matches, ready to fire the buildings—all painted, and yelling out, "Take the soldiers prisoners; shoot them," and all that sort of thing. And he told me the cause of the trouble, which I think the agent was greatly to blame for. It was his attempting to erect a flag-staff at the agency, contrary to the wishes of the Indians; which flag-staff the Indians had cut up before he could erect it. There were only a few Indians engaged in this trouble at first, but, of course, when they saw a courier sent for troops, they sent runners to all their camps, and gathered up their young men to fight. It being an unusual thing to erect a flag-staff at the agency, the Indians looked upon it as a declaration of war—an attempt to turn the agency into a soldiers' fort, as they called it; and that was what exasperated them.

By Mr. **ATHERTON** :

Q. What was the agent's alleged reason for erecting the flag-staff?

A. I cannot tell. He wanted to have a flag; that is all. What I blame him for was his not informing me of this trouble, which was brooding for two or three days, when he knew that my force was the weakest that it had been up to that time (only one hundred and forty men) and has been since; and it was not a time then to try any experiment with Indians, especially such as would excite them to war. I had had five companies of troops before that, and I had sent two companies off a few days before to New Orleans, of which I had informed him the night before the troops had to leave us, so that he would know the strength of my garrison. If these men that I sent up there had been killed, as they could have been, it would have been owing to his lack of judgment in trying to erect this flag-staff when the force here was weak and I had but few men to spare. He is too nervous and excitable a man for so important a position as that. I found that out from my official relations with him; and the mere fact of attempting that thing and failing in it of course had a bad effect with the Indians. We want a firm, courageous, cool man for agent in such an important agency as this.

By the **CHAIRMAN** :

Q. Did you have any information as to what was his conduct or appeared to be his influence in managing the Indians during this excitement?

A. Lieutenant Crawford said that he lost his head. He went around there very nervous and excited.

By Mr. FAULKNER :

Q. Did you, in any conversation which you had with the agent, advise him against the erection of this flag-staff?

A. No, sir; I had never said a word to him about it. I did not know that he was to attempt it. We had an understanding that he would erect a small flag-staff on the bastion in order to signal to me in case of danger. We have a system of signals. But this that he was going to erect was a large pole.

Q. Was not the flag-staff that was actually erected upon the bastion one of that character?

A. I never knew any had been erected; not to my knowledge. He intended to erect one, but I suppose he thought they would object to that too.

Q. The agency is in full view of your fort?

A. Yes, sir.

Q. What means have you now of communicating with it?

A. None, only by couriers. We have a signal-apparatus among ourselves, and everything we do we can communicate to each other; but the agency has nothing to do with it. The agency has no means of signaling me. It would not take long, however, for a courier to come, as it was in that instance. He could come down the White River Valley in a few minutes.

Q. Had there been any previous understanding between you and the agent that in the event of a difficulty he was to signal to you by a flag?

A. No, sir; only a talk, as if he would like to erect one on the bastion; but we had no definite understanding.

Q. If you had seen a flag hoisted on the bastion would you have regarded it as a signal of danger, and calling for your interposition?

A. No, sir; unless we had an understanding about it, and a peculiar flag, and the manner in which it was used—they might have run it up and down two or three times.

Then there is another matter that gave me my opinion of him. Last December—I think it was in the first part of December last—Red Dog and Red Cloud came down to see me, and said they wanted to go to Washington to see the Great Father, and asked me if I could assist them in any way, and said that the agent did not want them to go. I told them that I could not; that it was entirely outside of my business, and I would have nothing to do with it. They had as interpreter a miserable squaw-man here named Stover, I think it is. They wanted me to go with them to Washington. I told them I could not. They asked me if I could not furnish them an officer to go. I told them I had nothing to do with Indian affairs, and did not want anything to do with them; that I had enough to do to look out for my command. They asked me if I would not let them send word down to Fort Laramie and telegraph to Washington. I told them I would not; that I wanted them to distinctly understand that I would not have anything to do with Indian affairs; that I had my prescribed duties to perform, and beyond that I would not interfere, as I did not want to get myself into unnecessary trouble. Several weeks after that there was a communication referred to me for report. It was a complaint made by Dr. Saville, written to Dr. C. C. Cox, one of the commissioners who were here last fall to establish the new Spotted Tail agency, stating that the officers here were taking an unusual interest in Indian affairs, holding councils with Indians, advising them to go to Washington, and telling them that if the agent did not go with them they would—

(By Mr. HARRIS :

Q. Major, have you got that document ?

A. I have not; I made my indorsement on it, and it was returned; I have my indorsement, though)—complaining that the officers here were interfering with his prerogative as agent, and stating no authority whatever for this except the mere statement of this Indian, Red Cloud; never even investigating the matter. He never said a word to myself or any other officer about it. I suppose that the truth of it is, that this interpreter had interpreted falsely. It was a lie from beginning to end—his statement to Dr. Cox—for I had been very careful not to give him any cause of complaint against me or any officer at this post, showing that he was not as anxious for harmony to exist between the agency and the military as I was. I can give you my indorsement on that paper. This paper went through all the military channels as it came to the War Department, and then to the Secretary of the Interior, calling attention to my indorsement denying the whole thing. I also stated in this indorsement that if this man Red Cloud's statements could be believed, as they were by him, this same Indian's repeated assertions that Agent Saville was robbing the Indians were true; and saying that I had as much right to believe his statement against Saville as he had to believe his statement against us; but at the same time I paid no attention at all to these complaints of Red Cloud, because an Indian's word is not to be taken against a white man in this civilized age, I think. I soon afterward received a communication from the War Department approving my action, and commending my conduct in the matter of this complaint. I was also furnished with a copy of a letter from the Secretary of the Interior to Agent Saville, admonishing him that whenever he made reports, to make them based on some facts.

By Mr. ATHERTON :

Q. You have those documents, I suppose ?

A. Yes, sir; that is all I have to say about it. These facts convinced me that he was not the right man for agent of that agency.

By Mr. HARRIS :

Q. Was that letter from the Secretary of the Interior, or from the Commissioner of Indian Affairs ?

A. Yes, sir; the Secretary of the Interior himself to the Commissioner of Indian Affairs, calling for a report from me; it had a great deal to say that officers of the Army should be instructed not to interfere with the agents so as to destroy the harmony between the military and the agents, while there was no instance of interference, except his own example.

By the CHAIRMAN :

Q. Over what route do you transport your goods and supplies from the railroad here ?

A. I have had them come by three different routes—from Cheyenne direct, from Cheyenne by way of Fort Laramie, and by the one from Sidney. They principally come by the new route from Sidney now. It has only been established about a year.

Q. That is understood to be the nearest ?

A. Yes, sir. It is nearly one hundred and twenty-five miles. I was with the officer that surveyed it.

Q. Are your supplies brought here by contract ?

A. Yes, sir; freight contract.

Q. Do you know what is the rate that is paid for the transportation of goods from Sidney here?

A. No, sir. I could send and find out from the quartermaster, Mr. Lee. He will tell you.

Q. Who was the officer who surveyed the road from here to Sidney?

A. Lieutenant Morton, of the Third Cavalry.

Q. Where is he now?

A. He is up in the Black Hills with his cavalry.

Q. That was about a year ago?

A. Yes, sir; just a year ago last August.

Q. Did you feed the Indians last winter?

A. I noticed last winter that a good many Indians were glad to come here and take things out of the garbage barrels, and Friday told me that his tribe had to sell some of their horses, and if they did not get rations soon they would have to go to the Powder River and hunt to keep from starving. I think he told Dr. Dixon, the agent sent out from Washington, the same thing. On the other hand, I must say, in favor of the agent, that these Indians are very improvident. You give them ten days' rations and they would eat them up in three, and invite all their people in and gorge themselves, and then starve the rest of the time. I do not know what is the cause of these people being starved. Whether it is owing to their own fault or to the agent's, I do not know. I do not wish to give a decided opinion about that. The leading chiefs have often come down to me and said their children were starving, and under existing orders I have often given them coffee, hard bread, and bacon. They were often glad to trade a sack of flour for ten or twelve loaves of bread, or twenty-five pounds of hard bread.

By Mr. ATHERTON:

Q. What are the orders you refer to?

A. An order from the War Department, and also Army Regulations, allowing commanding officers of posts to issue rations in small quantities at a time to Indians visiting the post. Sometimes I would give them from eight to ten days' rations of hard bread and bacon, or sugar and coffee, especially to those Indians whom I knew to be friendly to us, and who were our friends at the time of the trouble about the flag-staff. I think they ought to have been rewarded in some other way, too. I have no doubt they had hard work to keep the young men from assassinating Lieutenant Crawford and his party. I was glad to see that Sitting Bull had been rewarded by the President with the present of a handsome rifle. He was the principal one that kept these young men back.

Q. Major, with whom did the Indians trade their flour for bread?

A. The soldier bakers.

Q. Then you distributed your rations to the soldiers, and they had their own bakers?

A. We did; then each company had its own baker.

Q. To what extent do you think that the exchange of flour went on?

A. Not to a very great extent; only through the winter. The flour was not like what we received in the Army. I have seen some of it, and I noticed once or twice some pork which had been issued to them last fall. It seemed rusty and lean, and very unfit for human beings to eat. At other times I have seen very good pork issued there since that time.

By the CHAIRMAN:

Q. Did you see coffee issued there last winter?

A. No, sir; I never examined the coffee or the sugar. They complained particularly about the tobacco; that it made their mouths and tongues and lips sore. I have noticed it as being very black, damp, and poor-looking stuff.

Q. Did you ever observe the blankets that were issued last fall?

A. I never took particular notice. I consider them good blankets, but not as good as we get in the Army. We get the mission woolen blankets from the Mission Woolen Mills in San Francisco. I think they took the prize at the Paris Exposition. I have been stationed in California, and know they are the finest blankets issued in the Army. These Indian blankets were not as good as those, but the Indians never complained to me about blankets; they complained about the time they got them. They said they did not get them soon enough.

Mr. ATHERTON:

Q. Do you know how many they received?

A. No, sir.

Q. Do you know anything about the branding of them?

A. They had a brand "U. S. I. D." on them. I think it was stamped in paint or some other coloring-matter.

Q. Are they branded in the same way as the Army blankets?

A. They are stamped in the same general way, but not with the same material. The Army blankets are stamped lightly "U. S.," so that it does not injure the blanket.

By Mr. HARRIS:

Q. Did you ever see any of them where these brands had eaten through and made a hole?

A. No, sir; but it is very probable that it would be so if it was not properly colored.

By Mr. FAULKNER:

Q. Does your experience and intercourse among the Indians about here enable you to state whether there is any improvement observable within the last two or three years in their temper and feeling toward the white race?

A. Yes; I think there is a great improvement. A great many of them are getting wagons and cows; a great many of them try to farm and become civilized, and their friendship is stronger. Of course there are always young men in each tribe that are bad—pretty hard to civilize—especially of the Sioux; but I think they are improving, and have been for two or three years. I think they would have done very well here with their gardens if it had not been for the grasshoppers. A great many of them planted corn, and I don't think it has done very well. The grasshoppers ate up everything as fast as it came above ground.

By Mr. HARRIS:

Q. In your opinion, what reliance can be placed in Red Cloud?

A. None at all. I think that he could be bought with a bottle of whisky.

Q. What do you say about Red Dog?

A. The same of him.

Q. Would you make the same remark of all Indians?

A. Yes, sir. At the day of the trouble about the flag-staff, the Indians could have turned out 2,000 warriors, 1,500 of them armed with the most improved rifles, with plenty of ammunition, and the other 500 with bows

and arrows. This is according to Dr. Saville's own statement. Many of them go around with two revolvers and ammunition. They get most of their arms of the traders along the railroad when they go hunting up north. A great many have Winchester rifles, which are not furnished by the Government. They use their arms principally in killing their cattle when they are issued to them.

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TESTIMONY OF LIEUT. J. M. LEE.

By the CHAIRMAN :

Question. I believe you are a lieutenant in the Ninth Infantry.

Answer. Yes, sir.

Q. How long have you been stationed here ?

A. Since the 21st of August, 1874.

Q. Have you performed the duties of quartermaster here ?

A. Yes, sir ; since the 21st of September, 1874.

Q. Have you ever observed the character of the beef that was furnished at the agency by the contractor ?

A. I have never been at their corral but once, when I went up to see how their scales were set up. I have only seen the beef passing the post. I never was called upon, and had nothing to do about it.

Q. In receiving the beef for the supply of the post here, do you receive it from the contractor on foot ?

A. On the block ; cut and weighed on the block.

By Mr. HARRIS :

Q. Did the cattle come on foot ?

A. O, yes, sir ; but if the beef is inferior, we call a board right away and condemn it.

Q. Have you any means of knowing what is the average net weight of cattle you receive here ?

A. My butcher could give you more information about that ; but I will say this : I think 400 pounds would be a large estimate of the net weight—not to exceed that ; that would be an average.

Q. As to the character of the beeves you get here, are they as good as are usually got in the country ; would they average as large as the cattle in herds generally ?

A. Well, they are as large as the average herds that I have seen in this part of the country. Mr. Ecoffee had the contract last year for furnishing beef to the Army, and I would say that his cattle were, as far as I observed, as large as the average cattle. I would say, with reference to Texas cattle, that I do not know anything about them. These that we get are not Texas cattle ; they are cattle that probably have Texas blood in them, but they are called native cattle. The new contract was let about a month ago. They are a different class, as far as I have observed, from these furnished to the agency.

Q. What is the difference ?

A. As far as I have observed, in the first place, they cost more.

By Mr. FAULKNER :

Q. Your cattle ?

A. Yes, sir ; the contract last year was  $9\frac{3}{8}$  cents per pound net. They are fatter cattle. I speak of them merely from what I have seen at a mere glance of the Indian cattle passing the post.



Q. But you judge that the cattle you get here average larger?

A. Well, I would not say that they would average larger. I do not know what is their average, but mine are of a better quality and fatter cattle. I have seen cattle that would weigh 900 or 1,000 pounds that you could not sell, and you might take one that weighed 800 pounds that would be better; one would be lean and the other fat.

By Mr. HARRIS:

Q. Then you do not mean to say that on an average your cattle are larger than the cattle that go to the agency?

A. I don't know what their cattle average; I merely say that ours are of a better quality.

By Mr. ATHERTON:

Q. How would you make the average? Suppose the contract required the average weight to be 800 pounds on foot, what weights would you receive under that contract?

A. I would not receive any under 800 pounds.

Q. Suppose they averaged at least 800 pounds?

A. Well, I would receive cattle this way: Our contracts never read that way, but that it should be good, merchantable beef; the cattle have to be good quality.

Q. But you would receive good cattle of any weight, provided it was good beef?

A. Yes, sir; and it might weigh up to the average and I would not receive it, because the quality would be poor.

By the CHAIRMAN:

Q. Do you recollect the cost per 100 pounds for the transportation of your supplies from Sidney here?

A. I think I have it in my record. The present cost is \$1.08 per 100 pounds at this season. During the winter it is more. That is for the whole distance, and not per hundred miles.

By Mr. HARRIS:

Q. Now, what is it for the winter?

A. I would not be positive until I examine my records, but I think it was \$1.26, probably \$1.30.

By the CHAIRMAN:

Q. Do you make a contract for transportation?

A. The contract is made by the chief quartermasters of the departments, and I am notified of it. The freight is weighed at Sidney first, and then it is weighed here—that is, all kinds of freight that should be weighed, such as corn, oats, barley, &c.—and the weight is certified to by a board of officers.

Q. There is no distinction made in the cost of transportation per 100 pounds between supplies and camp-equipage?

A. No, sir; everything is shipped in this way, and everything is included. If they were going to ship some peculiar kind of freight that required extraordinary care, there would be some special contract for it.

Q. On the occasion of the trouble at the Red Cloud agency, when they attempted to raise the flag-staff, you were up there, I believe?

A. I started up.

Q. Did you see Agent Saville there?

A. The troops were ordered up about 1 o'clock; I think it was the 22d of October. They started at 1 o'clock. I think there were twenty men. They had been gone probably three quarters of an hour or

an hour—say about an hour—when I saw the mail coming into the agency. I got on my horse and went up with the mail (the post mail-carrier) after the mail. I got to the agency; saw it was surrounded by about, I should judge, altogether between four and five hundred armed Indians, and they were coming in right lively from the hills too. The troops were inside the inclosure, and I found everything was shut up, and I could not get in for some little time. Finally I got into Mr. Deer's stockade or store through a small gate, myself and the mail-carrier. We remained there probably two or three hours, until a number of the Indians had left, and then we went over to the agency stockade where the troops were, and there I saw Saville.

Q. What did he appear to be doing?

A. He was talking with parties generally and giving some explanation, I believe, about the trouble; that he did not expect any more that night; that he had some friendly Indians to protect him, and arrangements were made for the troops to go back at sunset. It was about that time then. I asked him what the trouble was. In general conversation I learned that he had undertaken to raise a flag-staff, and that the Indians or a number of them claimed that that was not a post; that it was their place for getting their supplies; and they became aggravated that he should want to raise a flag-staff and turn the agency into what seemed to them to be a military post, and remonstrated; and the party came into the stockade and cut the flag-staff in two, and he sent for troops. There were then two small companies of infantry here and about half a company of cavalry.

By Mr. HARRIS:

Q. Did he state what he wanted to use the flag-staff for?

A. Well, in general conversation I heard this: that it had some reference to Sunday; that he wanted to hoist a flag on Sunday, so that the Indians would know it was Sunday. I never heard any other reason than that given for it. There may have been some other reason, but I did not hear it.

By the CHAIRMAN:

Q. When you went up there you knew the troops had gone, but you were not informed of the reason for taking them up there?

A. Yes, sir; I knew they had gone, but did not know the reason. The news at the post was that there was some trouble at the agency, but what it was was not known, I believe, when the troops left here. I do not think that it was stated; at least I did not hear what the nature of the trouble was until I had started up there. I suppose if it had been known that the trouble was as great as it was, of course that number of troops would not have been sent up, because the Indians were all well armed; and while they were not exactly at the mercy of the Indians, it was a very inadequate force; and it was remarkable that they were not massacred. If there had been a shot fired, even accidentally, probably the whole party, or the majority of them, would have been killed. The Indians were all well armed and a great many of them were stripped. I will state this: that some of the efforts of the friendly Indians, Sitting Bull and a few others, probably had as much if not more influence to prevent an outbreak than anything else that occurred. Lieutenant Crawford managed the thing very coolly. If he had not been just as cool as he was, probably he and a good many of his men would have been killed.

Q. Did you ever have occasion to examine any of the supplies furnished to the Indians at the agency?

A. Probably some three weeks ago the acting agent, Mr. Gibbons, (Dr. Saville was away,) asked me to look at some corn that was being unloaded, and some of it was in the store-house. I do not know why he asked me. I went in, however. The sacks were torn. I took a few handfuls of corn out of a few sacks. Probably every third or fourth sack was fair corn, and the other was corn that I would not receive myself to feed. Some of it was rotten, and it looked to be not fit for feed. Probably one-third of the grain was rotten, more or less. I know he remarked at the time that it was a pretty bad lot of corn. He said that he did not know why it was shipped up here; that there was no inspector's mark on it, and that it was shipped from Iowa. Those are the only supplies I have examined or looked at, except seeing the Indians open the pork and the tobacco they got, and seeing them wear their blankets occasionally around the post. But I made no special examination of anything except the corn.

Q. During last fall or winter did you notice at all the character, for instance, of the pork that was being issued there?

A. I only saw it in passing from one trader's store to another as the squaws were chopping the heads off the barrels and taking away the pork. I did not take it up and examine it. It looked like good pork; but the test of that would be to examine it properly.

Q. Did you notice during last fall or winter the coffee that was issued there?

A. No, sir; I saw nothing of it, and know nothing except what the Indians about the post would say of it.

Q. Did you notice anything about the flour?

A. No, sir. Last fall the troops would sometimes trade bread for Indian flour, and would mix that with our own flour. The men were being worked pretty hard, and probably the rations that were issued at the commissary's were not sufficient, and they would trade from five to ten loaves of bread for a sack of Indian flour, and they would mix it with that issued to the troops. That is all I know with reference to the flour.

By Mr. FAULKNER :

Q. How many pounds of flour would it take to make ten or fifteen loaves of bread?

A. It would probably take fifteen ounces of flour to make one loaf. The gain in making bread from flour is about one-third. Of course the Indians were anxious to make a trade, because they could not make good bread. It has always been a queer thing to me, something that I could not understand, why at these large agencies they do not build bake-ovens and bake their flour, and issue the bread to the Indians, the same as we do to the troops. There is not one Indian, I suppose, in ten who knows how to make bread, so that it would be palatable and nutritious.

Q. Was the flour good flour?

A. It was not as good flour as we had; it was darker; but I suppose it was sweet flour, or it would have spoiled any bread that it was put into.

Q. Is there no regulation that forbids soldiers from trading with Indians?

A. I do not know that there is. Of course it is not done on any very extensive scale. An Indian probably would trade his tobacco to a soldier for a loaf of bread, or something of that kind. It has been mostly as an individual matter. But on an extensive scale it would be prohibited. It was only to a limited extent, and I do not think it has been done for a month.

By Mr. HARRIS :

Q. Did you see any pork there that was unfit to be eaten, in your judgment?

A. No, sir; I never noticed it. The Indians would say that their tobacco was bad; that it hurt their tongues. That I know. It is no such grade of tobacco as is issued to the troops. Every soldier is allowed a pound of tobacco at the contract-price, and it is charged against his pay.

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RED CLOUD AGENCY, NEBRASKA,  
*Tuesday, August 10, 1875.*

Present: Hon. THOMAS C. FLETCHER, chairman; Prof. GEORGE W. ATHERTON, Hon. CHARLES J. FAULKNER, and Hon. B. W. HARRIS.

### TESTIMONY OF JAMES ROBERTS.

By the CHAIRMAN:

Question. How long have you been in the vicinity of Red Cloud agency?

Answer. I came here on the 1st March, 1874.

Q. What have you been doing since you have been here?

A. When I first came here I was store-keeper or issue-clerk for the agent, and afterward clerk.

Q. Were you here last fall and winter?

A. Yes, sir; I was here as clerk up to the latter part of last December.

Q. Then you were here in the agency during November and December of last year?

A. Yes, sir.

Q. Had you a pretty general knowledge of affairs about the agency?

A. Well, what do you mean by that?

Q. I mean, for instance, about the issue of supplies. You were part of the time issue-clerk. I understand you issued the rations.

A. Yes, sir.

Q. Then the remainder of the time you were clerk—clerk in what other department?

A. In the office, sir—making out the papers, where Mr. Gibbons is now.

Q. During the time you were here, did you, in November and December, observe particularly the beef-cattle which were brought here for delivery to the agency?

A. Yes, sir; sometimes I saw them and sometimes I did not—just as it happened.

Q. You did see some head of cattle driven in here?

A. Yes, sir; a great many before that time and after.

Q. Were you present at the weighing of any of them?

A. Yes, sir.

Q. You saw them weighed?

A. Yes, sir.

Q. The cattle you saw weighed there, what did they average?

A. They went over 1,000 pounds—those I weighed myself.

Q. You weighed some yourself?

A. Yes, sir; I did.

Q. And they averaged over 1,000 pounds?

A. They went over that.

By Mr. ATHERTON :

Q. Do you mean the average?

A. Yes, sir; the average.

By the CHAIRMAN :

Q. Well, then, in averaging them did you average the whole lot, or did you average those that were weighed on the scales?

A. No, sir; we weighed them all, and added up the weights, and then averaged them.

Q. When the scales were full of cattle you weighed them without any regard to the number of cattle upon the scales?

A. No, sir. The way we weigh them is this: they have a corral composed of two parts, and in one part there is a chute which leads into one end of the corral, and from there the herders drive the cattle on to the scales. I will make a diagram of it so that you will understand it. [Witness drew a diagram and explained it.] I weighed the cattle sometimes and put down the weight indicated by the scales, and the man who opened the gate and let the cattle into the corral from the scales called out the number of cattle, and when they had passed through the scales into the corral they were considered as delivered to the agent.

Q. Now, in making up this average, you took the number of cattle called off by the man who opened the gate?

A. Yes, sir; and the herder counted them afterward, and if there was any difference we recounted them.

Q. But in making up your average you made it from the weights indicated by the scales and from the numbers called out by the man at the gate?

A. Yes, sir.

Q. Now, if there were ten cattle on the scales, and the scales indicated 6,000 pounds, and he should call off to you six cattle, you would put down six, of course?

A. There was nothing of that kind occurred there to my knowledge and belief.

Q. Were there not sometimes some calves and yearlings there?

A. Yes, sir; there were sometimes.

Q. Did not they get on to the scales, too?

A. Yes, sir.

Q. Were they counted by the man at the gate?

A. No, sir.

Q. Was not their weight included?

A. Yes, sir; it was.

Q. Have you some knowledge of cattle?

A. Yes, sir. I have seen a good many Army cattle, and have assisted in receiving some.

Q. The cattle that were delivered to the agency under your observation, were they generally large and good cattle?

A. Yes, sir; they were better than a good many Army cattle that I have seen.

Q. Were they composed of both steers and cows?

A. Some cows; yes, sir.

Q. Would the cows average in weight as much as the steers?

A. I do not know. Some of the cows were good large cows, and a few would come up in size to the steers, and of course some were smaller.

Q. About what was the proportion of cows to steers in the herds that you saw?

A. I do not know. I did not think of it.

Q. Were you here at the issue of annuity-goods in November last ?

A. Yes, sir ; I was.

Q. Do you remember how many bales of blankets were issued then ?

A. I made out 1,850 pairs on the receipt.

Q. Do you know about how many pairs there are in a bale ?

A. I do not know anything about the bales.

Q. Do you remember whether you verified the bills of lading by the goods when they were received here ?

A. The agent received them himself ; he was very particular about it, and received them himself.

Q. Do you remember noticing during that time the quality of flour which was issued at the agency ?

A. No further than when our cook would pick out some for the mess, and he was a very good judge of flour, and he would say some was good and some was very bad. I cannot say I am a good judge of flour myself.

Q. In your mess did you use flour from the agency store-house—the same kind of flour that was issued to the Indians ?

A. Yes, some sacks were better and some were worse. The cook picked them out.

Q. Did you hear any grumbling among the Indians, or by anybody else, as to the quality of that flour ?

A. Not particularly. Occasionally there would be a poor sack of flour, but I cannot call to mind any particular grumbling on the part of anybody about it.

Q. Do you remember noticing, in November and December, the kind of coffee that was issued here ?

A. It was ordinary coffee, that is, good coffee, so that we used it in our mess.

Q. Did you hear any particular grumbling in your mess about the quality of the coffee ?

A. Well, we bought other coffee because we preferred it—it was better ; but, at the same time, when we used any of our rations, we did not consider it bad at all. We were entitled to rations from the agent.

Q. How about the sugar which you had there at that time ?

A. That was very brown, very dark. We used it, but we bought most of the sugar we used. It was a very inferior article of sugar, I think.

Q. But was it so inferior as that it was not fit for use ?

A. It would sweeten, but it was very dark. It was what they call crude. It was sweet, but heavy and very brown.

Q. Have you noticed the sugar they are distributing here now ?

A. Yes, sir. The sugar they are distributing now is very superior to that.

Q. Do you know anything of the manner of giving receipts for freight that was brought here, how that was done by the agent ?

A. As I understand it, the freight-contractor would load the train with goods and send it up here, and when, for instance, five or six trains or two or three trains would come here with goods and be received, the agent would make him out a consolidated bill for the two or three trains and receipt to him for so many pounds of freight.

Q. How did the agent come to know just what was contained in the wagons ?

A. We checked it off at the warehouse. We had a bill of lading sent with the goods from Cheyenne. Say there would be four trains. No. 1 would have his bill of lading, and there would be a bill of lading sent to the agent ; and so also would No. 2, No. 3, and No. 4 have a bill, and

sometimes I received some of them, and the freighter would check it and I would check it.

Q. As I understand you, you would take the bill of lading sent by the store-keeper at Cheyenne and verify it by the contents of the wagons, and see that the wagons contained what the bill of lading called for.

A. Yes, sir.

Q. Do you remember about the issue of some pork to the Indians here last fall?

A. Yes, sir; I saw several issues of pork.

Q. Do you remember what kind of pork that was?

A. It was very inferior.

Q. Was it so spoiled that it was not fit for use?

A. It was kind of thin and flaccid. I do not know what was the matter with it besides that. It did not taste good. It was not good pork. The agent wrote about it several times to know what he should do with it. That correspondence is all on file.

Q. He complained that the pork was not of good quality?

A. He represented just what it was. The Commissioner of Indian Affairs wrote him with reference to it, and told him if it was inferior to look into it and notify him, and the agent did so. There was some correspondence about it, but I cannot recollect the particulars without referring to it. I know that it was a very poor article, and the agent excepted to it and wrote to the Commissioner about it.

By Mr. HARRIS:

Q. Was it really of much service to the Indians?

A. The Indians do not like pickled pork anyhow.

Q. If they did, would that pork be of much service to them?

A. Well, it would kind of keep off hunger, I suppose, but it was not a good article.

Q. I would like you to say whether or not it must have been a great loss to the Government to furnish the pork?

A. Yes, sir; it would have been better for the Government to have issued lard or bacon. A great proportion of that pork was wasted by the Indians. They would cut off a little piece of fat and throw the rest away. I do not recollect seeing any without brine and with an offensive smell.

By the CHAIRMAN:

Q. You are not in any way connected with the agency now?

A. No, sir. I am clerking for the trader here, keeping his books. That is not being connected with the agency, however.

Q. Mr. Roberts, you seem to me to be a man of intelligence, and capable of forming a correct judgment about a matter. We would like to have your opinion, so far as your observation extended, about the general management and conduct of affairs on the part of the agent here; whether he evinced a disposition and ability to do for the Indians the best that could be done with the supplies which were furnished him.

A. I think he tried to do so, sir.

Q. You saw nothing that produced a different impression on your mind as to his objects and intentions toward them?

A. His intentions I always said were to do what was right. There may be a difference of opinion on the part of some. I do not think he has had as much experience as a great many men, and in endeavoring all the time to do just what was right he probably was a little too stringent with the Indians. I think he was rather too strict, a little more so than Indians like, and he would talk to them a little too much, and allow

them to keep talking to him and bothering him. "Familiarity breeds contempt," and that is particularly true with these Indians. An agent should talk with the chiefs only, and not with every young man that comes around; but he endeavored to listen and talk to them all, and to right their wrongs, or their imaginary wrongs, and of course he would tell them that he would explain all to the Great Father, and all that, and a great many instances which he had no control over and nothing at all to do with. It would, however, puzzle any man to answer some of the questions the Indians would ask. Instead of talking with the chiefs only, I think he talked too much with every little family or band that had any grievance to offer.

Q. Do you know a man by the name of Stover?

A. Yes, sir; he was an employé here at the mill last June. He is here now putting in hay for Mr. Yates. Stover is a man who talks a great deal.

By Mr. FAULKNER:

Q. I understand you to say that you were clerk on the 14th November, when Professor Marsh was here?

A. Yes, sir.

Q. Do you recollect the occasion of his visit here?

A. Yes, sir.

Q. Have you any distinct or particular recollection of the issue of cattle which took place at the time Professor Marsh was here, viz, the 14th November?

A. I have a recollection of not having issued to the Indians on the regular day, for the reason that we were counting them, and the agent told them that he would not issue until they were counted. We had been in the habit of issuing every ten days, because the Indians preferred that way. He changed the issue from every seven days to every ten days at their request. They wanted to get more beef and sugar and everything else at one issue. The regular issue ought to have been on the 11th. I made no note of it, but I think the cattle were two or three days behind time, and the Indians were very anxious for the beef—which was issued to them as soon as it was received, part of it that day and part the next morning.

Q. Have you such a distinct recollection of the cattle issued the 14th November as will enable you to state what was their size and quality?

A. I did not notice anything unusually out of the way with them.

Q. Was it at that time your duty as clerk to weigh those cattle?

A. Yes, sir; either the agent or myself did so.

Q. Do you remember whether it was you or the agent that weighed them?

A. I think he weighed them and issued part of them, and I finished the issue the next morning. A good many of the Indians were going on a hunt, and they thronged the office the next day and the day following, and were given a little extra rations all around to start them off. They demanded the rations, and there was quite a lot of them around here. They objected to the counting, and were dissatisfied about it. There had been a good deal of feeling over the matter, and the Indians did not feel very pleasant, and rather blamed the agent for withholding the rations for two or three days. While they were being counted, some of them wanted to go off on a hunt, and they demanded a little more rations. There was a good deal of feeling, and the situation was rather dangerous.

Q. Have you a sufficiently clear recollection of that issue of cattle on



the 14th November to state now what, in your judgment and opinion was the average weight of the cattle ?

A. Those which I saw issued the next morning I should judge to be the same kind of cattle which I had weighed before myself.

Q. Weighing about how much ?

A. A thousand pounds and over. The exact figures I do not recollect, but I can tell by looking at the receipts. I did not see all of them, only part the next morning.

Q. Are you in the habit of preserving in your office a record of the weight of these cattle ?

A. The number of pounds I add up and immediately enter on the book.

Q. You mean the gross amount ?

A. Yes, sir ; the gross amount.

Q. There is no account taken of the weight of each separate head of cattle ?

A. No, sir ; sometimes four, or five, or six, or eight head go in the scales at once, and the number of head is added up to the gross weight—so many head and so many pounds—and that is immediately entered in the book.

By Mr. HARRIS :

Q. As I understand you, you say there were calves and yearlings weighed ?

A. Well, calves, no ; calves never went in. By calves I mean cattle about six weeks old. The Indians always got hold of them. They very seldom got on the scales, but some yearlings did.

Q. You say there were yearlings weighed which were not counted, but whose weight was included. Now, there were cattle of various sizes and ages, from a year old up to five and six years. The question is this, whether by that system cattle would not get in, or did get in and were weighed, which, taken by themselves, could not be reckoned as merchantable beef.

A. I do not think you could call yearlings merchantable beef. Their weight was taken, but they were not counted at all. They were good beef, though, because they were tender, but, at the same time, I would not think of shipping yearlings to the Chicago market.

Q. Beef that would weigh on the hoof less than 500 pounds, would you call that merchantable beef in the market ?

A. Well, no ; not 500 pounds, because you could not sell a lot of cattle averaging 500 pounds in any beef-market as merchantable beef ; but stock-men would buy them.

Q. Could you, in any market you know of, sell cattle weighing less than 500 pounds as merchantable beef ?

A. No, sir.

By Mr. ATHERTON :

Q. You were speaking just now of the issue of cattle on November 14. You spoke of the cattle as having come in a little late. Do you remember anything about who drove them here ?

A. Mr. Bosler and his herders, I believe.

Q. Do you remember distinctly whether either of the Messrs. Bosler were here at the time ?

A. I think Mr. George Bosler was here at the time ; I am tolerably certain he was.

Q. Is there any circumstance by which you can recall it to a certainty ?

A. No; I do not remember anything unusual about it, but I have no doubt he was here.

Q. Do you remember his saying anything about his having to overdrive them to get them here?

A. No, sir; nor any one else.

Q. Do you remember anything about Mr. Bosler, or any one else connected with the driving of them, apologizing for the poor condition of the cattle on the ground that they were obliged to hurry them to get them here?

A. No, sir.

By Mr. HARRIS:

Q. Have you ever made that statement?

A. No, sir; I do not remember it.

Q. Have you any knowledge that such has sometimes been the fact?

A. I know last winter the men started to drive some cattle up here which got away from them for two or three days. They went after them again, and I think it was the fourth day before they succeeded in getting them here, but it was very cold weather then.

By Mr. ATHERTON:

Q. What was the condition of those cattle when they came in?

A. I did not see them.

Q. Have you ever known the agency herd to be stampeded?

A. There were some lost here last fall in that way, after they were received.

Q. About what time last fall?

A. It was some time in September.

Q. Do you know what became of those cattle?

A. The herder came down and reported to the agent that they were lost. The agent was very much vexed because the herder did not find it out for a day or two, and he told him to find them and drive them in. He said it was impossible they could be lost, there were so many of them.

Q. How many were there?

A. I think about 200 or over. The agent asked him to go out and find them and bring them back. He did so, and came back and reported that his opinion was that they had gone into Mr. Bosler's herd.

Q. Where they would naturally go?

A. Yes, sir; and the agent told Mr. Bosler he would have to return the number of head that were lost, and Mr. Bosler said he would return him all the cattle he found belonging to the agency which had gone into his herd. He set some men on the trail, and they had some difference of opinion on the matter. Finally Mr. Bosler returned him 150 head, and said that, in his opinion, that was all. The agent did not drop the difference. He still carried them in his papers into the fourth quarter.

Q. Did he still continue to hunt for the remaining 50, or did he rest on the conclusion that they had gone into the herd?

A. He made careful search, and, I think, a few more were found. The herder's statement sets that forth particularly, and it was forwarded to the Commissioner of Indian Affairs.

Q. What means did the herder employ, or what means had he of distinguishing these cattle which had stampeded from the agency herd, and gone back into Bosler's herd?

A. All I know is that he went on the track, and that he would tell them by their looking gaunt, and where they were scouring.

By Mr. FAULKNER :

Q. Mr. Roberts, how did it happen that after having been seven or eight months acting as clerk for the agent, you ceased to act in that capacity ?

A. Well, sir, I did not wish to clerk any more. I did not wish to remain any longer, and I quit.

By the CHAIRMAN :

Q. Now, Mr. Roberts, I would like to inquire of you about some other matters. Do you know of any Indian supplies being taken to the trader's store and sold to the Indians ?

A. No, sir ; I do not. I heard some talk about it, and saw some letters in the newspapers about it.

Q. You never knew anything of it yourself ?

A. No, sir ; I did not, no more than hearsay.

Q. Did you ever know of Dr. Saville's borrowing from the trader some two barrels of sugar, or any other quantity of sugar, and afterward returning it to him ?

A. I do not remember anything of that kind. There was some sugar, I think, returned at one time to the trader. I think it was returned to him for an amount of sugar which the agent had got from him to make a feast for the Indians. I do not remember the quantity. I know it was not a great deal. It was during the time the commission was here last summer talking about the settlement of the Republican country. The agent had to make a feast for the Indians, and he procured some sugar from one of the traders and returned it to him afterward.

Q. Did you ever know of any Indian goods being sold at the agency by the traders, or by the agent, or by anybody else ?

A. No, sir.

Q. Did you ever know of any Indian goods being sold for less than what the freight would cost to move them here ?

A. No, sir ; I do not know of any Indian goods being sold.

Q. Did you ever know of Agent Saville's receipting for five or six thousand pounds or any other quantity of beef that was never delivered, during the months of July and August, 1874 ?

A. No, sir.

Q. Did you ever know of his receipting to Mr. McCann for 1,500 pounds of freight which was never shipped ? Have you got in your possession, or did you ever have in your possession, any papers showing that Dr. Saville had done any of these things ?

A. No, sir, I did not.

By Mr. FAULKNER :

Q. Did you ever know of his giving receipts for more beef than he received ?

A. No, sir, not to my knowledge. He receipted for just what he received, so far as I know.

By Mr. HARRIS :

Q. Something has been said in some of the papers we have concerning Dr. Saville's having made a contract with Mr. McCann for the purchase of some oxen, I think, and issuing receipts for them, when none were ever received.

A. I know nothing of that.

Q. Do you know anything about a correspondence which took place between Dr. Saville and the Indian Department upon that subject ?

A. The agent wrote some time during the summer, when Inspector

Bevier was here, and he asked me some questions about it, and I told him I knew nothing more of it than the agent's letter contained.

Q. You know that the oxen were never purchased ?

A. Well, they were finally purchased. I do not know but that they were purchased at that time, although they were not here. The agent said he had purchased them, and that they were *en route*.

Q. You do not know anything about it personally ?

A. No more than there is in his letter to the Commissioner.

Q. Have you known freighters to buy their supplies of flour or corn at any time from the Indians or the squaw-men ?

A. No, sir.

Q. You have heard it ?

A. Well, these men around here have had more flour on hand than they wanted to use ; but I do not know of any supplies of flour or anything of that kind in the possession of these men having been sold.

Q. Do you know of Randall's having a large quantity in his house ?

A. I think I do, but the Indians laid it up for him.

Q. Is he a squaw-man ?

A. He has an Indian family.

Q. Do you know of his selling to the freighters goods which had been shipped to the Indians ?

A. No, sir.

Q. Has it not been said among you that such things have happened ?

A. We have had no understanding of that kind.

Q. You have not heard it ?

A. I may have heard it, but I cannot call it to mind. The men who come here generally have enough to last them during the journey back. I have seen them go into the trader's stores and buy supplies, but I do not know of any particular transaction with squaw-men or anything of that kind.

#### RED CLOUD AGENCY, NEBRASKA,

Wednesday, August 11, 1875.

Present: Hon. THOMAS C. FLETCHER, chairman ; Prof. GEORGE W. ATHERTON, Hon. B. W. HARRIS, and Hon. CHARLES J. FAULKNER.

Mr. JAMES ROBERTS was recalled.

By the CHAIRMAN :

Question. Mr. Roberts, some questions have arisen in regard to some provisions, &c., which were said to have passed from the warehouse to Mr. Walter's store at the time when you were the clerk. Do you know anything about it ?

Answer. I will say just what I said last night. There was some stuff got of the trader by the agent at the time the commissioners were here to treat for the relinquishment of the right to hunt on the Republican, which the agent promised to return. He wanted these things to make a feast for the Indians. The provisions consisted of sugar, rice, and some other articles—brown sugar ; and I don't know but what there was some coffee. He said he had no funds to pay for them, but would return them in kind when they came ; and he did so.

Q. Did he return all kinds ?

A. I think it was all returned in sugar.

Q. Will you tell, as near as you can, how much sugar was returned ?

A. I think one or two barrels ; not more than two. I was in the office, and he told me to see that it was returned, and I directed Mr.

Tibbets, who was then acting as store-keeper, to return it, and he did so. It did not exceed two barrels of sugar.

Q. Was Mr. Oliver Appleton then the commissary ?

A. He was appointed soon after. Mr. Tibbets was there at the time.

Q. Do you know of any blue cloth from the agency going into the hands of the trader ?

A. I do not, sir.

Q. When did you cease to be the agency clerk ?

A. Last September. So far as I knew, no blue Indian cloth was ever transferred to the trader on any occasion. I know nothing about it; never heard of it before. Mr. Walters was trader at the time of the sugar transaction, and so was Mr. Deer; and some was returned to him at the same time—a small quantity. Several reports of this kind have appeared in the newspapers, but I knew nothing of such transactions. I would have been likely to know if they had occurred, because I was in the warehouse. And I don't believe that such an exchange was ever made as is stated in the papers.

Q. Have you ever known of the persons in charge of the goods in the warehouse ever taking the goods out and selling them ?

A. No, sir. I was accused of doing so, and Mr. Appleton was accused of it, by Mr. Stover, who wrote it up for the Omaha Herald and the Cheyenne papers. I paid no attention to it, because I did not feel interested enough in it to do so. I did not think it worth while.

RED CLOUD AGENCY, NEBRASKA,

*Tuesday, August 17, 1875.*

Present: Hon. THOMAS C. FLETCHER, chairman; Hon. TIMOTHY O. HOWE, Hon. CHARLES J. FAULKNER, Hon. B. W. HARRIS, and Prof. GEORGE W. ATHERTON.

Mr. JAMES ROBERTS was recalled.

By the CHAIRMAN :

Q. You were here about the time of the last issue of annuity-goods, I believe ?

A. Yes, sir.

Q. Do you know anything of a piece of Indian cloth that went from the agency to the trader's store ?

A. I know of a piece of cloth that was issued to Red Cloud as his private annuity. He claimed, as chief, that he ought to have a little extra, as is customary to give them, and he told the agent he would like his to be in the shape of a piece of blue cloth. When you asked me the other evening if I knew of any cloth being issued or being stolen, I did not think, but I recollect now that there was this piece given to Red Cloud; and if there was any Indian cloth taken to the trader's store it was that piece. He took it down and gave it to Mr. Walters, the trader, for something which he had gotten from him. The cloth was issued to Red Cloud, as he wanted his annuities as chief in that extra piece of cloth, and the agent told me to give it to him. I did so; and he wanted me to carry it for him. I would not do it; and he then gave it to a Mexican, and they both went off together. I never saw that piece of cloth afterward in the store, and if I had I would not have noticed it particularly. I do not know how large the bolt was. It was double width, and the kind of cloth they usually issue to the Indians for leggings.

By Mr. HARRIS :

Q. You understood at the time that Red Cloud intended to sell that cloth to Mr. Walters ?

Q. Well, he said that he intended to sell it to Mr. Walters for something he owed in a former transaction which he had with Mr. Walters, and that would settle it. I was assisting the agent at the time, and I don't know that he told the agent what he wanted it for. I don't remember that Red Cloud told the agent that he intended to give it to Mr. Walters. They sell blue cloth at the trader's store all the time, and very probably Red Cloud had gotten some of it from him, and he wanted to pay it back in the same kind ; that is what I understood about it at the time. I told the agent about this, and he said he did not care what he did with it, as he was entitled to the blue cloth and wanted it ; he might do as he pleased with it.

Q. Do you know of any other cloth being sold at the trader's ?

A. I know nothing of any other blue cloth going to the trader's store besides that.

[Dr. Saville, the agent, explained here, that he was told something about this matter, but he paid no attention to it, as he supposed it was the same blue cloth he had given to Red Cloud.]

Q. Do you know anything of the habit of the Indians selling their flour ?

A. I believe they are in the habit of taking it around to the white men and leaving it with them, and selling it to some of them, and giving it to some of them for almost nothing. I cannot say if they have sold it to the traders. I have never seen any of the traders having flour for sale. I never knew of one of the traders taking it. They (the Indians) may have a few sacks ahead ; they don't eat it like sugar and bacon, and they may sell it, but I have never seen any of it sold.

Dr. J. J. Saville, the agent, being asked what was the usual amount of extra goods given to the chiefs, said : That matter is merely in the discretion of the agent. The chiefs have many friends come to see them, and they (the chiefs) are in the habit of giving them goods and rations, so as to keep up their influence among their people. And this is one of the most difficult questions the agent has to deal with. The Indian people insist that the chiefs have these extra rations and goods. But it is now being gradually broken down. I generally give the chiefs about double rations, and sometimes three rations, if they have a small family. At a council last year the men requested me to keep back a certain amount for the chiefs. I did so, but the chiefs were dissatisfied with the amount which I gave to Red Cloud. Last year when we issued the goods they agreed that the chief should receive his share from the agent. I told them it was better for them to fix the amount they should give the chief, and they said they wanted the agent to do it, and they told me to allow Red Cloud a share, and I gave him that piece of cloth.

RED CLOUD AGENCY, NEBRASKA,  
*Tuesday, August 10, 1875.*

Present: Hon. THOMAS C. FLETCHER, chairman; Prof. GEORGE W. ATHERTON, Hon. CHARLES J. FAULKNER, and Hon. B. W. HARRIS.

TESTIMONY OF F. D. YATES.

By the CHAIRMAN :

Question. What is your business here, Mr. Yates ?

Answer. Indian trader.

Q. How long have you been here ?

A. I have been here as Indian trader since the 16th April of this year.

Q. Were you here before that ?

A. Yes, sir. I have been connected with the Spotted Tail agency since the agencies were established.

Q. Were you here last November and December ?

A. I was either here or at Spotted Tail agency. I think I was here.

Q. Were you here at the time Professor Marsh was here, when he was going up after bones ?

A. I was not.

Q. Were you here when he came back ?

A. I was not. I saw him at Cheyenne before he came here.

Q. Were you here during last winter ?

A. I was here a number of times during last winter.

Q. When you were here, did you observe the kind of rations that were being issued to the Indians ?

A. Not particularly those that were issued here. I saw those that were issued at Spotted Tail, and I understood that they were the same kind, and came from the same contractor

Q. Do you remember observing the flour, either here or at Spotted Tail, which was issued last winter ?

A. I remember seeing a good deal of it.

Q. What kind of flour was it ?

A. It struck me as being a very fair article of flour. I have seen some a good deal worse, and some better.

Q. Did you examine much of it with any particularity ?

A. Yes, sir, I did examine a good deal of it. The Indians were leaving it in my store. They would store it in there after drawing it, before taking it home, and I saw a good deal of it. They would leave it there until they would have an opportunity to take it to their lodges.

Q. Did you ever observe any of that flour, that was not fit to make bread of ?

A. I never saw any which was unfit to use.

Q. Did you ever notice the kind of coffee that was issued last winter ?

A. I saw some of the coffee and used some of it; in fact drank it all winter.

Q. What kind of coffee was it ?

A. It was very good coffee. We used it in our mess all winter.

Q. Was it the kind of coffee you buy to sell to white people ?

A. It was as good as I am selling to the Indians. We had no sale for coffee to them last winter, or in fact to any one. We did not keep it. The Indians had plenty and we had no sale for it.

Q. Did you ever hear Red Cloud or Red Dog talk about the sample of coffee they gave Professor Marsh ?

A. I heard Red Dog tell Pallarday that they picked the coffee of

which they gave a sample to Professor Marsh out of quite a quantity, and they picked the worst grains they could find. They picked, as he said, all the black grains.

By Mr. HARRIS :

Q. When was this ?

A. I think about a month ago. I do not recollect positively.

Q. Since Professor Marsh's statement has become known ?

A. Yes, sir. The occasion of it was I was reading the papers, and Red Dog was in my store. I turned round and asked Pallarday to ask him if he gave these samples ; and, if so, why he did it, and he told Pallarday that he picked them out of the black grains of coffee and gave them to Professor Marsh out of quite a quantity. I asked him why he did it, and he said he did it because Professor Marsh asked him for it. That was all I asked him.

Q. Did you ever know of any Indian supplies being sold by the agent to traders or anybody else ?

A. I never knew or heard of any.

Q. Do you know of the Indians selling a good deal of flour to freighters, or anybody else ?

A. I never knew of their selling to freighters, but they occasionally sell flour to some white men who are living with them.

Q. Do you know of their selling to traders ?

A. No. I suppose they sell occasionally a sack or so to traders for their own use, but not in any quantities.

Q. Did you ever know of any quantity of Indian flour being taken from here to Sidney ?

A. No, sir.

Q. Did you ever observe the herds of beef-cattle that were brought here for delivery to the agency ?

A. I have seen a good many of them here and at Spotted Tail. They came from the same herd.

Q. What was the general character of these cattle as far as you saw them ?

A. They were always very good cattle, and pronounced so by stockmen generally.

Q. Do you remember seeing any of them last fall or winter, or along towards last spring ?

A. Yes, sir ; I saw a good many of them and handled a great many hides which were taken off them.

Q. Were they what you would call good-sized Texas cattle ?

A. They were.

Q. Did you ever see any of them weighed ?

A. I never saw any of them weighed here. I saw one lot weighed at Spotted Tail, and stood at the scales with Mr. Willard, the clerk, when he weighed them.

Q. Do you recollect about what they averaged ?

A. I knew exactly at the time, but I cannot remember now. It was something over 1,000 pounds. I have forgotten the exact amount.

Q. And those cattle were about an average of the cattle you saw delivered here ?

A. Yes, sir ; they were.

Q. Were they steers or cows ?

A. Steers and cows ; mostly steers.

Q. Four-year-old steers and upwards ?



A. Yes, sir. They were what is termed in this country beeves, which require to be four years old.

Q. Were they what you term in this country through Texas cattle, or cattle that had been here a season?

A. Some of them were through cattle, and some of them were wintered cattle, which had been kept here one winter, cattle which come up here from Texas and spend one winter either on the plains here or in Kansas.

Q. Have you any recollection now of what was the average weight of the hides received at your trading-establishment at Spotted Tail agency compared with the average weight of hides received at this place?

A. They would run about the same.

By Mr. ATHERTON:

Q. And that is about how much?

A. About 25 pounds dry flint.

By Mr. HARRIS:

Q. Such hides weigh about how much when green?

A. I do not know. I never weighed any of them. I should judge they would weigh about 70 or 80 pounds. They are very heavy.

Q. I judge from what you say that you have been trading with the Indians for a considerable length of time—since 1869?

A. Yes, I have been connected with the Indians, directly or indirectly, for about eight years. I was at the military post at Fort Laramie and at Fort Fetterman before I came here.

Q. Then you have seen a good deal of the Indians?

A. Yes, sir.

Q. Do you know anything of their general disposition in regard to their being satisfied or dissatisfied with what they get and what is done for them?

A. Yes, sir. I have a very good idea of it. I never yet saw an Indian who was satisfied with anything he got. The more he gets the more he wants.

CHEYENNE, W. T., *Wednesday, August 25, 1875.*

Present: Hon. THOMAS C. FLETCHER, chairman; Hon. B. F. HARRIS, Hon. CHARLES J. FAULKNER, Hon. TIMOTHY O. HOWE, and Prof. GEORGE W. ATHERTON.

Mr. F. D. YATES was recalled.

By Mr. FAULKNER:

Question. Did you accompany Mr. Bosler in the delivery of any cattle in the winter of 1875?

Answer. I did not accompany Mr. Bosler in the delivery of any cattle. Mr. Bosler went down from Red Cloud agency to Spotted Tail with me, and told me he was going to see about some cattle. I supposed he was going to get his receipts for cattle already delivered.

Q. What did you find when you got there?

A. We met some of Bosler's herders on the way back, about the middle of February, between the 14th and the 18th.

Q. Did you see yourself that there were any cattle delivered at that time—in February, 1875?

A. I know there were some delivered.

Q. Did you see them?

A. Yes, sir; and got their hides.

Q. Have you any idea of the quantity ?

A. No, sir ; I do not know what the quantity was.

Q. Could you judge of their condition and character from the hides ?

A. They were very good hides—average hides.

Q. Did you see the cattle yourself ?

A. I saw some, but not all of them. I saw, the day we got in, the Indians chasing some cattle.

Q. Cattle which had been issued ?

A. Yes, sir ; they were chasing them to kill them after their issue.

Q. Could you form any estimate from the number of hides you received of the number of cattle delivered on that occasion ?

A. I could not say now ; I could tell from my books at home. I was then one of the traders at Spotted Tail agency.

Q. You were living at the Spotted Tail agency in 1875 ?

A. I was, sir.

Q. Have you any knowledge of the fact of any great amount of starvation among the Indians ?

A. No, sir. There were twenty days that they had no issue of beef. I understood it was afterward made up to them in large issues.

By Mr. **ATHERTON** :

Q. Are you able to say, of your own knowledge, that there was no longer period than twenty days ?

A. It was the extent of two issues—twenty days. There was one period of twenty days during which no issue was made.

Q. Are you able to say of your own knowledge that there was no longer period than twenty days during which there was no issue of beef ?

A. I am.

Q. Did you see all the issues of beef ?

A. I saw very few issues, but I got a portion of their hides, and I knew they were issued.

By Mr. **FAULKNER** :

Q. Can you give us any idea of the condition of the Indians during that period ? What was their condition as to food or starvation ?

A. I never heard of any great amount of starvation there. I am sure the Indians are always grumbling.

Q. Did you hear anything of their being so destitute that they were compelled to kill and eat their ponies ?

A. I heard it at Cheyenne, not at the agency.

By the **CHAIRMAN** :

Q. Mr. Yates, do you remember about the time that the Spotted Tail agency was removed to its present location ?

A. Yes, sir.

Q. About what time was that ?

A. I think it was about the latter part of September, or the first of October, 1874.

Q. Do you know who had the contract for transporting the supplies from the old agency to the new ?

A. No, sir. Pardon me, but they moved the agency twice—once to a point about twelve miles below where the Red Cloud agency is, and afterwards to where it is now.

Q. For which removal was it that Dr. Graves had a contract ?

A. That was for the removal of the agency from twelve miles below

where the present Red Cloud agency is to a point on the White River, near the mouth of Beaver Creek.

Q. Who did the most of the work of transporting the material and supplies of the agency?

A. I did most of it myself.

Q. Did you ever get paid for it?

A. I did not.

Q. Did you get a voucher for it?

A. I did not. I got Mr. Graves's draft on Posey Wilson, a banker in Cheyenne, which I considered as nothing. I returned the draft, and took back my bills of lading.

Q. Did Mr. Graves every get his pay from the Government?

A. I think not, sir. I stated that I gave him back his draft. I merely gave him an order to get his draft, if the Government should ignore his voucher and pay him nothing.

Q. Do you know any reason why Mr. Graves never got his pay?

A. I do not. Graves had a contract with the agent to remove the agency, and there was some hurry in removing it. The contract was given to Graves without the approval of the Commissioner, upon the supposition that the Commissioner would approve it. He afterwards disapproved the contract, and that is the reason, I suppose, Graves did not get his pay or a voucher. In the mean time the work had been done. I did work to the amount of ninety-six hundred dollars, for the removal of the agency—Indian goods, supplies, buildings—from the old Spotted Tail agency to the one on White River. That was in 1873. We commenced removing about the 1st January, and finished in April. I have never been paid for it.

By Mr. HOWE:

Q. Do you know by whose order that removal was made?

A. It was made by the order of the Commissioner, as I understood it. It was the desire of the Government to have it removed. I saw several letters stating that the agency should be removed.

Q. How long did it remain at the mouth of Beaver Creek?

A. I think something over a year.

By the CHAIRMAN:

Q. Then it was removed to its present location?

A. Yes, sir; that is about ten miles above the mouth of Beaver Creek. That is its present location. It remained there at the mouth of Beaver Creek from January 1, 1873, to September or October, 1874, when it was removed to its present location.

By Mr. HOWE:

Q. When was it located on White Earth River, where you moved it from?

A. I think it was moved there in the winter of 1871 or 1872. I was not there at the time it was located at that point, but it was some time during the winter of 1871 and 1872.

Q. Where was it moved from then?

A. It was moved from a point on a creek known as Big White Clay, which empties into White River, and moved from the Missouri first to this Big White Clay.

Q. How far is this Big White Clay from that point on the White Earth River to which it was removed in 1871?

A. I do not know. I should judge about seventy-five miles.

Q. What was this removal? What did you have to transport?

A. Rations, bacon, sugar, coffee, flour, lumber, and the tools of the agency—plows and blacksmith-tools, carpenter-tools, &c.

Q. Were the buildings taken down?

A. Part of them were. The best of the lumber was taken out and the buildings taken down in order to hurry the buildings they put up there. There were two frame warehouses taken down, I think.

Q. What buildings were left standing?

A. None, except some log-buildings. The agent's office and two warehouses were left standing at the old place. Those were constructed of logs by the employés. I was there at the time they were put up.

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RED CLOUD AGENCY, NEBRASKA,  
*Wednesday, August 11, 1875.*

Present: Hon. THOMAS C. FLETCHER, chairman; Prof. GEORGE W. ATHERTON, Hon. B. F. HARRIS, and Hon. CHARLES J. FAULKNER.

### TESTIMONY OF LEON PALLARDAY.

By the CHAIRMAN:

Question. Mr. Pallarday, we want to make a few inquiries of you in regard to which you can give us some information. How long have you been in the Indian country?

Answer. I have been here since 1847; I have been during the greater part of that time with the Sioux. I have been at the Red Cloud agency since last spring; I came here in April. I was here last summer employed as a guide by the Government; I have been employed for the last eight or ten years by the Government as a guide and interpreter.

Q. Can you speak to any Indians besides the Sioux?

A. Yes, sir; I can make myself understood by any other Indians. I can speak to the Cheyennes very well by signs, as every word has a sign with them.

Q. Do you know anything, of your own knowledge, about the character of the supplies and annuity-goods issued here last fall?

A. No, sir; I was not here.

Q. Have you ever heard any of the Indians saying anything about the supplies they were getting?

A. They have never said anything to me, sir; I have heard them talking among themselves; I paid no attention to it, because they were talking among themselves and it did not concern me.

Q. Did you ever hear Red Dog say anything about the samples of coffee he gave to Professor Marsh?

A. Yes, sir; I heard him say something about it before he went to the Missouri River; he has gone there now with the commissioners.

Q. What did he say about that sample of coffee?

A. He said that he and Red Cloud had tied those samples up and given them to Professor Marsh; they called him the man that picked bones.

Q. Did he say where they got the samples?

A. They were talking about that one day, and I inquired how they got all this coffee. He said they picked the bad grains out of the coffee in the warehouse. I asked how they got all this bad coffee, and they said they picked it out.

Q. Had he heard of Professor Marsh's charges about those things?

A. Yes, sir ; I think he had. It was the very day of the conversation between us and Red Dog that turned on this subject. He said they picked out all the bad grains of coffee.

Q. Who was present at that time ?

A. I don't recollect whether Mr. Yates was there or not, nor do I remember if Mr. Roberts was. There were some Indians there, but I think no white men. The conversation took place in front of Mr. Yates's store.

Q. Do you remember any occasion when Mr. Yates asked you to ask Red Dog about those things ?

A. Yes, sir ; Mr. Yates asked me to ask Red Dog how he got those samples. I did not see him at that time, but it was afterward, and I told Mr. Yates about it. Mr. Yates speaks the Sioux language a little.

Q. Did you ever hear the Indians say anything about any other samples of supplies they got ?

A. No, sir, I did not ; only what they said before you yesterday.

Q. Did you ask Red Dog, or did he inform you, in regard to the manner in which these other samples were selected ?

A. No, sir, he did not ; only in regard to the coffee. He said he had sent other samples, but I did not ask what they were.

Q. Have you ever seen the herds of cattle that were issued here ?

A. No, sir ; I never was here while any cattle were issued ; I have always been in the store ; I never went to the corral.

Q. In your frequent conversations with the Indians, particularly with the head men, what do you gather from them as their wish in regard to the supplies that are furnished them ? What kind of supplies do they most desire—or do they desire some changes ?

A. From what I can understand from the Indians, the supplies they are getting now are the kind they want, but they don't want pork ; they want bacon instead.

Q. Do they want rice ?

A. Yes, sir, they do ; and also tea.

Q. Do they desire to have clothes like white men, instead of blankets, issued to them ?

A. I don't think they all would ; probably a few would.

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### TESTIMONY OF TODD RANDALL.

By the CHAIRMAN :

Question. How long have you been in this country ?

Answer. I have been in the Indian country for twenty-six years. I have been with the Ogallalla and Brulé Sioux since 1868. During that time I have been employed as interpreter and sub-agent. I was here last fall, when Professor Marsh was here, in November. I remember noticing the kind of supplies that were being issued to the Indians at that time. I saw the coffee that was issued. It was a very common kind of coffee ; such as is generally used in the western country. I noticed the sugar ; it was not a very good article of sugar. It would have been good enough, but it was dirty.

Q. Was it such as not to be made use of by the Indians ?

A. They did use it. I noticed the flour also. There was some very good and some very bad flour. Some that they could not use.

Q. Was that which they did not use spoiled, or was it made out of bad wheat?

A. I don't know about that. It was very dark and musty. It must have been damaged, but I could not tell how; it was certainly unfit for use.

Q. How much bad flour was there compared with the whole amount?

A. I cannot say. There was a considerable quantity of it. In fact, it was only now and then that you could get some good flour.

Q. Was the bad flour branded with the inspector's brand?

A. Yes, sir, but I don't recollect what inspector. It had been inspected at Cheyenne, I believe, or at Camp Carling.

Q. Do you know what the Indians did with the bad flour?

A. They fed it to their ponies, and what the ponies would not eat they threw away.

Q. Do you know of any flour having gone from here to Sidney during last spring?

A. No, sir, I do not.

Q. Do you know of any flour being hauled from the agency or this neighborhood to any other point?

A. No, sir.

Q. Did you notice the blankets that were being issued last winter?

A. Yes, sir. I was present at the issue.

Q. Do you recollect how many bales there were?

A. I do not. I did not count them. I heard the Indians talking about the blankets. They complained more about the quantity than the quality. They did not like the brand being on them.

Q. Have you ever noticed if the brand injured the blankets?

A. No, sir; I never noticed that it did.

Q. What objection do they make to the brand?

A. They don't like it on their blankets. They don't want any mark on them.

Q. Did you see the herd of cattle that was driven into the corral to-day?

A. No, sir.

Q. Did you see the beef-cattle that were issued during last fall and spring?

A. I did, in the early part of the fall. I was sick during the winter, and did not go out to see them. I did not see the cattle that were issued for October, but previous to that time I saw all the cattle that were driven in.

Q. What kind of cattle were those you saw?

A. They were very fair Texas cattle; about like all the cattle they drive in this country. They were cows and steers mixed.

Q. Did you notice any yearlings or calves?

A. There might have been a few of that kind driven in with the large steers and cows which they generally furnish.

Q. Do you know anything of any Indian supplies being taken from the agency and disposed of to any of the traders around here?

A. I don't know of anything being taken from the agency, but they traded some sugar in the traders' stores that was of the same quality that was issued to the Indians. It was stated by men here that it was taken from the stores here, from Mr. Walters' store, but I don't know the fact myself. Mr. Walters is not here now; he sold out to Mr. Yates.

Q. Did you ever know or hear of any other Indian goods or supplies being traded?

A. Some Indian cloth was traded in the same place. This was some time after the annuities were issued in the winter.

Q. Do you know where Mr. Walters is now ?

A. I think he is in Omaha.

Q. Is there any one here now who was employed in Mr. Walters' store at that time ?

A. There are two men—George Stover and James Pulliam.

Q. Do you know if Pulliam is here now ?

A. I think he is out buying lumber for the miller. Stover is out buying cattle on the Running Water. He may be in here to-morrow.

By Mr. HARRIS :

Q. What do you know personally about sugar being traded to Mr. Walters ?

A. I know nothing, only from seeing the quality of sugar, which was the same sugar as was in the agency. I bought some of it.

Q. Had you ever used any sugar from the commissary of the agency ?

A. Yes, sir.

Q. Were you entitled to receive it ?

A. Yes, sir.

Q. What do you know about the Indian cloth ?

A. Nothing at all, sir.

Q. You say you understood it was sold from Mr. Walters' store ?

A. Yes, sir ; Mr. Pulliam told me that there was cloth carried out of the commissary and sold at that store. He did not say how much. There were about four bolts ; a bolt contains about thirty-two yards. It was blue Indian woolen cloth, the same as they wear now. It was worth four dollars per yard here. We generally pay from \$2.05 to \$1.85 for it in Omaha, where it is made.

Q. Did you ever see any of that cloth which you knew came from the store ?

A. I heard from the Indians that there was none of that cloth in the country, and in a few days the Indians were buying it from the store.

Q. Did the store-keeper have that kind of cloth in his store ?

A. Yes, sir ; they keep it.

Q. You say the cattle which were issued in the summer, before November, 1874, were fair Texas cattle ?

A. Yes, sir.

Q. But have you had experience in cattle ?

A. Yes, sir ; I have dealt in cattle a great deal.

Q. Are you able to form a judgment of the extreme weight of those cattle, from the largest to the smallest ?

A. I saw some of them weighed, two lots, and the two lots averaged 930 pounds. I saw them weighed, and am satisfied they weighed that much. The average then was over 900 pounds.

Q. When was that ?

A. It was in June and July, 1874. I think the average one time was 930 pounds, and the other something like 931 ; I cannot say exactly.

Q. Did you see any poor cattle, unfit for beef, going into the hands of the agent last year ?

A. There were some that were very poor during the winter, but they were pressed for cattle, and it was almost impossible for him to give them anything to eat in this country. They were wintered on the Platte.

Q. There were sometimes yearlings with those cattle ?

A. Yes, sir ; there were some small cattle.

Q. Did you ever know of any cattle being put through that were not counted?

A. I don't remember to having seen any yearlings. They were small cows and small calves. They are generally taken out and killed by the Indians, and sometimes pretty large calves are given to the Indians, but I don't know anything about them being issued to the Indians.

Q. Do you remember of the freighters ever buying flour from the Indians?

A. They may have done so.

Q. Have you ever had flour in your store that you bought of the Indians?

A. Yes, sir; I have had fifty sacks of this bad flour.

Q. How much did you give for it?

A. I sometimes gave \$2.50 per hundred for good flour, but I got this bad flour for \$1 per hundred, and I thought it was a bad bargain at that. I have been engaged in teaming.

Q. Did you ever ask the store-keeper at Cheyenne to allow you to supply him with one hundred sacks of flour here, and put one hundred sacks less on the team at that end?

A. No, sir.

Q. What was your proposition?

A. I saw the store-keeper at Cheyenne, and asked him if there could be any arrangement made with the contractor to furnish him with flour here at the contract-price.

Q. That would necessarily involve bringing one hundred sacks less over the road?

A. Yes, sir; it would save the contractor the freight on one hundred sacks from there here.

Q. How would that save him the freight?

A. The man that had the flour-contract at that time had to deliver it at the agency.

Q. With what flour did you contemplate to supply these one hundred sacks, if you could make the arrangement?

A. Part of it I had on hand. I bought it of the Indians. It cost me about \$2 a sack in trade.

Q. What was the reply of the store-keeper in Cheyenne?

A. He said he did not know anything about the contractor's arrangements, and could not do anything himself.

Q. Did any of the freighters buy that flour of you?

A. No, sir.

Q. How did you dispose of it?

A. I fed most of it to my mules.

Q. Was it good flour?

A. No, sir; it was not.

Q. How did that flour you had on hand then compare with the flour that was issued to the Indians last year?

A. It was about the same quality of flour. It all had some inspector's brand on it. I never examined the brand, but the bags were branded.

Q. Did you take notice particularly to observe the distinction between the inspector's brand and the brand of shipment?

A. I did not notice that, but I think I did notice that they had the inspector's brand on them.

Q. What have been your relations toward Dr. Saville during the last year?

A. Dr. Saville and myself during the last year have not been very friendly. We were good friends at one time.



Q. What was the cause of the change of feeling toward him ?

A. I cannot say, sir.

Q. What cause, if any, led you to have any unkind feelings toward him ?

A. From the way he had treated me.

Q. Were you employed here at any time ?

A. No, sir.

Q. In what way did he ill treat you ?

A. Well, he has treated me pretty rough ever since last fall. He did most everything he could against me.

Q. What, among other things ?

A. Well, the most particular thing he did was about some lumber. I made a contract with Bishop Hare to furnish lumber for a church, provided I could have the use of the Government saw-mill and saw it with my own "hands," (laborers.) Dr. Saville left here, and I believe he gave orders to his clerk not to allow me the use of the mill, and after he returned I asked him about it and he said he thought Bishop Hare had made different arrangements about his lumber. I told him that I had gone to the expense of getting out the logs and had kept men employed, and I would like to have the contract so as to get my money back. He said he could not tell me anything about it, but would write to Bishop Hare. I at the same time wrote to Bishop Hare, but did not get any answer, and I discharged my men and gave up ever receiving anything. During the winter I wanted to build a house and I asked permission of Dr. Saville to get some logs from the mill, and he positively refused it, but before he left in February or the last of January, he gave me permission to have some logs sawed, but gave his clerk orders not to allow me to have them sawed.

Q. Do you know what it is worth to saw a thousand feet of plank an inch thick ? what can it be done for here with such a mill as that ?

A. It can be done for about four to five dollars.

Q. You mean to get out the logs to saw ?

A. No, sir ; to saw them after they are here.

Q. What is it worth to get out the logs ?

A. Eighteen to twenty dollars.

Q. So then the boards sawed out would bring from \$20 to \$22 ?

A. Yes, sir.

Q. Now, what it worth to cut the timber and saw the logs ?

A. I don't know what it is worth.

Q. Do you know what it is worth to saw shingles ?

A. I do not.

Q. Is there any difference between sawing the boards and planks ? Is it any cheaper to saw planks than boards ?

A. I suppose it is better for the man to saw two inches than one.

Q. Did you say that it is customary for the traders to keep on hand this blue Indian cloth ?

A. Yes, sir.

Q. Can you state when it was that this sugar and Indian cloth which you speak of was seen in the stores of the traders ?

A. I can tell you who was the clerk of the agency at that time ; at the time the sugar was taken out of the commissary, James Roberts was the clerk, and Oliver Appleton was the storekeeper.

Q. And when the Indian cloth was taken who was the storekeeper then ?

A. I don't remember whether it was before or after Appleton left that this cloth was taken from the commissary. I remember very well when

the sugar was taken out; I don't remember the month; it was in the fall of last year, 1874; Roberts was the clerk.

Q. How long did you say you have been living in this country?

A. I have been here for twenty-six years this coming fall. I have been with these Indians since the treaty of 1868.

By Mr. ATHERTON:

Q. Had you anything to do with furnishing timber for the agency buildings?

A. Yes, sir.

Q. What proportion did you furnish?

A. I furnished 8,500 feet in this building.

Q. At what time did you receive your pay for the lumber furnished?

A. I have not received any yet.

Q. For what reason do you understand was the pay withheld? When was it due?

A. I had no contract, but they were to pay at the end of the quarter in which it was delivered. I understand it has never been paid on account of the deficiency of funds. I don't know when I may expect it.

Q. Did you know young Appleton who was an assistant here?

A. Yes, sir; he was the clerk.

Q. Do you know anything about his wishing or endeavoring to go away from here before he was killed?

A. I only know it in a general way; he asked his father to allow him to go, but his father persuaded him to remain. I know nothing of my own knowledge; he said he wanted to go away; he did not like the way the Indians acted and he wanted to go away; he did not express any dissatisfaction with the nature of his duties. A man by the name of Johnson told me about young Appleton wanting to leave; he was employed here. I was in Cheyenne at the time and he told me when I came back. I think Johnson is now at Fort Fetterman. Johnson was clerk in place of young Appleton, who had gone home because his leg was broken.

Q. Did Johnson himself ever say anything about the manner of conducting the affairs at the agency?

A. Yes, sir. He talked about it. I do not remember what he said.

Q. Can you give the substance of what he said about the management of affairs here?

A. He was not altogether satisfied with the manner in which things are managed here; he said it was not a very agreeable place to work, and he wanted to go away from it; he complained more about his pay than anything else.

Q. Do you know of any other bills in connection with the erection of the agency buildings that are now outstanding?

A. Yes, sir; there is a voucher now in New York for hay, that was put in here at the time the agency was being built. I think Mr. Jones has an account against the agency for hauling hay last year, which has not been paid. I have an account against the agent which has not been paid; it is for articles for the use of the Indian soldiers and employés—for different kinds of goods, clothes, provisions, and different kinds of trinkets, and sugar, tea, and crackers, &c.

Q. How much is the amount of your bill?

A. It is between five and six hundred dollars. I have also a few vouchers for payment of the men who moved the saw-mill amounting to 85 dollars.

Q. Can you show us your accounts against the agency without inconvenience?

A. Yes, sir. I asked the agent to give me a voucher, or a sworn statement of the amount, and he said he could not give vouchers, as he had orders not to give vouchers unless there was money for the purpose.

Q. In whose hands is this voucher for hauling hay, in 1873?

A. They are in mine. I had a contract in 1873 for delivering hay at the agency. I sold the voucher to some men in Cheyenne, and they told me the last time I was there that it had not been paid. I had paid interest on so many vouchers, at two per cent. a month. I sold that one for \$1,600; it was a discount of \$50. I had borrowed \$900 on the voucher, and paid two per cent. a month interest for two months, and I did not want to keep it any longer at that rate and lose money on it.

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### TESTIMONY OF J. W. BOSLER.

By the CHAIRMAN:

Question. Mr. Bosler, please make a general statement in regard to this matter, so far as you are concerned.

Answer. Well, so far as we are interested in this controversy, there is just this much to show, and that is, whether we delivered the numbers, and whether we delivered the quantity as to weight of cattle, as set forth in the agent's receipts, according to the contract. The complaint that Professor Marsh makes is, that we got receipts for more cattle than we delivered, in weight and numbers. I have a few papers here which I wish to submit to you in regard to these charges. I will state that we delivered the cattle in accordance with the contract, and these papers and affidavits are from the parties from whom we purchased cattle, and they show that the number of cattle receipted for were purchased and driven to this point; and then, with a statement of the number of hides that were purchased by persons doing business here, we will show that we fulfilled our contract according to the numbers; and as to the quality, we submit these papers in support of this statement. These papers contain all the statement I wish to make in regard to the subject.

*First.* A sworn statement of James F. Ellison, of Sidney, Nebraska:

SIDNEY, NEBR., July 27, 1875.

This is to certify that I sold and delivered to J. H. Bosler, for the use of the Indian contract, during the month of August, 1874, six thousand eight hundred head of cattle. The said cattle were all four years of age and upward, of excellent quality, and in good condition, best grade of Texas cattle, all good four-year old steers but about twelve hundred head, which were good cows. Delivered forty-seven hundred of those cattle on the Platte River, for the use of Red Cloud and Whetstone agencies. I would estimate the weight of the entire lot at over 1,000 pounds gross. I have been employed in the cattle-trade for ten years; am a good judge of the weight and quality of cattle. Handle annually from six to twelve thousand head of cattle. I know to my personal knowledge that Mr. Bosler in his purchases of cattle for the Indian contract buys the best on the market.

JAMES F. ELLISON.

STATE OF NEBRASKA,

*Cheyenne County, ss:*

James F. Ellison, being duly sworn, says the foregoing certificate is true in matter and in fact.

JAMES F. ELLISON.

Subscribed and sworn to before me this 28th day of July, 1875.

[SEAL.]

GEO. R. BALLOU,

*Notary Public, Cheyenne County, Nebraska.*

By the CHAIRMAN :

Q. In reference to this paper, I would like to know where Mr. Ellison is now.

A. He was at Ogalalla a few weeks ago, and I think he will be able to meet you there on your return.

*Second.* A sworn statement of Seth Maybry, of North Platte, Nebraska :

NORTH PLATTE, NEBR., July 26, 1875.

This is to certify that I sold and delivered to J. H. Bosler, for the use of the Indian contract, during the summer of 1874, seven thousand head of cattle, all four years of age and upward, all steers but about three hundred—these were good cows—all of good quality and in good condition; no better driven from Texas. I would say the entire lot would average 1,000 pounds gross at least. I am one of the heaviest cattle-traders of Texas; do drive from eight to ten thousand head annually; am a judge of the weight and quality of cattle; delivered about four thousand head of these cattle on the North Platte River for the use of Red Cloud and Whetstone agencies.

SETH MABRY,  
Of North Platte, Nebraska.

Subscribed in my presence, and sworn to before me this 26th day of July, A. D. 1875.  
[SEAL.]

A. H. CHURCH,  
Probate Judge.

We were purchasing cattle for the Missouri River at the same time, and this statement shows the number of cattle we purchased for the same place.

Q. Where is Mr. Maybry now ?

A. He was at North Platte when I got the affidavit; he is a man that can be reached. I asked him to be at Cheyenne when you returned. He is a reliable man, and is well known in this country. Part of these cattle went to the North Platte and part to the Missouri River.

By Mr. ATHERTON :

Q. These affidavits relate to cattle that were delivered by you only ?

A. Yes, sir.

*Third.* The sworn statement of George W. Littlefield, Sidney, Nebraska :

SIDNEY, NEBR., July 22, 1875.

This is to certify that J. H. Bosler purchased of me, for the use of the Indian contract, about three thousand head of cattle during the month of August, 1874, and that such cattle were a good quality of Texas cattle, in very good condition. Part of them I delivered on the Missouri River, and part on the North Platte River, and, to the best of my belief, I would estimate the Platte River herd at 1,000 pounds per head. I am a cattle-dealer, and handle from eight to ten thousand head every season, and drive as good quality of stock as comes to the north. Out of the number I drove, I sold six hundred head which was a shade better than those sold Mr. Bosler. Delivered them in Indiana, and they weighed then 1,020 pounds—weighed on Fairbanks scales.

GEO. W. LITTLEFIELD.

Witness :

GEO. R. BALLOU.

STATE OF NEBRASKA,  
Cheyenne County, ss :

Personally appeared before me, George R. Ballou, a notary public in and for said county, this 22d day of July, 1875, George W. Littlefield, personally known to me to be the party who signed the foregoing, and acknowledged it to be his voluntary act and deed.

Witness my hand and seal the day and year above written.

[SEAL.]

GEO. R. BALLOU,  
Notary Public.

One-half went to the Missouri River and the balance to Red Cloud.

*Fourth.* Affidavits of George Sheidley, of Ogalalla, Nebraska, and W. C. Irwin :

OGALALLA, NEBR., July 26, 1875.

This is to certify that we sold to J. H. Bosler, for the use of the Indian contract, and delivered on the Platte River, for use at Red Cloud and Whetstone agencies, during the month of August, 1874, three thousand head of good Texas cattle, driven from the Freco country. These cattle were all good cattle, all steers, four years of age and upward, but three hundred, which were good cows, all good quality and in good condition. I would estimate the weight of them at 1,000 pounds. I am a good judge of cattle; have been handling and driving cattle for six years; drive and handle from four to eight thousand head annually.

GEORGE SHEIDLEY.

Witness:

C. FERRIS.

I was through the herd of cattle delivered by Mr. Sheidley to J. H. Bosler on its way to the Platte River, the place of delivery, and state that the within description of quality of the cattle of said herd and other facts set forth therein are true.

W. C. IRVINE.

STATE OF NEBRASKA,  
*Cheyenne County, ss :*

W. C. Irvine, being first duly sworn, says the matters and facts set forth above are true, as he verily believes.

W. C. IRVINE.

Subscribed and sworn to before me this 27th day of July, A. D. 1875.

[SEAL.]

GEO. R. BALLOU,

*Notary Public, Cheyenne County, Nebraska.*

STATE OF NEBRASKA,  
*Cheyenne County, ss :*

James F. Ellison, being first duly sworn, says that he is a cattle-man, a dealer in cattle, and a good judge of stock; that he has read the certificate of George Sheidley; that he, deponent, saw the cattle mentioned in said certificate, and that he knows that said George Sheidley's statement is correct and true, and that the cattle mentioned were good, as stated, and the estimate of weight correct.

JAMES F. ELLISON.

Subscribed and sworn to before me this 30th day of July, A. D. 1875.

[SEAL.]

GEO. R. BALLOU,

*Notary Public, Cheyenne County, Nebraska.*

[Mr. Bosler explained that he submitted the affidavits of all these gentlemen, because they were away, attending to business, and they could not be present.]

*Fifth.* A second statement from James F. Ellison :

STATE OF NEBRASKA,  
*Cheyenne County, ss :*

James F. Ellison, being first duly sworn, says that he has been for a number of years past engaged in the cattle business, and is familiar with and a good judge of stock; that in September, 1874, one William M. Hurst, who is now in Texas, delivered to J. H. Bosler three thousand five hundred head of cattle, (two thousand head being delivered on the Platte River,) the said cattle being for the Red Cloud and Whetstone Indian agencies.

Deponent says, further, that he saw and personally examined the above-named herd; that the cattle were all full grown, four years of age and upward, and in excellent condition, steers and cows, and of good class and quality in every respect, and their average weight he estimated at about 1,000 pounds.

JAMES F. ELLISON.

Subscribed and sworn to before me this 31st day of July, A. D. 1875.

[SEAL.]

GEO. R. BALLOU,

*Notary Public, Cheyenne County, Nebraska.*

*Sixth.* Statement of H. V. Redington :

SIDNEY, July 28, 1875.

This is to certify that I turned over to J. H. Bosler, between the 1st day of April and the 10th day of May, 1875, nine hundred and eighty-seven steers. The cattle were

of good quality and of full age, three years old and upward; about two-thirds of them fours and fives, which would weigh 1,100 pounds. I also turned over, between the dates above mentioned, seven hundred and eighty-seven cows of good quality, four years old and upward, averaging 900 pounds. There were fifty-eight yearlings which were not counted. I aimed to cut the yearlings out, but failed to do so. About twenty-five head of these cattle were between two and three years old; these were half-breeds, and fully as good as the other cattle. I base my estimate of the weights of the cattle upon my knowledge of the weights of this class of cattle, having been engaged in shipping cattle for the last four years.

H. V. REDINGTON.

STATE OF NEBRASKA,  
*Cheyenne County :*

Subscribed and sworn to before me this 28th day of July, A. D. 1875.

[SEAL.]

D. CARRIGAN,  
*Probate Judge.*

This statement refers to the cattle which Lieutenant Carpenter and Louis Reshaw allude to. They are the cattle from which the delivery of the 14th of November were taken from, of which Lieutenant Carpenter and Louis Reshaw made certificates. We had none other on hand.

*Seventh.* Mr. W. C. Irvine was present when the cattle were turned over to us, and these were the cattle that we delivered this spring on the contract made with Mr. Paxton, after the original contract had been filled. His statement and that of Mr. Lawrence are as follows :

KEITH'S RANCH, *July 25, 1875.*

This is to certify that we turned over to J. H. Bosler, on the Platte River, for the use of the Indian contract, two hundred and forty-one head of cattle, steers and cows, all three and four year olds. The cattle were of good quality and in good condition, and wintered in this country two winters. The cattle were turned over on the 10th of May, 1875, and were driven right to Red Cloud agency for issue. We also saw the cattle turned over by Mr. Redington, for Adams, Redington & Co., to Mr. Bosler, in April and May—the last lot on the 18th of May—and they were a very good lot of cattle and in good condition, all being three years of age and upward but thirty head, which were good half-breeds two and a half years of age, the greater part of the whole bunch being four-year-old steers. I would estimate the weight of them at a thousand pounds or over. These, to our knowledge, were driven from the river direct to Red Cloud agency, and consisted of between eighteen and nineteen hundred cattle.

IRVINE & LAWRENCE.

STATE OF NEBRASKA,  
*Cheyenne County, ss :*

William C. Irvine, being first duly sworn, says that he is a member of the firm of Irvine & Lawrence, above named, and that the matters and facts set forth in the foregoing certificate are true of his own personal knowledge.

WILLIAM C. IRVINE.

Subscribed and sworn to before me this 27th day of July, A. D. 1875.

[SEAL.]

GEO. R. BALLOU,  
*Notary Public, Cheyenne County, Nebraska.*

*Eighth.* Statement of Wm. Guiterman, of the firm of Kent & Guiterman. He lives in Cheyenne, and you can see him there :

CHEYENNE, W. T., *July 27, 1875.*

This is to certify that I sold and delivered to J. H. Bosler, for use of the Indian contract, at the old Red Cloud agency on the North Platte River, five hundred and seventy-five head of cattle on the 26th day of May, 1875. These cattle were of No. 1 quality and in good condition; all three and four and five years of age, wintered in this Territory one, two, and three winters. They were all a good quality of beef-cattle, and could have sold them to the butchers of Cheyenne and Denver for immediate killing.

WM. GUITERMAN,  
*For Kent & Guiterman.*

TERRITORY OF WYOMING,  
*County of Laramie, ss :*

On this 27th day of July, A. D. 1875, before me personally appeared William Guiterman, personally known to me to be the identical person who executed the within cer-

tificate, and, being by me duly sworn according to law, made oath that the facts set forth in the said certificate are true.

Witness my hand and notarial seal.

[SEAL.]

L. C. STEVENS,  
*Notary Public.*

In connection with this statement, I will say that cattle purchased in the spring cost a great deal more than cattle do now, and that is the reason we would not furnish them at the contract-price.

*Ninth.* Statement of C. McCarty:

STATE OF NEBRASKA,  
*Cheyenne County, ss :*

C. McCarty, being first duly sworn, says that for about ten years last past he has been engaged in the cattle business in Colorado, Western Nebraska, and Wyoming; that he is familiar with all the brands used in Western Nebraska, and is cattle-inspector for the district controlled by the Western Nebraska Stock Association; that in August, and at other times in 1874, J. H. Bosler received herds of cattle from one James Ellison and various other parties; that he, deponent, looked through these herds for stray cattle, as is customary with cattle-men when herds are going to the agencies; that said herds were by him carefully examined for the above reason, and that all the cattle in said herds so received by J. H. Bosler were of good quality; and deponent further says that all the cows and steers in said herds were of good class; and all the cattle received by said Bosler, and examined by him as aforesaid, were, in his, deponent's, estimation, splendid cattle.

And deponent further says that he saw other large lots of cattle turned over to range-men by parties who had driven them to this country, and that these lots were invariably of a poorer class and lower grade than any turned over to and received by said J. H. Bosler.

C. McCARTY.

Subscribed and sworn to before me this 27th day of July, A. D. 1875.

[SEAL.]

GEO. R. BALLOU,  
*Notary Public, Cheyenne County, Nebraska.*

This is an officer appointed by the governor of Nebraska to inspect cattle. His business is to inspect cattle, and, if there are any stray cattle, to get them out.

*Tenth.* Statement of James Callahan, contractor for furnishing beef at the Sidney, Nebraska, barracks:

I do certify that I have seen the herds of cattle, or many of them, purchased by J. H. Bosler for the use of the Indian contract of 1874 and 1875, as they passed on their way to the Platte River, their place of delivery. I am engaged in the cattle trade, and was looking through the herds for range-cattle, to see if any were being driven off, and can testify that these cattle were of good quality and in good condition, full grown, four years old and upward; would estimate the weight at from nine hundred to eleven hundred pounds. I am a cattle dealer or raiser, and am a good judge of the weight and quality of cattle, having been engaged in the trade for three years.

JAMES CALLAHAN.  
PHILIP MUSHEID.

Subscribed and sworn to before me this 30th day of July, A. D. 1875.

[SEAL.]

GEO. R. BALLOU,  
*Notary Public, Cheyenne County, Nebraska.*

*Eleventh.* Statement of Dr. S. A. Snow, physician of Red Cloud agency:

AUGUST 4, 1875.

This is to certify that I am and have been physician at the Red Cloud agency for the past fourteen months, and have been present at the agency scales frequently when the cattle were delivered by J. H. Bosler to Agent Saville. That the cattle were usually of good quality and in good condition, full grown and of full age, and always weighed on the agency scales. That I was present at the agency on the 14th day of November, when Professor Marsh was here; was present at the issue on that day, and saw the cattle received that day, and they were all of a good size; it was during a

snow-storm that they were delivered. The hair was rough, but the cattle were large and in fair condition. They were weighed by Agent Saville. This was done publicly; any one could have taken down the weights if they had desired to do so. I am satisfied that there were steers in this lot that would have weighed twelve hundred pounds, others eight or nine hundred. And that I was also present at the issue on the 14th of May, and that these cattle were also weighed on the agency scales; that in this lot I noticed some yearlings, twenty or thirty in number; saw the Indians and half-breeds rope some of them and draw them out of the corral, and take many of them away before this lot of cattle was weighed and received by the agent; that this was a good lot of cattle, in fair condition, full grown, and of good size.

S. A. SNOW,  
*Agency Physician.*

CAMP ROBINSON, NEBR.,  
*August 8, 1875.*

I, J. McB. Stembel, second lieutenant Ninth Infantry, judge-advocate, general court-martial, certify that S. A. Snow, whose signature is affixed to the within affidavit, came before me and made oath that the matters stated in said paper are true to the best of his knowledge and belief.

J. McB. STEMBEL,  
*Second Lieutenant Ninth Infantry, Judge-Advocate, General Court-Martial.*

These are all the affidavits in regard to cattle. The following affidavits show the size and weight and quality of the hides, and also go to show the size and quality of the cattle:

*Twelfth.* Statement of B. F. Walters, post-trader at Red Cloud, predecessor of Mr. Yates:

STATE OF PENNSYLVANIA,  
*Cumberland County, ss:*

Before me, a notary public in and for said county and State, personally appeared B. F. Walters, who, being duly sworn according to law, deposes and says that he was one of the post-traders at the Red Cloud Indian agency from 12th April, 1874, to 12th April, 1875, during which time he received from the Indians five thousand one hundred and two hides. These hides averaged in weight, in Omaha and Chicago, "in flint," heads, tails, and legs off, 24 pounds each, and brought gross, \$5.21, and netted \$4.46 each. That he saw the most of the cattle that these hides were taken from; that they were a fair average quality of cattle of four-year olds and upward. That he was present at the agency when Professor Marsh visited there, and received a great many of the hides of the cattle that Professor Marsh saw issued, and, to the best of his knowledge, there was not one of these cattle younger than four years old, and that they were all weighed before they were issued to the Indians.

B. F. WALTERS.

Sworn and subscribed before me this 29th day of June, 1875.

[SEAL.]

A. L. SPONSLER,  
*Notary Public.*

*Thirteenth.* Statement of F. D. Yates, trader at Red Cloud agency, successor of Mr. Walters:

RED CLOUD AGENCY, *August 6, 1875.*

This is to certify that I am a trader at the Red Cloud agency, and received and traded from the Indians, from April 16, 1875, to the 1st day of July, 1875, eighteen hundred and seventy-seven beef-hides. These were full size, from full-grown cattle, four years old and upward, I should judge; they weighed in market on an average about 25 pounds, "flint-dry hides." I received the hides from the cattle killed to supply the troops at Camp Sheridan, for the past year. These hides were not as large as those I received from the Indians. The butcher at Camp Sheridan told me the cattle these hides were taken from averaged 550 pounds net, or 1,100 pounds gross, in beef.

I have passed through the herds of cattle for the supply of beef at Red Cloud and Whetstone agencies, and personally saw many of the cattle. They were of good quality and size, four years old and upward, and, from what I know of cattle, would judge them to weigh a thousand pounds and upward. Was present at many of the issues at Red Cloud, and found the cattle always good and of full size. I received out of the issue of May 14, one hundred and sixty hides; they were from good-size, full-grown cattle. The cattle are always weighed at the Red Cloud agency, when received by the agent from the contractor.

F. D. YATES.



I would further state that I have handled many hides for the last eight years, and that when dry flint, to weigh 25 pounds, must consequently be from full-grown cattle.  
F. D. YATES.

Personally appeared before me, Geo. Knox, postmaster at Red Cloud agency, Nebr., the above F. D. Yates, who, being duly sworn according to law, declares the above statement to be true to the best of his belief.

GEO. KNOX, *P. M.*

TERRITORY OF WYOMING,  
*County of Laramie, ss :*

On this 25th day of August, A. D. 1875, before me, L. C. Stevens, a notary public in and for said county, in the Territory aforesaid, personally came F. D. Yates, who is known to me to be the identical person who is described in and who signed the foregoing certificates, and being by me duly sworn according to law, made oath that the statements set forth in the said certificates subscribed by him are true.

Witness my hand and notarial seal.

[SEAL.]

L. C. STEVENS,  
*Notary Public.*

*Fourteenth.* Statement of J. W. Dear, post-trader at Red Cloud agency :

RED CLOUD AGENCY, *August 4, 1875.*

This is to certify that I am a trader, and have been for eighteen months past, at Red Cloud agency; and that from the 1st day of September, 1874, to the 1st day of July, 1875, I received and traded from the Indians 4,845 hides; that these hides came from full-grown cattle, and were, to the best of my knowledge, four years of age and upward; and that these same hides brought, on an average, in market \$5.70 each; that I received the hides from the cattle killed and furnished to the military post, Camp Robinson, and that they were not as large as those received from the Indian cattle. The cattle were always weighed on the agency scales. I received of the issue of cattle on the 14th day of May three hundred and one hides; and that my brother was up to where Louis Richard was trading; and that he (Louis R.) received somewhere about twenty hides out of the entire issue. I was present at the agency on November 14, 1874, when Professor Marsh was here; did not go to cattle-corral; did not see the beef issued on that day, but received at least one-half of the hides. I find that my books show on the 21st of November I shipped one hundred and five hides, that brought in market \$6.09; and on the 1st of December, three hundred and seventy-seven hides, which brought \$6.02. The hides from the issue of November 14 were in those two lots. None but full-grown and large cattle would yield a hide worth this money.

J. W. DEAR.

CAMP ROBINSON, NEBR., *August 8, 1875.*

I, J. McB. Stembel, second lieutenant, judge-advocate general court-martial, certify that J. W. Dear, whose signature is affixed to the within affidavit, came before me and made oath that the matter stated in the within paper is true, to the best of his knowledge and belief.

J. McB. STEMBEL,  
*Second Lieutenant Ninth Infantry, J. A. G. C. M.*

*Fifteenth.* This is an abstract of the foregoing affidavits in the form of a statement, signed by myself:

In connection with these affidavits, I submit the following tabulated statement of their contents:		
Number of cattle purchased for Red Cloud and Spotted Tail agencies, which were classified as follows:		
Beeves.....	14,328	17,490
Cows.....	3,162	
Number of cattle delivered on the Paxton contract, as per receipts given by the agent, now on file in the Interior Department:		
For Red Cloud agency.....	9,423	16,809
For Spotted Tail agency.....	7,386	
Excess of purchases over deliveries.....	681	

Leaving on hand on the 1st of July, 1875, 681 head. Of these, 73 perished, as we found their carcasses on the range, and the balance were lost and stolen by the Indians.

You will also notice here the small percentage of mortality, which would indicate, taking into consideration the severity of the winter, an exceedingly strong and healthy lot of cattle.

These affidavits show the following accounts of hides taken from these cattle and sold to the traders:

Mr. B. F. Walters, trader at Red Cloud agency, from September 1, 1874, to April 12, 1875, purchased .....	3, 187
Mr. J. W. Dear, trader at Red Cloud agency, from September 1, 1874, to July 1, 1875, purchased.....	4, 845
F. D. Yates, successor to Mr. Walters, purchased, from April 16, 1875, to July 1, 1875.....	1, 877
Total.....	9, 909
From this deduct the number of cattle delivered at Red Cloud agency.....	9, 423
And there will be an excess of hides for this year of.....	486

This excess we account for by the hides taken from the cattle stolen, and a probable error in the estimate of the number received by B. F. Walters during the continuance of the Paxton contract, as you will observe his affidavit covers the entire time he was in business, from April 12, 1874, to April 12, 1875, and the number of hides purchased during the entire time was 5,102, being an average of 425 per month, which is the manner in which we arrived at the number purchased by him during the Paxton contract.

I will also call your attention in this connection to the following facts: The issue of May 14 consisted of 456 head. Mr. Dear's affidavit and books show that he received 361 hides from that issue, and Mr. Yates received 160, making a total of 461, and all from full-grown cattle. Now, these are the same cattle purchased from Mr. Reddington, which he testifies would average 1,011 pounds, and about which Lieutenant Carpenter makes a certificate that there were only three head of oxen, and Louis Reshaw that he purchased 100 yearling hides. Now, the facts are that Louis Reshaw got no hides out of this issue, and if he received any at all, it was hides taken off calves and yearlings the Indians had been accumulating, as the traders will not purchase them, they having an established price, and the Indians will not discriminate with them between a full-grown hide and a calf-skin.

I will also call your attention to the high respectability and business standing of the parties making these affidavits. They are all well-known cattle-dealers and business men. Two of them are the authorized cattle-inspectors of the State of Nebraska, appointed by the governor; and for the business integrity and standing of all these gentlemen I refer you to the First National Bank of Omaha, Nebr.; the First National and Mastin Bank of Kansas City; the banks and bankers of Austin, Tex.; Kountze Bros., and Donnell, Lawson & Co., bankers, of New York City.

J. W. BOSLER.

AUGUST 11, 1875.

*Sixteenth.* Letter from Mr. H. Kountze, of the First National Bank, Omaha, Nebraska, in regard to the business qualifications and integrity of the persons making the foregoing affidavits:

FIRST NATIONAL BANK,  
Omaha, Nebr., July 28, 1875.

To whom it may concern:

I take pleasure in stating that we have had business transactions with the following-named gentlemen, to wit, S. Mabry, Geo. W. Littlefield, and George Sheidly, and favorably know them for several years, and know James Ellison by reputation.

These gentlemen are largely engaged in the Texas cattle-trade, and we think any statements made by them in regard to their business would be entitled to full credence, they being the leading and heaviest cattle-dealers that find their way to this market, and we believe them thoroughly reliable.

Very respectfully,

H. KOUNTZE.

*Seventeenth.* Letter from J. D. Bevier, late United States Indian inspector:

GRAND RAPIDS, MICH.,  
July 31, 1875.

DEAR SIR: Your favor of the 27th instant, dated and mailed at Sidney, Nebr., is just received. You ask me to forward to you a sworn statement of my inspection of your cattle last summer. I am informed that the commission now at the Red Cloud agency to investigate the charges of Professor Marsh will call on me for my testimony on their return. When they do so, I will state that I did inspect your herd on the North Platte, last September, and that I "found them of good size, condition, and quality."

It seems to me better that my testimony should be all together, rather than in detached portions.

You are at liberty to read or give this letter to the commissioners.

Very respectfully, yours, &c.,

J. D. BEVIER,  
*Late United States Indian Inspector.*

J. H. BOSLER, Esq.

By the CHAIRMAN:

Q. Mr. Bosler, please refer to the letters which indicate the purchase of cattle that were issued on the 14th of November, 1874, and May 14, 1875.

A. The cattle of the 14th of November, 1874, were purchased in the summer. They were inspected by Dr. Bevier. That letter does not refer to the particular purchase of cattle which were issued November, 1874, and May, 1875. These affidavits refer to cattle purchased for all our contracts. Mr. Reddington's and Mr. Irvine's affidavits refer to the cattle which were delivered on the November, 1874, and May, 1875, issues.

Q. What did you pay for those cattle you bought from Reddington?

A. Seventeen dollars for cows, and twenty-five for steers. I pro-rated them, making \$21 per head.

By Mr. FAULKNER:

Q. We desire to know from you whether Dr. Saville has any interest of any kind whatever in your purchases of cattle?

A. None whatever.

Q. Has he ever receipted to you for cattle which he did not get?

A. No, sir; never.

Q. Has he ever given you a receipt for more pounds of cattle than he actually received?

A. No, sir; he never did.

Q. Is there any arrangement between you and him, directly or indirectly, by which he derives any benefit from purchases of beef from you?

A. None in the least. I never saw Dr. Saville from the time he took charge of the agency until I met him in Washington this spring.

Q. Please state, Mr. Bosler, the contract prices.

A. Two thirty and one-thirtieth, from the 1st of September, 1874, to the 1st of July, 1875, for a designated amount at each agency. The next contract was at 3 cents per pound for these two agencies, (Red Cloud and Spotted Tail.) After the contract was filled which extended down to the 1st of July, 1875, we made another contract, which began July 1st, at \$2.46½ per hundred, and this is the contract under which we are delivering cattle now.

Q. Have you named all the persons of whom you bought cattle to fill the Red Cloud and Spotted Tail agency contracts for 1874?

A. Yes, sir; they are all included.

Q. What did you pay per head to Mabry?

A. Eighteen dollars for the beeves, and from \$10 to \$12 for the cows.

I paid Ellison the same prices, and he states the number of cows. I paid Littlefield the same prices, and he also states the number of cows. To Irvine & Lawrence I gave \$20 per head for all. To Reddington I gave \$21 on an average, but it came to half and half at \$21; but we averaged it, and gave him \$25 for the beeves and \$17 for the cows, which deduction was actually made. Kent & Guitemann we gave \$18 all round, beeves and cows; and to Hurst we gave \$18 all round. There is one thing I would like you to satisfy yourselves of, and that is that the contract can be filled fairly and honestly at the prices named.

Q. Now, Mr. Bosler, what is your brother's interest in this contract?

A. He has no interest whatever; he never had any; it has always been a question of liberality with myself.

Q. What had Foreman to do when he made this contract; that is, when he made the bid?

A. Nothing at all.

Q. Was it understood between him and you that if he got the contract there was to be some interest between you?

A. Well, he bid to make money on it.

Q. What was paid him to assign the contract?

A. He had an interest.

Q. How much of an interest?

A. I would not like to answer that question.

Q. Are your cattle watered within eight miles of this agency?

A. We pass a small stream coming up from the camp.

Q. So far as you know, can your cattle get water within eight miles of this agency?

A. No, sir, they cannot; they are driven into the corral without being watered, and in the winter-time they cannot get water, this stream being frozen.

By Mr. FAULKNER:

Q. Have you ever had any difficulty with the Government in regard to your contracts? Have you had any such controversy or difficulties with the Government as would render you liable to be excluded as a regular beef-bidder?

A. None whatever. That is a statement made by Mr. William Welsh, of Philadelphia, which was occasioned by a personal controversy which we had. He is a very bitter and vindictive enemy of mine, and he refers to the clause in the advertisement, "that no contract should be assigned or sublet without the written consent of the Secretary of the Interior." That clause has been in the advertisement for three years, and two out of those three I have been a contractor. I have been a bidder always, and when I was the lowest bidder I was awarded the contract. I am the lowest bidder at two places this year. I made the lowest bid for Fort Berthold, and have been awarded the contracts by the Board of Indian Commissioners. The matter was never thought of by the parties awarding the contract, but it has been paraded by Mr. Welsh in his letters. He was formerly the president of the Board of Indian Commissioners.

By Mr. HARRIS:

Q. What other persons besides you and Paxton have direct, possible, or contingent profits in that contract of 1874?

A. Mr. A. H. Wilder, of Saint Paul, Minn., Mr. J. T. Baldwin, of Council Bluffs, Iowa, and Mr. D. W. C. Wheeler, of New York. These are the only parties.

Q. Has any money or other consideration been paid or promised to any person in consideration of your obtaining the contract?

A. Never a cent; and further, I never obtained a contract which was not let to the lowest bidder. I have given the names of all the parties having any interest in this contract.

Q. Has Mr. John Delano any interest whatever in it?

A. He has not.

By Mr. ATHERTON:

Q. Was this Foreman contract transferred to you or to Mr. Paxton?

A. It was transferred to Mr. Paxton by the approval of the Department, and the reason the contract was assigned to Mr. Paxton was because there was a heavy bond to be given, and I wanted to reserve myself for a bondsman. If it had not been for that, I would have had the contract myself. The sureties are Joseph and J. W. Bosler. That was done in order to give the bond ourselves, as it required a very heavy bond—\$150,000. I put the money into this contract, every dollar of it. I cannot say exactly that I put it in; I furnished it, but each one of these parties interested were to furnish money in proportion to their interest. I proposed to furnish the money at 10 per cent. interest, which they accepted. Nobody but myself has a dollar in the contract, except in the way of paying interest to me. It is a loan to the company. The profits are divided. My brother gets whatever I pay him. My object in the matter is to get the interest on my money.

[At this point the examination became more conversational, Mr. J. Herman Bosler, who was present, also answering questions of the commissioners about matters connected with the cattle which came under his personal observation or within his personal knowledge. Mr. J. H. Bosler was examined informally as follows:]

Q. You spoke of seventy-three cattle being lost last winter on the plains.

A. That was during those severe storms. We found the carcasses of seventy-three which we knew had been lost. We were out about six hundred between December 1 and March 1. Very few cattle perished until the storms of January and February. The cattle were in a very fine condition in January and February. We must have had at least five thousand, and perhaps more, from which those cattle were lost. It was the cold weather that caused them to get lost, and they were not in a thriving condition. Sometimes cattle fret from one cause or another. One of those had broken a limb or had knocked off a horn, and of course they could not get through the bad spell of weather.

Q. What would be the effect upon the rest of the herd of such a state of weather as would cause seventy-three to perish?

A. The cattle, during January and February, were thriving, doing very well indeed. They did not lose any flesh during the month of January; they may have lost during the month of February. There is plenty of grass during the winter, protected by the snow, for the cattle to graze on. The snow falls always with a heavy wind, and it is blown off into the low country. If it would lie on a level the cattle could not live at all.

Was there any irregularity on account of storms in the delivery of cattle here last winter?

A. I guess there was. I delivered cattle during the latter part of December to supply the agency for January. In the middle of January Saville issued the cattle for the balance of the month, and ordered me to have the cattle here by the first of February. I sent that order

over to the herder, and the best men in the herd started three times with these cattle and they invariably got back from him into the herd, and I don't think he got here until about the 9th or 10th of February. When they came in I was present. There were seven or eight hundred. The entire lot was issued to the Indians, and they had their issue from the 1st of February. There were seven hundred and one cattle.

Q. What was the condition of those cattle when they were issued?

A. They were in fair condition. They were a fair lot of cattle; they were large cattle. We always keep back our best cattle for winter. We take out all cattle that are not doing well and keep the strongest cattle, and let them go through the winter. We have always found this by experience; and a good, strong, healthy animal, put on good pasture, will go through the winter well.

Q. You have no difficulty, then, in sorting them out into separate herds?

A. We never sort them out. Our way, in bringing in cattle for an issue, is to cut off a bunch. These cattle we have now on the range will be better a month hence; therefore these cattle will be best for the winter. Cattle that we will receive now of course are not as fleshy as those we have.

Q. So you have been delivering cattle that you would have preferred to hold on until fall?

A. Yes, sir; but we had no other.

Q. Could you not take your different herds and make up a herd that will keep over the winter?

A. No, sir; we never pick from the entire herd.

Q. As far as you can do so, do you not desire to deliver cows before spring?

A. Yes, sir. We aim to deliver cows before they drop their calves—in the fall and during the summer.

Q. I suppose cows that are with calves are not good beef.

A. The Indians prefer them. Cows bring just as much in market as beeves. In our whole contract, we never bought yearlings. There are a few that will naturally run on with the cows, and it is almost impossible to get them away. The parties that delivered them to us failed to get them away, and they were brought up with our cattle, but are not in the contract. I did not pay for them, and did not count them. We use them in camp, or give them to the Indians, as they may come along. To the best of my knowledge, we did not have to exceed thirty yearlings in our entire lot, which we purchased from those Texas men. I have no definite knowledge on this subject at all. We bought the Reddington cattle this year, in which there were fifty-eight yearlings; but those I paid nothing for, and Mr. Reddington has sworn that he received nothing for them. These came over here, and the majority of them were killed by the Indians before they got into the corral. In regard to these yearlings, there is never any necessity for them, because we were always ahead of the average. By an arrangement with the Department we agreed upon an average. I think it was 1,050 for the last six months and 850 for the first. At any rate, we agreed upon 925 for the year.

Q. What would you understand could be included in such an average; what kind of cattle?

A. Anything that was merchantable beef, as the contract did not mention any particular ages. Until within the last two years the contract called for steers, but since that time it has been merchantable beef. This year it is merchantable Texas cattle, to average not less than 850 pounds.

Q. What do cattle men ordinarily understand by merchantable cattle?

A. Cattle that are healthy and fit for beef. Of course they would not consider it anything that is poor or in unhealthy condition.

Q. Would you consider a steer in good, healthy condition that would not weigh over 600 pounds?

A. Yes, sir; we don't agree that every steer shall weigh 1,000 pounds, but that the average of the herd will be that.

Q. Suppose you make a contract with the Government to furnish 5,400,000 pounds of beef, without any specification in the contract as to any size the beeves may be, how would there be the most money in the contract to you, in furnishing large or small cattle?

A. Large cattle, of course. The most money would be in furnishing cows, but we cannot do it, because we cannot buy them, and we cannot use them in the winter time. But we can use from one-quarter to one-fifth cows in a contract to advantage, and it is the most profitable. We can only get the number of cows that come with a herd, and our custom is to purchase a herd if it suits us. There was but one stampede, and that was last fall, and but two that I have ever heard of in the country. I have been here three years, and there has been but two in that time. The other one was winter before last. It was occasioned by a fox getting into the herd at night. This was a Government herd, which had been driven in that day. They were all gathered up again except about thirty-three. They were traced across White River. They did not go into our herd. The stampede occurred in the evening. They had issued the cattle, just as you have seen to-day, and were leading the herd up the creek, and the cattle were turned out here in the evening, and we got our receipt. And when they had got through issuing, on the way going up, they lost some of their cattle. They did not know it until the next evening, when the herder counted the cattle and found he was out some, and the agent sent men out to hunt them. They trailed them to the Platte. Our herd was on the Platte. There were none of our men that saw them come in. The question was to find out how they came there. We went into the herd and found them covered with dung, which showed that they had run. They must have gone all over the country. We returned one hundred and fifty altogether. I don't know how many were lost. We returned an equal number, supposed to be of equal weight. We did not pretend to return the identical cattle.

Q. Did the agent make any new purchases to supply the loss by stampede?

A. No, sir. He has no power to do so. Sometimes cattle will drop out and we can't find them, and, of course, we think the Indians got them. The Indians rarely take any out of our herd; they are pretty fair in that respect. Some of them killed some cattle last fall when they returned from hunting on the Republican; they were very destitute; the agent gave them orders for cattle as they came through, and I don't know what they would have done without them, and we gave them some cattle. You cannot find ten thousand laboring people anywhere who are better fed than the Indians here at this agency. It is absurd for anybody to say otherwise. I do not know of any suffering last winter among the Indians. Mr. Gibbons was here. Dr. Saville was absent during January and February. Mr. Gibbons remarked to me that every Indian that was short of provisions and came here got everything he asked for. I think Red Dog went up to the military camp and made some complaints. Mr. Gibbons gave every Indian that came here some pork or whatever he could. I have been here three years. I think there are about twelve thousand Indians fed here; that would be

my judgment; I have never counted them, and only say that number from what I hear. The average of the cattle delivered to-day (August 11) was 1,050 pounds.

WASHINGTON, D. C.,  
Monday, September 13, 1875.

Present: Hon. THOMAS C. FLETCHER, chairman; Hon. B. W. HARRIS, Hon. CHARLES J. FAULKNER, Prof. GEORGE W. ATHERTON, and Hon. TIMOTHY O. HOWE.

Professor MARSH was also present.

Mr. J. W. BOSLER was recalled.

Mr. HARRIS. I believe before we came to Washington we requested Mr. Bosler to give us a statement of the cattle purchased to fill the contracts that he has been carrying out for the original contractors, and he expressed a willingness to produce his books or make a transcript from them, and there his examination was suspended; and while we wish to ask him some questions on that subject, I think we have by no means completed his examination.

Mr. ATHERTON. Mr. Bosler, have you the card I gave you on which I wrote a memorandum of the information that we wanted?

Mr. BOSLER. Yes, sir; here it is. [Handing card.]

Mr. ATHERTON, [reading.] "Will Mr. Bosler please furnish the commission a full and exact transcript of his books, showing every transaction in brief between himself and the Red Cloud and Spotted Tail agencies for the years 1873, 1874, and 1875?"

By the CHAIRMAN:

Question. I will ask Mr. Bosler if he has his books here showing the purchases and delivery of beef at Red Cloud and Spotted Tail agencies during the years 1873, '74, and '75, or a statement made from his books?

Answer. I am having a statement made out—it is not quite completed yet—of the entire disbursements and receipts, which I will hand to the commissioners for their private use and information. It is a transcript from my books, and is purely a business paper, and it would simply be giving the benefit of my experience in the business to outside parties if the document should be made matter of the public record. But I will give it to you for your information, to assist you in your inquiries on the subject. I have no objection to giving you publicly the general result of the transactions, but as to making all my business matters, all my receipts and expenditures, open to the public, you see exactly where it places me. It puts everybody else who might happen to or want to come into competition with me in possession of the information and experience I have spent fifteen years in acquiring, namely, the exact cost of keeping these cattle, and the way in which they can be kept to the best advantage at the least expense, &c. I repeat, I have no objection to giving it to the commission for their private information, but you will see at once the disadvantage at which its publication would place me. I am having it made out—a complete statement of all the items—and will hand it you when finished. It is a pretty long account.

By Mr. HARRIS:

Q. Suppose, Mr. Bosler, you go on and give us such information as we can place upon the record, and then we can go into those private matters afterward.

A. I have the names of every party from whom the cattle were purchased, the number of head, the price paid for them per head, and the



whole amount of money paid, the expenses of all kinds, including the cost of herding, and the names of the herders; in fact, a complete transcript from my books; and all that I will give you for your private information.

Q. Is there any reason why you should not give us the name of every person from whom you purchased cattle which were delivered to these agencies, the number of head you purchased from those persons, the dates of purchase, and the price you paid for them?

A. Not a particle. But that, recollect, is for your private information. I hand you now in reply to your request made some time ago an abstract from my books, showing the amounts of beef delivered under the J. K. Foreman contract of 1874-'75 to the several agencies:

			YANKTON AGENCY.			
1874.						Average.
Sept. 15.	60 head	61,500	\$4,291 27	.....	}	1,025
Oct. 1.	60 head	59,790				996½
	15.	65 head				1,004
	31.	85 head	3,565 70	.....	}	917½
Nov. 16.	87 head	77,000				885½
	24.	700 head	14,162 00	.....		879½
1875.						
May 1.	63 head	64,000	1,472 44	.....		1,045½
		<u>1,120</u>	<u>1,021,208</u>			
			23,491 41			
General average, 911½.						

			UPPER MISSOURI (CROW CREEK) AGENCY.			
1874.						
Sept. 15.	300 head	313,500	\$7,211 55	.....		1,045
Oct. 17.	300 head	279,000	6,417 93	.....		930
Nov. 16.	295 head	274,350	6,310 96	.....		960½
Dec. 23.	770 head	598,800	13,774 40	.....		777½
1875.						
June 18.	270 head	271,350	6,241 95	.....		1,005
		<u>1,935</u>	<u>1,737,000</u>			
			39,956 79			
General average, 897½.						

			STANDING ROCK AGENCY.			
1874.						
Sept. 30.	520 head	530,920	\$12,212 90	.....		1,021
Oct. 31.	507 head	511,563	11,767 55	.....		1,009
Nov. 30.	498 head	485,052	11,157 81	.....		974
Dec. 22.	559 head	541,112	12,447 38	.....		968
1875.						
Jan. 11.	520 head	495,040	11,387 57	.....		952
1874.						
Dec. 31.	1,021 head	978,118	22,499 97	.....		958
1875.						
March 10.	561 head	542,487	12,478 68	.....		967
	27.	169 head	6,342 89	.....	}	974
April 25.	126 head	111,132				882
May 31.	560 head	551,600	12,688 63	.....		985
		<u>3,041</u>	<u>4,911,630</u>			
			112,983 38			
General average, 974½.						

## CHEYENNE RIVER AGENCY.

				Average.
1874.				
Sept. 17.	302 head	309,456	\$7,118 52	1,024 <sup>23</sup> / <sub>302</sub>
Oct. 17.	317 head	325,559	7,488 94	1,027
Nov. 17.	322 head	329,406	7,577 44	1,023
Dec. 1.	300 head	300,000		1,000
17.	483 head	492,177		1,019
1875.				
Jan. 1.	722 head	737,162		1,021
March 16.	551 head	552,653	12,712 86	1,003
April 22.	514 head	515,028	11,847 36	1,002
May 23.	448 head	447,104	10,284 88	998
		3,959	4,008,545	92,209 90
General average, 1,012 <sup>3057</sup> / <sub>3057</sub> .				

## SPOTTED TAIL AGENCY.

1874.				
Sept. 11.	572 head	584,012	\$13,434 22	1,021
Oct. 3.	823 head	862,504	19,840 47	1,048
Nov. 21.	597 head	610,134	14,035 12	1,022
Dec. 7.	497 head	477,120	10,975 35	960
1875.				
Jan. 5.	447 head	433,590	9,974 02	970
Feb. 17.	803 head	811,833	18,674 86	1,011
March 6.	575 head	595,800	13,705 38	1,036 <sup>00</sup> / <sub>373</sub>
April 5.	558 head	550,746	12,638 99	987
26.	497 head	487,060	11,265 57	980
May 22.	386 head	349,330	10,479 90	905
June 1.	199 head	180,294		906
	376 head	372,240	16,576 02	990
" 20.	528 head	518,021		981 <sup>52</sup> / <sub>528</sub>
" 28.	529 head	518,102	31,083 69	979 <sup>11</sup> / <sub>529</sub>
		7,387	7,350,786	182,683 59
General average, 995 <sup>721</sup> / <sub>7387</sub> .				

## RED CLOUD AGENCY.

1874.				
Sept. 1.	534 head	554,772	\$12,761 61	1,038 <sup>480</sup> / <sub>534</sub>
15.	300 head	311,643	7,168 83	1,038 <sup>433</sup> / <sub>300</sub>
Oct. 1.	663 head	691,509		1,043
20.	758 head	783,672	50,760 67	1,033 <sup>555</sup> / <sub>758</sub>
Nov. 14.	701 head	731,485		1,043 <sup>422</sup> / <sub>701</sub>
Dec. 3.	597 head	621,447	14,295 35	1,040 <sup>525</sup> / <sub>597</sub>
1875.				
Jan. 1.	641 head	668,578	15,379 52	1,043 <sup>155</sup> / <sub>641</sub>
Feb. 1.	437 head	451,203		1,032 <sup>131</sup> / <sub>437</sub>
17.	467 head	486,114	21,561 42	1,040 <sup>344</sup> / <sub>467</sub>
March 1.	96 head	99,303	2,284 30	1,034 <sup>238</sup> / <sub>96</sub>
25.	539 head	555,210		1,030 <sup>410</sup> / <sub>539</sub>
April 1.	583 head	589,061	34,328 13	1,010 <sup>331</sup> / <sub>583</sub>
21.	584 head	585,115	17,553 45	1,001 <sup>505</sup> / <sub>584</sub>
May 14.	698 head	596,021		980 <sup>181</sup> / <sub>698</sub>
29.	371 head	361,927	28,738 44	975 <sup>92</sup> / <sub>371</sub>
June 14.	598 head	600,960		1,004 <sup>628</sup> / <sub>598</sub>
25.	946 head	888,963	44,697 69	939 <sup>660</sup> / <sub>946</sub>
		9,423	9,576,983	249,529 41
General average, 1,016 <sup>3215</sup> / <sub>3423</sub> .				

## RECAPITULATION.

Agency.	No. head.	Pounds gross.	Amount.	General average.
Yankton.....	1,120	1,021,208	\$23,491 41	911 <sup>888</sup> / <sub>1120</sub>
Crow Creek.....	1,935	1,737,000	39,956 79	897 <sup>1395</sup> / <sub>1935</sub>
Standing Rock.....	5,041	4,911,630	112,983 38	974 <sup>1336</sup> / <sub>5041</sub>
Cheyenne.....	3,959	4,008,545	92,209 90	1,012 <sup>357</sup> / <sub>3959</sub>
Spotted Tail.....	7,387	7,350,786	182,683 59	.....
Red Cloud.....	9,423	9,576,983	249,529 41	1,016 <sup>315</sup> / <sub>9423</sub>
Total.....	28,865	28,606,152	700,854 48	.....

On whole contract, 991<sup>227</sup>/<sub>28865</sub>.

In explanation of this statement, with reference to the Upper Missouri agency, I wish to state that the agent, Dr. Livingston, has always requested small cattle. He could not use large cattle so well as small ones, for the reason that his bands of Indians were all small, and very few of them were entitled to as much as a thousand or eleven hundred pounds of beef at an issue, and at his request we usually gave him the smallest cattle.

By the CHAIRMAN :

Q. Would the same class of cattle, delivered at Red Cloud and Spotted Tail agencies, or kept near the Platte for delivery there, weigh more than they would if kept near the Upper Missouri agency ?

A. Yes ; the region of the Platte is a better country to graze in, and the winter is not so severe.

Q. Cattle keep in good order later in the season down there ?

A. Yes, sir ; they do better all the year ; there is better grass, and they are fatter. There is no trouble in keeping the cattle there in the winter-time ; they do as well on the range in the winter as in the summer.

Q. The average on the whole contract for the year was a fraction over 991 pounds for all the agencies ?

A. Yes, sir. I give you the entire contract. The paper I have handed you refers to one transaction ; it was all one contract, and executed as a single transaction.

Q. Now, I would like for you to give us, in addition to the number of pounds of beef delivered under that contract, the number of head of cattle also.

A. You will find that in the document I have just handed you. You will see in the recapitulation that the total number of head delivered, under that contract, was 28,865, the weight 28,606,152 pounds, and the cost \$700,854.48.

By Mr. ATHERTON :

Q. Our memorandum asked for the transactions of the three years 1873, '74, and '75.

A. I did not notice that it was in that shape. I confined my statement entirely to the transactions of this year.

By Mr. FAULKNER :

Q. There was a positive averment that the cattle receipted for in October, 1873, had not, in fact, been delivered as receipted for.

A. I cannot now recall the circumstance you speak of, but I will say this, that the date of the receipts is no indication of the time of delivery.

For instance, take the Grand River agency; the receipts given at that agency are dated the last day of each month all through the year. We could never get but one receipt a month, and at the end of the month the agent would make a settlement for the whole amount of cattle delivered during the month, and give one receipt for all. Among the records of the Department you will find a great many receipts of that kind, which are not dated on the day of the delivery of the cattle.

Q. What I wish to ask you, Mr. Bosler, is this: Do your books show the time of the actual delivery of the cattle, or do they merely show the time when you got receipts?

A. Just the date of the receipt; the only record I keep of it on my books is the date of the receipt and the time it is transmitted to the Department.

Q. It is the question of the delivery of cattle in October, 1873, that was the subject of considerable inquiry on Saturday, and you were asked whether certain deliveries set forth as having taken place there at that time were in point of fact delivered?

A. There is no question about that. There is no question but that every head of cattle receipted for at those agencies was delivered, but whether they were delivered on the days that the receipts would indicate I cannot say; that would probably be a matter of doubt in some cases, as I have explained.

By Mr. ATIERTON:

Q. We have the statement of Dr. Saville's books, which we copied in full, and we have his testimony explanatory of the stampede which occurred in October, and we have the statement of Mr. Walker, who afterwards investigated that matter, and that was the reason why we wished to recur to the question of the actual number delivered in 1873. You said you did not remember that the statement for 1873 was included in the request we made of you. Let me read the memorandum to you again: "Will Mr. Bosler please furnish the commission a full and exact transcript of his books, showing every transaction in beef between himself and the Red Cloud and Spotted Tail agencies for the years 1873, 1874, and 1875?" It was with reference to that special point that we went back to that date.

A. I overlooked that. I could very easily give you those figures if I had the books here. That business is all settled up and disposed of, and there would be no trouble in giving you the information.

By the CHAIRMAN:

Q. Will you make a statement covering that time?

A. Do you mean that particular date when the stampede occurred, or the whole year?

Q. Covering the number of cattle purchased and delivered to those two agencies in the year 1873?

A. Yes, sir; I will see that you have the statement for your private information. All I can give you is the number of cattle delivered and their weights, and the date of the receipts; I might not be able to give you the days on which they were delivered. My brother kept a rough memoranda of the dates of delivery, but I do not think he had his memoranda-books for that year, but I guess he had a record of the dates of each delivery this year. The only account I keep is the date of the receipts.

Mr. ATIERTON. Your brother has been keeping a little more complete record this year than before.

By Mr. HARRIS:

Q. Mr. Bosler, can you give us information of the number of head of cattle you purchased on the contract of 1873, which were delivered to the two agencies we are investigating?

A. Yes, sir.

Q. Can you give us the prices paid for those cattle?

A. Yes, sir.

Q. And the amounts you received from the Government.

A. Yes, sir; and the amount of profit.

Q. It may appear that we are seeking to learn the amount of your profit; but that is entirely an incidental question. Personally, I care nothing about the profit. The question is whether the contract was honestly and faithfully executed; we have nothing to do with any other question; but we must know the number of cattle you purchased, and from whom you purchased them, and the number you delivered at the agencies, so that we may be able to contradict you if you do not state it correctly, and if you do state it correctly, why, of course, it will go to your credit in this investigation.

A. All the cattle for the Red Cloud and Whetstone agencies are under one management, and my brother attends to them. I could not give you a division of the number purchased for each agency, because they are all taken from a general herd. I could not do it except by estimate. The Missouri River agencies are under the immediate management of Mr. Paxton. I could not give you the details of that.

Q. You received receipts from the Whetstone agency?

A. Yes, sir; but we kept the herd all together; the cattle are delivered to both agencies from the same herds, and the same herders and men deliver the cattle at both places.

By Mr. ATHERTON:

Q. Your receipts will show specifically the deliveries to each agency?

A. Yes, sir; there is no trouble about that.

By Mr. HARRIS:

Q. You buy cattle enough for those two agencies, and put them all together on the North Platte River, south of those agencies?

A. No, sir; we buy cattle for the entire contract, and we divide them in that way. Some go to the Missouri River, some to the North Platte.

Q. Do you know how many you placed on the North Platte?

A. Certainly.

Q. And out of that you supply a smaller herd on the Niobrara, from which you deliver directly to the agencies?

A. Yes, sir.

Q. In the distribution of cattle for the supply of several agencies, do you distribute promiscuously from your entire stock, or do you deliver one kind of cattle at one place and another kind at another?

A. No; we do not discriminate at all. There is generally some strife at each place to obtain the best cattle, but there is no division of the herd.

Q. That is, you buy droves of Texas cattle and have them all driven to one place?

A. The man from whom I buy them delivers them there on the Missouri River, or on the Platte, wherever they are ordered. But, as a general thing, there is no division of the herd.

Q. That is to say, when you buy a herd, all that herd is driven to one place, either to the Missouri River or the Platte, so that there is no division of them?

A. As a general thing, unless some were needed to supply an immediate demand at one of the agencies.

By Mr. MARSH:

Q. Has there been no such division within the last two years?

A. As a general thing, I think there has not; but there may have been. I myself do not attend to that part of the business; and, of course, I could not state positively of my own knowledge.

Q. How can we get that definite information?

A. You can get it from my brother, or from Mr. Paxton, but there is really no necessity for it. Those herds are generally made up, 1,500 to 2,000 in a herd, and taken to one place.

By Mr. HARRIS:

Q. Is there any division of them after they reach the North Platte?

A. No, sir.

Q. That is, if you buy a herd and send it to the North Platte, no portion of that herd is ever drawn away to supply the Missouri agency?

A. No, sir.

By Mr. MARSH:

Q. Do you know of any herd having been divided after the purchase, part going to the Missouri River and part to the Platte, within the last two years?

A. Well, I have not definite information upon that subject. You will have to get it from my brother.

Q. You stated it was usually the other way, that they were not divided; but I want to know if you are aware of any particular instance wherein a herd was divided; whether you could say that some one particular herd had been divided?

A. I never have been present at the delivery of any particular herd on the Platte. I have been at the Missouri River.

Q. The point of the inquiry is, if you purchase a large herd of cattle and pay a certain price, and have the receipts to show what you paid for them, if that herd is divided, part going to the Missouri River and part to the Platte, then it is important to know how the division took place—whether it was really divided and a better class of cattle went to one place than to another?

A. I gave the commissioners a statement here of the amount of cattle delivered on the Platte, and exactly what herds they were taken from. I have not detailed information to answer you fully, but I gave them a statement at the agency that would effectually cover that matter.

By Mr. HARRIS:

Q. The question the Professor puts to you is, whether you have any information of any herd being so divided that one kind of cattle went to one place and another kind to another place out of the same herd.

A. [To Professor MARSH.] The point you were trying to get at is, whether better cattle were sent to one place than to another, is it?

By Mr. MARSH:

Q. I put the question pretty clearly.

A. I gave you my answer, that I have not information enough on that subject to state it exactly. I gave you my general impression about it.

Q. Then I asked you if you knew of any single herd that had been divided.

A. No; I do not.

Q. Do you know that any single herd has not been divided?

A. No; I do not.

Q. Single herds might have been divided and you not know it?

A. Certainly; they might have been, but there would be no object in it. I wish to answer all these questions by saying that my brother has charge of that part of the business on the Platte, and those matters are wholly under his charge.

By Mr. HARRIS:

Q. Have you any information from him, or from any other source, that any such thing happened at any time?

A. No; I have not.

Q. Have you stated in your former examination what you paid for the cattle in 1873, 1874, and 1875?

A. Yes, sir; I stated about it as I told you. I will give you the exact price for every purchase. The general price was, I think, in the neighborhood of from \$11 to \$11.50 for cows, and \$17 to \$18 for steers, during last year; and this year \$12 to \$20 for most of them. There were some few cattle bought of Mabry and Millet that we paid \$12 for. We bought some beeves for \$18, but no cows for less than \$12. Those are the only two classes of cattle we bought.

Q. When were those cattle bought? When did you pay for the cattle bought to fill the contract of 1873-'4?

A. Immediately after the contract was let. I paid up to the last lot of cattle purchased when the commission was out there.

Q. I mean the year 1874-'5.

A. The contract of 1874-'5 has just been wound up.

Q. When did you begin to buy your cattle for that contract?

A. We commenced within twenty-four hours after the contract was awarded in July.

Q. Where did you make your purchases of cattle for that contract?

A. Mostly out in that country. I think some of those cattle-men were in New York, to be present at the letting and sell their cattle. I think some of the cattle were purchased in New York; at least I know arrangements were made there with the owners for some of them.

Q. And this year I understand you purchased Mabry's cattle, in New York, at the time the contract was awarded?

A. Yes, sir.

Q. In whose name was the contract of 1873-'4?

A. A. H. Wilder, G. M. Dodge, and J. W. L. Slavens.

Q. Did they have contracts for the whole?

A. It was divided; Red Cloud and Whetstone agencies were awarded to Wilder; Yankton and Cheyenne River agencies to General Dodge, and Upper Missouri and Grand River agencies to J. W. L. Slavens.

Q. After the letting of the contracts to those different parties, was there a combination or partnership formed, so that in fact the whole contract was executed at one time?

A. Yes, sir.

Q. How many interests were there in it?

A. The parties who had been awarded contracts, for instance, Dodge and Slavens were on the Missouri River, and they were mixed up between the agencies there. They concluded they had better make one transaction of the whole thing. There would be a good deal of difficulty in securing herding-grounds, as there were but few places where cattle could be kept, so these parties formed a copartnership for their mutual convenience, or, in other words, pooled all three contracts.

Q. Did you go into that combination ?

A. Yes, sir.

Q. In what proportion ?

A. That is going into private matters. May I ask what is the object of the question ?

Q. Is there any reason why you should not answer it ?

A. O, no; there is no reason why I should not answer it, except that it would involve the statement of my private business matters. Still, I have no objection to answering it. I was not in New York at the time; I did not attend the letting of the contract. I sent in a bid, but I was not there myself. After the awards were made, Mr. Slavens came to see me and asked me to assist him in filling his contract. I made an arrangement with him to do it, and I took it off his hands, so far as the work of filling it was concerned. Some time after that I went to New York, and saw Mr. Wilder and General Dodge, and they agreed to place the whole matter in my hands. We entered into a business arrangement by which I should fill the contract.

Q. You became a party interested in the contract ?

A. Yes, sir.

Q. Did you furnish any portion of the capital ?

A. Yes, sir; I furnished all the capital—that was the consideration that let me into it—or rather loaned it to the company.

By Mr. MARSH:

Q. Was there any assignment of the contract, or was it merely sub-let ?

A. No, sir, there was no assignment; I merely acted as agent for these parties to do the work for them. I had about one-half interest in the contract, except the Slavens part of it. I gave him a specified interest in that portion of it.

Q. Did you have any arrangement with the men who got the contract before the letting ?

A. None whatever. I don't think I had ever seen Mr. Wilder but once before that in my life.

Q. Did Mr. Wheeler have an interest in the contract ?

A. Yes, sir.

Q. I did not understand you to mention his name with the others.

A. He was not a bidder.

By Mr. HARRIS:

Q. Baldwin had an interest with Dodge ?

A. He was in their firm, I believe. Baldwin & Dodge was the name of their business firm.

By Mr. ATHERTON:

Q. Did that contract specify that it should not be filled by other parties without the written consent of the Secretary of the Interior or the Commissioner of Indian Affairs ?

A. You mean, should not be assigned ?

Q. Assigned or filled.

A. I don't think that word "assigned" was ever used.

Q. I ask because the statement has been made that there was a provision of that kind.

A. You can find out in the Department. I don't think that word is used. You understand, Professor, that I filled this contract as the agent of those parties. There was no assignment of any kind.

Q. I understand it; and so I used the word "filled" instead of the word "assigned."



A. I never knew of a regulation of that kind.

By the CHAIRMAN:

Q. I suppose there was an assignment, and you filled the contract in your own name?

A. Any assignment would have to be approved by the Secretary of the Interior.

By Mr. FAULKNER:

Q. That would exonerate the original contractor?

A. Yes, sir. As there has been a good deal said on this subject, I desire to say here that all arrangements for my filling these contracts of other people have been purely of a business character. There have been no combinations of any kind. The arrangements have been generally made after the contracts have been awarded, each party at the bidding trying to be successful. Whoever did not get a contract would do the next best thing he could. So far as Mr. Wheeler is concerned in this matter, I went into a business operation with him some years ago, in which it was necessary to have somebody to assist to furnish capital. There was a large amount of money needed. As there were no others but us in it at that time, we still kept up the business arrangement. That was all there was about it. As to the arrangement with General Dodge and Mr. Baldwin, we were competitors for about five years in bidding, and always pretty close bidders, and we finally agreed to bid together and make a business arrangement of it. As to the arrangement with Mr. Wilder, I never saw him to speak to him about contracts until after the contracts for Red Cloud and Spotted Tail agencies had been awarded to him in 1873-'4; and then I made a business arrangement with him, to take an interest in the contract, and assist him in filling it. I had been in that business for some fifteen years in that country, and I was familiar with it, while he was not. It really was my business, and I could carry it out better than he could.

By Mr. MARSH:

Q. Did you know Mr. J. K. Foreman before he obtained the contract for last year?

A. Yes, sir.

Q. Where did he live when he obtained the contract?

A. He lived in Pennsylvania.

Q. Was he a cattle-dealer?

A. He was a stock-shipper; that is his business now.

Q. Did he ever live in Omaha?

A. I don't know that he did.

Q. Do you know why he put down his place of residence Omaha when the contract was signed?

A. Yes; I was going to explain why he probably so put it down.

Q. The contract says, "J. K. Foreman, of Omaha."

A. There was a contract let here in 1871-'2, or 1870-'1, upon advertisements asking for bids, and there was a man by the name of Cox who made a bid, and dated his bid Nebraska City, although he did not live in Nebraska City. He was a Texas man, and lived somewhere in Texas. The contract was awarded to him, and it threw competitors off the track, and he escaped the abuse the successful bidder usually gets to prevent an award being made him. The same thing has been done frequently. I have put in bids, and so have other people, that were not dated at the actual place of residence. When the contract is awarded to them and executed, then they have to give their

exact place of residence, in order that the Department may be able to communicate with them. I have frequently made bids dated in New York, but I do not live in New York. The impression also is that a man from the West, living out near the region where the cattle were to be delivered, would stand a little better chance of getting the award than eastern men.

Q. So he put his name in as of Omaha, although he did not live in Omaha?

A. Yes; and had he filled this contract would probably have gone there; but this arrangement was made, and it was not necessary for him to go there; that is the way he came to do it. It is a matter of no importance at all.

Q. Did you have any arrangement with him about the contract, in case he got it and you did not, before the letting?

A. That matter is all down in the evidence; the commissioners have got it all.

The CHAIRMAN. Yes, we have been all over that.

By Mr. MARSH:

Q. You know how many stampedes of cattle have occurred at the Red Cloud agency during the last fiscal year?

A. There was only one during the last fiscal year; since we have been doing business, only two; so I am informed by my brother. That appears in his evidence.

Q. Do you remember when that stampede took place—the one of the last fiscal year?

A. I don't recollect the exact date; but there was one and only one. I suppose that is the one you refer to.

Q. Can you tell me when the cattle that joined your herd after the stampede were returned to the agency?

A. No; I had no control of them. All I know is the fact that they were returned. That also has been stated very fully by my brother; he had charge of those matters. A part of those cattle are the subject of controversy yet.

By the CHAIRMAN:

Q. I think I understood you to say in your examination heretofore that you were never at Red Cloud agency or Spotted Tail agency until last month.

A. That was my first trip,

By Mr. MARSH:

Q. Would your books or receipts show when the stampeded cattle were returned to the agency, if they were returned?

A. Well, if I understand it, they were returned in this way, as is explained by my brother, who had charge of the matter: The amount was deducted from the next receipt for cattle that was given. After the matter was adjusted and they discovered the number—I think one hundred and some odd head, whatever the number was—they took an average of the weight of the cattle that were delivered at that time, and they deducted that amount from the next receipt, and receipted for that many pounds less. That is my understanding of it.

Q. The first delivery after the stampede?

A. I think it was the first. Whether it was the first delivery or not, I cannot say positively, because I don't know; but it was the first delivery at which my brother J. H. was present, I am positive. My brother George was there at the time, and he told me that Dr. Saville

declined to give him a receipt until those cattle were returned and the matter adjusted; but George contended that he had delivered the cattle, and if he did not give him a receipt for them, there would be no more deliveries made there. He said, however, that Dr. Saville and J. H. could arrange that matter satisfactorily, while he insisted on having a receipt for the cattle delivered. So the whole amount was receipted for, and when my brother Herman returned, he adjusted the matter with the agent, and explained how they got at the number of cattle. I think it was about 128 head; but there was a question between them as to the number of cattle that had returned to our herd, and that question was referred to the office here, and is pending yet.

Q. You mean that the cattle were not receipted for before they were stampeded?

A. The cattle were receipted for, not before they were stampeded. George delivered the cattle there, and then started down to the Whetstone agency. But while he was at Whetstone, the severe storm that has been spoken of, as having caused the stampede, occurred. When he came back, he went to Saville for the receipts, but Saville, as I have told you, declined to give them to him. George insisted that he should have them, or he would not deliver any more cattle. Saville receipted for them, with the understanding that the matter should be adjusted with J. H.; and then the Doctor deducted the whole amount of cattle which he had lost, while we claimed that only a certain number had come into our herd, consequently there is still a number of head that we have never yet been paid for.

Q. How could there be any question about the receipts if the cattle had been accepted by the agent and weighed?

A. There should not have been any question. The Doctor thought he would keep the matter in his own hands. These cattle stampeded, and he took it for granted that they had returned to our herd. George claimed that he had delivered the cattle, and that the Government was responsible for them and not he, and that he would not deliver any more cattle until he got a receipt.

By Mr. HARRIS :

Q. How soon after the receiving and weighing of the cattle by the agent does your brother George ordinarily get a written receipt from the agent?

A. In this case he went down to Whetstone and back before taking it.

Q. Then, you deliver the cattle over to the agent at the corral at the scales, and after that you get from the agent a receipt? I want to know what time elapses, ordinarily, before you get it.

A. There is no definite time. Some of those receipts are sent to me direct by the agent; at other times he waits until my brother J. H. gets back, and he takes the receipts. Sometimes George gets them, but the general custom is to give them about mail-day.

Q. So that, upon the delivery of cattle, you do not wait to get a receipt before you leave?

A. No, sir; sometimes they are not got for a week afterward. At the time of the delivery there is a memorandum taken of the amounts, and the receipts are given afterward.

By Mr. FAULKNER :

Q. The Professor has been alluding to the memorandum receipt, no doubt. When is it usual to give a memorandum receipt which precedes the voucher?

A. When the agents are away, it is generally given by the clerk ; or when the agent is there, nothing, ordinarily, is taken but the memorandum in a pass-book, setting down the number of head that were delivered.

By Mr. MARSII :

Q. Then, your brother obtained a receipt for all the cattle from Agent Saville on his return from Whetstone ?

A. Yes, sir.

Q. Is there any way by which you can tell the date when the cattle that were stamped were returned ?

A. The commissioners have the date that was given when they were there. My brother George gave that ; I have not got it.

Q. Did you ever have any transactions with the Snyder brothers, cattle-dealers, near Cheyenne ?

A. I think we had quite a number. I recognize the name very well.

Q. Did they buy cattle of you ?

A. No ; we bought cattle of them. I think I have in those memoranda some purchases made of them.

The CHAIRMAN. We have the testimony of Snyder.

By Mr. MARSII :

Q. How do the cattle in the later winter-months compare with those in May, for instance ?

A. Well, there is a great deal of difference between that country on the Platte and that on the Missouri River. The only cattle we deal in are through Texas cattle. In May there are no through cattle there. But the Texas cattle will improve from the time they get on the range, which is generally in June, until, probably, the 1st of December. They gain in weight all the time after that, and there is not much falling off, unless it should be a terribly severe winter.

Q. The cattle would not be fatter in May than they would two or three months before ?

A. No ; I don't think they would. I am speaking now of what you call straight Texas cattle—cattle that have been wintered over and become acclimated—become used to the grass. When they come out in the spring, they are fat and nice ; and some of the finest cattle that are shipped to the eastern market go from that country in the spring ; but those are cattle that have been kept on the range at least a year.

Q. The grass starts early in that country about the Platte ?

A. It is not the starting of the grass ; it is the dry winter-grass that they fatten on.

Q. Would cattle be quite as fat in May or June as they would be in the early spring-months ?

A. Cattle kept over one winter after having spent a year in the country and become acclimated and then started in on the second winter appear very well.

Q. Cattle you delivered at the Red Cloud agency in May and June would be heavier, if anything, than those you delivered in the winter-months ?

A. We don't discover much difference in them ; they are about the same ; if they have fed up during the summer they generally hold their own during the balance of the year, say to the 1st of December.

Q. It was a very hard winter last winter ; did that diminish the weight of the cattle ?

A. Not to any great extent ; the ground was not covered with snow. There was a great deal of snow, but it had drifted into the ravines. It

would be only during the continuance of a very severe storm that the cattle could not feed.

Q. Did anybody besides these gentlemen you have named have any interest in the contract for the last two years?

A. Whom have I named?

Prof. MARSH. It is down, I believe, those you named; those are the parties interested in the combination who took hold of the business after the contract was let.

The CHAIRMAN. I understood him to say they were interested for one year in one contract—Dodge and Wilder.

WITNESS. Dodge and I have been interested since the contract of 1872-'3, or the first contract awarded to him, whenever that was. I have given the names of parties that I am interested with. They may have business partners, but the only parties I am accountable to, or who are accountable to me, are the parties I have mentioned.

By Mr. HARRIS:

Q. I don't know but we have been over the ground fully enough; but I will ask you how long you have been a contractor with the Indian Department?

A. Since about 1860.

Q. With the Indian Department?

A. Yes, sir.

Q. Have you always been a bidder?

A. Well, yes, whenever I saw anything I thought was desirable to bid for.

Q. Do you know whether at any time your bids have been rejected when they were the lowest?

A. I know they never have been. I know I never have been the lowest bidder when the contract was not awarded to me.

Q. Has there ever been any charge that you have not fulfilled a contract?

A. Never of a public nature.

Q. I mean in the Department.

A. No; none that I have any knowledge of.

Q. Do you know whether any charge was ever filed against you before the Board of Indian Commissioners?

A. Never heard of it.

Q. You never heard of it?

A. No. If there is I don't know it.

Q. Do you know whether or not, at any time, any members of the Board of Indian Commissioners claimed that you failed to fulfill a contract, or either publicly or privately notified you of that?

A. No, sir; I know I never did fail to fill any contract with the Indian Department or any other department.

Q. Are you now, and have you been for the last three years, a contractor with the Indian Department in your own name?

A. Yes; this year and last year.

Q. Contractor for what?

A. Beef at Fort Berthold. I have not always been awarded contracts, because I have generally bid very high. My bid this year was \$2.95 per hundred pounds. There is one thing I do not wish you to lose sight of, namely, that when I bid on these contracts I try to get the best price I can, as a business transaction; and as there are very few bidders, I sometimes bid pretty high and take the chances that there may be none who will bid lower.

Q. What was your bid last year—1874?

A. I think it was only \$2.60; I don't remember the exact figures.

Q. You filled the contract at \$2.30 $\frac{1}{30}$ ?

A. Yes, sir.

Q. And you filled the contract this year at \$2.46 $\frac{1}{2}$ ?

A. Yes, sir. That is one of the business chances I take in bidding, that there might be none who would bid less than \$2.95, and I would get it at \$2.95. There was very little bidding under that figure, and there are only two or three parties who bid on these contracts.

Q. Why is that?

A. Because they are not familiar with the business. There is a party in Leavenworth, Kansas, who have always been regular bidders; and this year a Texas party came in and bid. Then the Leavenworth party was the only opposition I had.

Q. Can you explain the reason why this bidding is confined to so few persons?

A. Well, yes; I think I can. In the first place, it takes a large amount of ready capital to fill a contract of this magnitude, and most of the people who have got money are engaged in some other business, and have not the ready cash to purchase so many cattle. I don't mean to say that they have not money enough to do it, but that they have their capital employed in some other enterprise, and these contracts are generally bid on by parties living in the West. There are very few persons living there who can fill so large a contract.

Q. Are you obliged to pay cash for them?

A. Well, we always do it. I never paid a dollar's worth in any other way but for cash.

Q. Cash on delivery?

A. Cash on delivery.

Q. What further reasons are there?

A. Well, the want of experience in this business. They would have to go into a new country that they don't know very much about; as Professor Marsh says, an "unexplored country;" and they would have to take considerable chances, which they are not willing to do. You would not be willing to bid on a contract to furnish beef for Red Cloud agency, because, when you got out there you would see that you did not know anything about the business. We have been there several years and are familiar with it; and those people at Leavenworth are familiar with the business also, and they don't consider the chances of any consequence. Our experience in the business has reduced our expenses from the time we commenced fully \$30,000 a year.

Q. I see the contracts require that you shall get your herd within a reasonable distance from the agency, and you keep it about eighty miles away.

A. Yes, sir; we did most of the time last winter. What the contract means by that is that the agent shall know that the cattle are there; that he can get them when he wants them; that the contractor is not likely to fail in having cattle on hand when they are needed.

Q. Do you consider that there is any risk at the present time in putting seventeen or twenty thousand cattle on the Platte River under proper herders?

A. No, not a particle. I don't estimate the risk at one-quarter of one per cent.

Q. What is the average loss of cattle in keeping a herd over a year?

A. I think our loss last year was about in the neighborhood of a thou-

sand head ; but a great many of these cattle were lost by straying off in the winter-time. We let our cattle loose on the range, and in the spring of the year gather them together—what is called rounding them up, and we find a good many of those cattle stray off and are picked up by other parties, and get into other herds, and the Indians kill a good many, and last year we came out with about that much loss. If we were to herd them closely and watch them carefully, the loss would be very small ; yet we find it is a good deal cheaper to lose a few than to go to the extra expense of having men to keep them in sight all the time.

Q. I want to know, Mr. Bosler, whether or not the part of the machinery by which a few persons can control the bidding is the expenditure of money to keep other men out of the competition ?

A. Well, be a little more explicit in your question ; expenditure of money in what way ?

Q. I want to know whether you have expended money to keep down competition ?

A. Not a dollar.

Q. Do you know of its being done ?

A. No, sir ; I don't think there is a possibility of its being done ; I don't see why it would be done ; a party bidding has no knowledge of the amount of competition until the bids are opened, to buy up parties before the contract is awarded.

Q. Suppose the bids are all in and about being opened, and you find a man who is the lowest bidder and entitled to the contract, have you ever known that man to be hired to fail to comply with the requirements of the contract ?

A. Never.

Q. It is a fact that a good many such bidders drop out for some reasons, is it not ?

A. Yes.

Q. Do you know what is the reason why they do it ?

A. The particular reason is this: There are parties who put in bids with the expectation of some one giving them something to drop out—buying them off, thinking that they may happen to drop in at such places that their bid will be valuable to some one who wants to fill the contract while they have no idea of filling it ; and my idea is that the intention of the Department was to prevent that, and so provided that no contract should be filled by any other parties than the contractor, without the written consent of the Secretary of the Interior, to confine it to *bona-fide* bidders.

Q. Do you know yourself of any such person having succeeded in making money by dropping out ?

A. No, sir.

Q. Have you ever paid any in such a way ?

A. Never a dollar.

Q. But still your judgment is that it is the practice of these parties to make somebody pay them ?

A. Yes ; it often happens that when proposals are invited nobody responds, and in other cases there is some informality about the bidding ; and if it occurs in some place where they thought they might possibly succeed in bleeding somebody, they would make their appearance. You will find a good many bids dated New York City ; but the bidders never make their appearance, and it is never known who they are.

Mr. BOSLER. I would like to ask Professor Marsh a single question, as he has asked me some questions.

Professor MARSH. I am not on the witness'-stand.

Mr. BOSLER. It is only one question.

Mr. HARRIS. Is there any objection to his stating the question now?

Professor MARSH. I would rather it would come up in the regular order.

Mr. BOSLER. Just one question, Yes or No.

Mr. HARRIS. The Professor objects.

Mr. FAULKNER. You had better postpone it, as the Professor objects.

WASHINGTON, D. C.,

*Tuesday, September 14, 1875.*

Present: Hon. THOMAS C. FLETCHER, chairman; Hon. B. W. HARRIS, Hon. CHARLES J. FAULKNER, Hon. TIMOTHY O. HOWE, and Prof. GEORGE W. ATIERTON.

The examination of Mr. J. W. BOSLER was resumed.

By Mr. HARRIS:

Question. Do you understand what report is referred to by Professor Marsh when he speaks of the report of the Board of Indian Commissioners excluding you from participation in future contracts?

Answer. I do not; but I think he refers to Mr. Welsh's letters, or what Mr. Welsh says in his pamphlet on that subject. His pamphlet is an argument before the Sub-committee on Appropriations, which was called upon to investigate these matters in the Congress of 1871 and '72, I think.

Q. Of which Mr. Sargent was chairman?

A. Of which Mr. Sargent was chairman; and these are merely his conclusions from that document.

Mr. HARRIS. That is the Forty-first Congress, third session, House Report No. 30.

WITNESS. If there was anything of that kind said about excluding me, it was never brought to my knowledge; and I will further state, in this connection, that at the first letting after this investigation occurred there were but two cents per hundred pounds between my bid and that of Cox, who was the successful bidder, I being the highest bidder; and there was considerable discussion between the chairman of the board—Mr. Stuart, I think, was chairman—and the Commissioner of Indian Affairs and the Secretary of the Interior, as to whether they should award that contract to me, notwithstanding I was not the lowest bidder. They finally concluded, however, that they would award it to the lowest bidder, who was Mr. Cox. The question then came up between Mr. Stuart and Commissioner Parker as to whom they should award the contract to in case Cox did not respond. Mr. Stuart then left the city, delegating his authority, so far as he was concerned, to the Commissioner, to have the contract awarded to me. In the following year the board and the Commissioner (General Walker was then Commissioner) spent quite a while in discussing the question as to which was the lowest bidder—General Dodge or myself—in order to determine whom they would award the contract to. We were both very close bidders, and they awarded it to General Dodge as the result of their conclusion. His bid was the lowest. The next year after that I was not at the letting at all. I sent in a bid, but it was considerably higher than most of them.

By Mr. HARRIS:

Q. This evidence was offered in response to a question, what testi-



mony he could refer us to to establish his proposition that the "well-known Bosler" was notorious for fraud in previous contracts, and for this reason excluded by the public regulation from any participation in future contracts?

A. He referred to those documents.

Q. Now, if you have any evidence to show that you were not charged by any of the Indian Commissioners or anybody else with previous frauds, we wish you to tell us what it is.

A. I never have. There never has been a Commissioner of Indian Affairs or a Secretary of the Interior since 1860 that I have not done business with. I mean I have done business with them all.

Q. There has been something said about a duplicate receipt for \$17,000, and that you drew the amount twice?

A. I never did it.

Q. Was there such a fact?

A. There was a discrepancy between the accounts of Agent French and Agent Livingston. It was a matter entirely with them. I had nothing to do with the contract. It was in 1869 or 1870—1870, I think. It was a question as to whose receipts should be paid.

Q. What was the receipt for?

A. For cattle.

Q. Who furnished the cattle?

A. The cattle were furnished by Morrow.

Q. Were you interested in the contract?

A. I was interested in the contract, but I was not interested in the settlement of the matter between Morrow and the Department.

Q. Who delivered the cattle?

A. Morrow did.

Q. Did you obtain a receipt for the cattle?

A. Yes.

Q. Did you obtain duplicate receipts?

A. No, sir.

Q. Did the Government ever twice pay for those cattle?

A. No, sir; never. I will tell you all about that matter. The facts are these: Major French was assigned to duty at the Crow Creek agency as an acting agent for about a year. The first year of President Grant's administration, he tried the experiment of the Army taking charge of the Indian business, and the assignment of military officers as agents. Major French received some four hundred-odd head of cattle of Mr. Morrow on contract, for which he gave his receipt. About ten days afterward he was relieved by Agent Livingston. Agent Livingston refused to receive these cattle of Agent French, on the ground that Agent French had received them in excess of the wants of the agency, and he did not want to take care of them. French went away and left the cattle there. Livingston did not appear to take charge of them, did not take charge of them, and there the matter stood until French came to settle up his accounts, about four or five years afterward. French's receipt was presented, and the cattle paid for; and the question arose between those two gentlemen as to who was responsible for the cattle. It was neglect on the part of Livingston in not having taken charge of the cattle. There was no doubt but that a large number of them were lost to the Government, but when they applied to Livingston to know what had become of them, he made some report in reference to it, and threw the responsibility upon Morrow, the contractor. That was five years ago.

Q. Was there any compromise?

A. Yes, sir; it was made by Morrow with the Government.

Q. Did you receive your money from the Government upon the first receipt?

A. Yes, sir.

Q. Was that money yours or Morrow's?

A. It was Morrow's; he was the contractor, and I was an interested party in it.

Q. Well, then did Morrow make a compromise of that matter afterward?

A. Yes, sir; he made a compromise, and his letter will show the reason why he did it.

Q. What was the compromise?

A. I don't know whether it has been entirely carried out yet; it is a matter that only came up a few months ago.

By Mr. FAULKNER:

Q. I heard of the transaction at Omaha, that Mr. Morrow had a receipt from Mr. French, or some other person, for four hundred cattle. Upon that he received some \$16,000; when the second agent, whoever he was, came in he gave him another and more formal receipt, and upon that he received \$16,000.

A. That part of it is entirely incorrect.

Q. I don't think these facts I heard are incorrect; I got them directly from the lips of the United States district attorney; and this is his statement: that Morrow received \$16,000 a second time from the Government, by the carelessness of the officers of the Government; and thereupon, as the District Attorney informed me, he was directed to institute suit against Morrow. I don't think he embraced you in the transaction.

A. No.

Q. Nor did he bring a suit upon the bond, because he was clearly of opinion that no legal liability existed on the bond; that the condition of the bond did not cover the precise transaction. That was the subject of litigation, but he brought suit in behalf of the United States against Morrow.

A. Against Morrow and his bondsmen.

Q. No, he brought suit against those whom he supposed to be partners in the transaction, but not upon the bond; and it was compromised, as I understood him to say, and he himself recommended that the matter be compromised by Morrow furnishing cattle valued to the amount of \$16,000; but he told me he had not yet dismissed the suit; that he could get no official information whether the compromise had been made between the Government and Morrow, or whether Morrow had complied with the terms of the compromise. So the suit is now pending in the district court of the United States at Omaha.

A. That is correct, and for that reason I feel a little hesitation in making my exact knowledge of that transaction matter of record here, for if they get into a suit about it I might be called as a witness in the case. I would give to the commissioners privately an exact statement of the whole transaction, with the understanding that if Morrow should get into legal difficulty that information should not be used against him.

Mr. FAULKNER. The order received by the United States district attorney from the Department of Justice was, that he should dismiss this suit of the United States against Morrow and others, if there be others; then there is superadded, in different handwriting, (I saw the letter myself, manifestly in the handwriting of the Attorney-General himself,) "pro-

vided he has complied with the terms of the compromise." The District Attorney says that he had no knowledge that Morrow had complied with the terms of the compromise, and he conferred with me as to how he should address a letter to ascertain the fact whether the compromise had been complied with or not. I told him the proper course would be to correspond with the Department of Justice, and let the Attorney-General refer his letter to the Secretary of the Interior and Commissioner of Indian Affairs to ascertain whether the contractor had complied with the compromise by delivering cattle to the value of \$16,000.

By Mr. HARRIS:

Q. What I want to get at, Mr. Bosler, is whether you have knowledge of the fact that the sum of \$16,000 has been twice paid?

A. No, sir; I have not. The compromise was really made by Morrow at the solicitation of the bondsmen, they being fearful that their standing and credit might suffer in connection with a suit of that nature.

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RED CLOUD AGENCY, NEBRASKA,  
*Thursday, August 12, 1875.*

#### COUNCIL WITH ARAPAHOS AND CHEYENNES.

The Arapahoes and Cheyennes who were not present at the council with the Ogallala Sioux desired to be heard in their own behalf, although they wished it to be distinctly understood that they all are friends, and live together as one people. Accordingly, an interview was arranged for them in the agent's office, where they met the commissioners this afternoon. Black Coal spoke for the Arapahoes, and Little Wolf for the Cheyennes. Friday, an Arapahoe, who speaks English well, interpreted for his people, and William Rowland performed a similar service for the Cheyennes. Jules Ecoffee was present also, and assisted the interpreters.

The CHAIRMAN. We had a talk with the Sioux yesterday, and we hear that you would like to talk with us. We are glad to see you, and we want to talk to you. We want to tell you what we came here for. The Great Father heard that bad white men had been treating you badly and cheating you out of your provisions and supplies and annuity goods, and he sent us out here to learn if these things were true. The Great Father was told that some bad white men had been cheating him and cheating you, and we want to find out if that is so. He heard that last winter your people did not have enough to eat, and suffered a great deal for the want of clothing, and if that was so we want you to tell us all about it now.

BLACK COAL. I only came here a short time ago, last fall, with my village. I only know a little, because I have not been here long, but I can tell as far as I have seen—seen myself sometimes, not often: When I got my rations, once in a while I got bad rations. Some of the pork was spoiled in the barrels. We knew that, because when we came to boil it we saw that it was bad. Some of the coffee was mildewed, and some of the sugar was this yellow sugar. Most of it was good sugar. When I first came here I got good tobacco, but after I remained here I got some bad tobacco, and when I cut it to smoke it I found sticks in it, and it was bad and made my head ache. You four commissioners that have been sent out here by the Great Father, I wish you would listen to me and take pity upon me. I am glad to see you. This is the first time I have spoken about my country. I have kept still, but I am glad to see you

who are just from Washington, and I am not afraid to speak out. I call this country mine. These Cheyennes were born here in this country. They are my friends, and I wish you to listen to us to-day, and see that we get good grub. Last fall, when I had a little council with the commissioners, they wanted us to go to the south, but I told them I was raised in this country and liked it, and could not leave it. They wanted me to go to the south. I said I was not raised there, and did not want to go. I have still got this in my head, and I don't want to leave here. I want to remain here with the Sioux. The Great Spirit listens to me to-day and hears the way I talk. I am not afraid to say it. The Great Spirit gave us this place here. Look at me and my people and the clothes they have. I have never got anything yet for my land. It is part mine, and part the Sioux. I like them. They are what I call "big friends." They are a big tribe. In the first place, they came from the Missouri River and reached this place, and now they have got up this far, and they claim all this land. I want to stay here because I like the Sioux. Now you have just come from Washington and the Great Father, and you are the same as the Great Father, and to-day you must take pity on us, and you must tell the Great Father what we want. We would like to get cows to raise, and we would like to be shown how to raise corn and stock. That is what I want. I am very glad to see you to-day, and hope you will tell the Great Father about it when you go back.

The CHAIRMAN. We will tell the Great Father of this. We want you to have sheep and raise wool like the Navajoes.

BLACK COAL. Another thing I have got to say is something about the Black Hills, for my friends the Sioux. The first commissioners who came here had a council with the Sioux about the Black Hills. They wanted to buy them, and they promised to keep the whites off; but the whites did not listen. They came in on the sly and stole the gold. They did not wait till the commissioners got through. The commissioners had gone to see the tribes on the Missouri River, and I am very glad to see now that these miners have all left the Black Hills; I don't want to see any trouble between my friends. My people belong to the Northern Arapahoes; some of my people have gone south, and I want them to come back. Now I will talk about the goods we get. Sometimes we get little 2 and 2½ point blankets, and some of us are very tall, and of course they are good blankets, but they are all very small. This time, when they bring blankets to give us, we want 5 point blankets, larger than those we have been getting, as those we have been getting are too small. All the country south of here belongs to me, and I have been driven back. All my people were born here, and that is the reason I call this my country. I never got paid for that land. In old times my grandfathers, who are all dead now, the first time they saw a white man he taught them how to shoot and to wear clothes.

The CHAIRMAN. Would you like to have some clothes like the white men for your people?

BLACK COAL. Yes, sir; we would like to have good clothes, coats, pantaloons, and hats, just the same as you wear. You showed us first how to wear clothes. I am very glad if the white man shows me any thing. We used to live first rate before the soldiers came to this country; when they came, the first thing they did was to try to raise a war. We used to travel with the old mountaineers, but since these soldiers came into this country they have spoiled every thing and want war.

The CHAIRMAN. We want peace always now, and we want the Arapahoes and Cheyennes to have a heap of cattle and sheep in this country.

Mr. HARRIS. Are there any other complaints you have to make ?

BLACK COAL. The Arapahoes are called the peace tribe. I never begin war. When I make peace, I always keep it. That is the way with all the Arapahoes; and I am very glad you say you will give me all these things to raise.

The CHAIRMAN. We don't promise you all these things; but we want you to have them, and we will tell the Great Father what you want him to do.

BLACK COAL. We have some horses, and we have our stock that we raised ourselves; and we want cows and chickens, hogs and sheep. We want all these things but horses; we have them.

The CHAIRMAN. Did your people suffer for anything to eat last winter? That is what we want to know.

BLACK COAL. There is one thing I want to say to you. I have heard something about changing the agent we have now. We don't want a military officer for our agent. We want a citizen, the same as we have now. I can't say where, but I saw the trouble last winter. We suffered last winter; everybody knows it; the agent and all know it. The snow was the cause of it between here and Cheyenne; it prevented them from coming over. The teams could not get here on that account. We have not got much to eat since we came to this agency. Since we have been counted they give us something; but we don't get enough. When we were on the Platte we used to get a great deal; but since they have moved the agency we have suffered for something to eat. We don't get enough. I have not got two tongues. I have only one tongue. [I speak the truth.] We draw rations every ten days, and we eat it all up in four days, and then its all gone. Well, that's all.

LITTLE WOLF, of the Cheyennes, was asked by the chairman to state what he knew in regard to their provisions. He said: Our provisions fall short occasionally on ration-day. I have not much to say. I have been well treated since I have been here. I have sent for the balance of my people who are out north to come here, and I wish to remain here, and I want you to tell my Great Father so.

WILD HOG. I was born right here in this country, and I want to remain here. The Sioux, Cheyennes, and Arapahoes are pretty much the same people, and we all wish to live together. Occasionally we draw rations here, and they fall short, just as Little Wolf has told you.

The CHAIRMAN. We are glad to have heard you talk.

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#### ANOTHER TALK WITH SITTING BULL.

The commissioners then adjourned to another apartment in the agent's office, where they met Sitting Bull and other Indians who had expressed a wish to have another informal talk. Among those present were chiefly Sitting Bull, Old-Man-Afraid-of-his-Horse, Face, Friday, Hole-in-the-Ground, Wolf-ear, Fast-thunder, Shoulder, and Fire-thunder.

The CHAIRMAN. We are now ready to hear what you have to say.

SITTING BULL. We want to tell you about Professor Marsh. When he was here we protected him from getting into trouble, myself—Face, and Fast-cloud. He came here outside the stockade, and said he was going out to pick up petrified bones. He asked me to go with him, and some other Indians. About that time all the Indians got news that he

was going out. I asked him to pay us by the day for going with him, at the rate of \$10 a day, for going with him as scouts. He said he was poor, and did not want to pay that much; and we asked him then for \$5 a day; then he said he would give us \$1.50 a day for going. When he did not offer us enough, we said we would not let him go, because there were too many Indians there. The Indians told me if I went they would shoot me. The Indians had just got their annuity-goods at that time, and were all camped over there, and we asked Professor Marsh to wait until they had gone. Then the Indians said, because I allowed him to go, they would kill me, and I came near getting into trouble on his account. I told them I was going out with him any way, and they might shoot if they wanted to. I asked Professor Marsh to wait until they moved off, for I said "If you go now you will get into trouble;" but he would not listen to me, but went on before we saw him; he started in the night; he may have gone in the day-time, but we did not see him go. I had a talk with the Sioux about Professor Marsh, and the next morning I went hunting on the Republican. Sword knows more about it, but he is not here; but you might have a talk with him, and he will tell you something more. I don't know anything about Red Cloud taking those things out of the commissary. We asked for good food, and they put dirt into those samples to make them look bad, so that they would get better grub; we don't know anything about Red Cloud taking those things out of the commissary and sending them down there. Face saw Red Cloud putting up the samples to give them to Professor Marsh; they were not taken from the commissary.

Mr. FAULKNER. Where were they taken from?

FACE. They were to send it out of the things that they got from the agent. I mean that Red Cloud did not get it from the commissary.

Mr. ATHERTON. Where did Red Cloud get it?

FACE. I don't know anything about Red Cloud getting anything there, and no one here knows anything about where he got the stuff.

SITTING BULL. I was in there when they were talking about sending those things down, but I don't know who put them up.

FACE. We had the same food at the old agency as we have here, and the same when Professor Marsh was here. We would like to explain to you about our goods. We had goods here last fall for twenty-one different bands; there were more than one hundred that did not get anything. The reason was that we were registered when the people were away, and when the goods came here there was not enough to go round. We had all come back. That is all we have to say.

The CHAIRMAN. We are very glad you have talked to us, and we have put down all you have said, and we will take it back with us.

After the interview, Sitting Bull came forward and said that the young men and himself wanted their present agent, Dr. Saville, to remain, and they wanted this fact stated in the report of the commissioners.

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#### TALK WITH TURKEY-LEG.

Turkey-Leg, of the Cheyennes, called on the commission and requested to have a talk. Among the other Cheyenne Indians present were Vermillion, Spotted Elk, Big Thigh, Old Bear, Walking Eagle, and Calf-skin Shirt.

William Rowland acted as interpreter.

TURKEY-LEG said: My fathers were raised in this country; lived and died here, and all the Cheyennes here consider this country as much theirs as the Sioux's, and we wish to remain here with the Sioux. I am glad to see you men. I think you are good men, and I wish you to listen to what I have to say, and to tell my Great Father what I say when you go back. I am going to tell you the truth; a great many Indians lie, but I have but one tongue, and am going to tell you nothing but the truth. I have been at the agency, on the reservation, for four years, and have never left it, and I have tried to keep peace with the whites. We came to this agency with the Red Cloud Sioux, and we wish to remain with them. When you go back I want you to tell my Great Father that I am poor and my people are poor, and I wish to have some more annuity goods. They have been giving the Sioux cattle and horses. I would like to have some cattle and some horses too. Also, I would like to have a few wagons for my people. They live in this country, and they would like to have some wagons to haul wood and lumber to build houses. Also, I would like to have a few chickens and hogs and sheep. I hope you will listen to me and take these words of mine back to my Great Father and ask him to assist me.

Mr. FAULKNER. Would you like to live in houses permanently fixed?

TURKEY-LEG. Yes, sir; that is the reason I am asking you for these hogs and chickens and wagons; there is no more chance to live by getting game on the prairie.

The CHAIRMAN. These men here [pointing to Mr. Faulkner and Mr. Harris] belong to the Great Council of the Great Father, and they will put your words before the Council. We are very glad to hear you talk, and we want to do you all the good we can, but our business here is only to learn if your people have got their rations and annuity goods heretofore, and to learn if anybody has done them any wrong.

TURKEY-LEG. For the last four years, since Dr. Daniels started the agency on the North Platte, except within the last year, I have received enough annuities, but since then the amount has been small.

Mr. FAULKNER. Do you think you could make your living on this land by farming if you were furnished with wagons and farming implements?

A. I have never tried to make a farm—a few are living like white men—but I think if we had the implements we could do so.

The CHAIRMAN. Were the supplies you received last winter good?

TURKEY-LEG. The flour, sugar, and coffee have been very good, everything except the pork; we had some pork which was not good. All the other grub was good enough if we had more of it. The first tobacco that came on here was in big, flat plugs, and was good tobacco, but the last was not good and burnt our tongues.

Mr. HARRIS. How was it about the blankets?

TURKEY LEG. I don't know about that; I received enough for my people.

Mr. FAULKNER. Would the young men of your tribe like to live and dress like the white people?

TURKEY LEG. I don't know that all of them would do so at once, but they would gradually come to it in time. These clothes that I have on I learned to wear from the white man. I have never been to Washington to see my Great Father, and all I know about it is when men like you come here, and I want to send what I say to you by you to my Great Father.

The CHAIRMAN. Every word you say is put down and will be shown

to the great council. We think you have spoken well and said what is good.

TURKEY LEG. Dr. Saville knows me since I have been here; he knows I have been a good man to my people; and he has been a good man to me. I have heard some few of the Sioux speaking bad about Dr. Saville, but as for myself I like him very much.

The CHAIRMAN. Would the young men of your tribe be willing to work themselves in building houses if they had the materials, and white men to show them how to use them?

TURKEY LEG. I think most of them would. You asked me that before, and I told you all I wanted was the implements, and if we had them I think a majority of the men would go to work.

Mr. FAULKNER. We wish you to distinctly understand that we came here with no authority to make any promises whatever; that we came here merely in pursuit of information to report to the Great Father.

TURKEY LEG. I understand. And I wish to say that half of us are now living out of doors and we want shelter. If we don't have houses we must have tents at the next distribution of annuities.

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RED CLOUD AGENCY, NEBRASKA,  
Thursday, August 12, 1875.

Present: Hon. THOMAS C. FLETCHER, chairman; Hon. B. W. HARRIS, Hon. CHARLES J. FAULKNER, and Prof. GEORGE W. ATHERTON.

Dr. J. J. Saville, the agent, appeared and presented the following statement in reply to Professor Marsh's charges:

DR. SAVILLE'S ANSWER.

RED CLOUD AGENCY,  
August 12, 1875.

*Answer of J. J. Saville, United States Indian agent at Red Cloud agency, to the charges made by Professor Marsh.*

CHARGE I.—*The Indian agent at Red Cloud agency.*

In reply to this charge, I will say, in regard to Red Cloud's and Professor Marsh's opinion as to my vacillating character, I have nothing to say, but leave it to the commissioners to apply to those who have had better opportunity of ascertaining as to my competency. Professor Marsh had little opportunity, and did not take advantage of what he had, to ascertain anything about my method of dealing with Indians, as to whether there is any system in my management of affairs here. As to the occurrence to which he refers in this charge, which he calls an "act of folly," I refer to my letter to the Commissioner of Indian Affairs of October 24, 1874, telegram and letter of same date. Upon referring to my abstracts of issues, I find what Professor Marsh characterizes as fraud is a clerical error in the clerk placing the figures opposite the date of the 8th instead of the 1st of November, as it should be. Furthermore, that the forms upon which these abstracts are made do not and cannot represent all the facts connected with the issue of provisions, and, as a matter of fact, that all the issues are not made upon the first dates, but, as it will be observed, they are to date from the 8th to the



14th, and from the 15th to the 22d, and so on; and that the issues are made on either of the days between these two dates; that the issues of beef are always made on different days from the issue of other rations, and that these dates represent the number of days for which the amount of rations set opposite these days are given, and that they foot up an aggregate of the correct amount of provisions that are issued during the quarter, each month's issue being divided into four parts, and thus entered on the abstracts. Heretofore the beef has always been issued every ten days, the Indians having firmly resisted any change to the seven or eight days' issues. Further, in regard to the withholding of rations, I refer to my telegram to the Commissioner of Indian Affairs, of October 19, 1874, telegram and letter of same date. In reply to the allusion to the report of Inspector Bevier, I refer to my letter of November 12, 1874.

In reference to Professor Marsh's visit to this agency, I refer to my monthly report to the Commissioner of Indian Affairs for November, 1874.

CHARGE II.—*Number of Indians at the agency over-estimated.*

I will state that this charge has been a constant complaint of all fault-finders ever since I have been at this agency, and there has been no time since I have been here but what I have earnestly endeavored to obtain the correct number of Indians to be fed at the agency, and there has constantly been a resistance on the part of the Indians to allow their correct numbers to be known. It has been the source of the greatest part of the difficulties which I have encountered in my work here. For a detailed statement of this question, I will refer to my letter to the Commissioner of Indian Affairs under date of September 27, 1873; also to my report of the number of Indians receiving rations at this agency, dated December 29, 1873; also to a report of a council held December 29, 1873; letter of February 2, 1874, to the Commissioner of Indian Affairs, and letters of February 14, March 24, and October 19, 1874, and telegram of same date to the Commissioner of Indian Affairs, and to correspondence with Major Mears; also to letter of November 5, 1874, and the statement of the number of Indians, by actual count, made under date of November 13, 1874.

I will further reply that Professor Marsh is incorrect in his statement that I said that the Northern Indians "were in camp within a short distance of the agency, *on the north side of White River.*" I stated that they were camped on a creek beyond the Bad Lands, where he wished to go for bones; and this statement I gave from information received from Indians.

Professor Marsh's estimate of the number of Indians at this agency is purely conjecture, he having no means of ascertaining the truth of any such statements.

CHARGE III.—*Issue of annuity-goods.*

Professor Marsh's quoting of the supposed words of Red Dog only shows his ignorance of Indian character and the situation of affairs at the agency, and illustrates the worthlessness of all his observations while here. If he had gone to the other head men who were receiving annuities, and made inquiries of them, they would probably have as

sured him that Red Dog was getting much more than his share, and they were getting much less than theirs; and that their complaints of the small number of blankets was what would always occur, under any circumstances. But, as a matter of fact, the Indians did not get enough goods for the number receiving; and this fact was duly reported by me to the Department. I will further say that this affidavit of Louis Richard Reshaw is a characteristic one, and shows how easy it is for designing persons to obtain affidavits from such men as Richard about things they know little or nothing.

Of the evidence in regard to the number of blankets issued, I shall present my books and papers, bills of lading of the railroad, and of the freighters at Cheyenne to the agency, and the testimony of the employés who assisted in issuing them, and of Red Cloud and other Indians who received the goods. I further state that my returns show that there were thirty-seven bales issued, and *not* thirty-five, as Professor Marsh states. I can say that I have never observed that the stamp had injured the blankets, and have never heard any complaints in regard to it; but that is a question between the Department and the contractors, and for which I am not responsible.

I will say here, in regard to the protest against the manner of the issue, that it has always been customary to issue goods of this kind in this manner in one day, and that the Indians would not receive them in any other way if I had attempted to issue them differently.

In regard to the time of delivering the goods, I will state that the first goods received at Cheyenne was September 20. These were immediately loaded, and the first received at the agency was October 6; the last blankets arriving at the agency October 26; and they were then withheld by order of the Commissioner of Indian Affairs, which order was issued at my request in order to compel the Indians to submit to be counted, which I had been so long endeavoring to accomplish.

#### CHARGE IV.—*Frauds in beef-cattle.*

The first statement in this charge which affects me are the words of Professor Marsh, given as uttered by me, and which convey an incorrect idea of what I said to him. I told him that I did not remember distinctly the facts about the cattle; that my impression was that there were six instead of eight, and two of them at least were yearlings, and had not been received from the contractor; and this indefinite statement Professor Marsh tortures into his positive statement, which I corrected twice; once in presence of Bishop Hare, when I accused him of perverting my words. Yet, after this correction, he publishes this incorrect statement as quoted from me. On my return to the agency I found the facts as follows: Two of the eight cattle referred to by Professor Marsh were milch-cows, one of them belonging to Mr. Reel, living near Cheyenne, the other a cow which the herders had milked all summer, and the remaining six were a part of the thirteen head which I had rejected, and which, instead of being taken, as usual, out of the corral by the Indians, had gone to the range with the herd. Some of these cattle were killed on the range, as was the case with the milch-cows, but none of them were issued to the Indians as beef, as I have never issued any such cattle to them.

As before stated by me under the head of charge first, the issue represented on the abstract opposite the date of the 8th to the 15th should be opposite the dates of the 1st to the 7th, the issue there represented having taken place on the 2d of November, as is

shown by my books ; the cattle which appear on the papers as remaining on hand being a portion of those which had left the herd, as reported September 28, and which had not yet been returned by the contractor. The reason that they were carried forward on the papers was that it had not yet been satisfactorily settled that they had returned to the contractor's herd, and I carried them on my papers until this should be determined and the cattle returned.

CHARGE V.—*Pork issued at the agency.*

Professor Marsh says the method employed in distributing this article to the Indians was characteristic of the management of affairs at this agency. "The barrels of pork were rolled out of the warehouse by one of the employés, the head of the barrels knocked in with an axe, and the contents turned upon the ground. The pieces of pork were then given to the Indians, who were waiting for it, without being weighed or any other measures being taken to insure a just distribution." This is a fair sample of the willful misstatements throughout all these charges. Professor Marsh saw one barrel of pork rolled out to a band which was large enough to receive two hundred pounds. By their request the barrel was knocked open, and they distributed it among themselves. All the rest of the pork was issued inside the warehouse, through an opening into another room into which the Indians come to receive rations. As Professor Marsh had an opportunity of going into the warehouse and seeing the issue, I therefore characterize this statement, so far as it represents it as being the usual manner in which pork was issued, as, to say the least, negligently incorrect. The pork was sweet and good, but was prime mess-pork, composed of shoulders and sides cut up and put in together. As the Indians use pork mainly for the grease, and did not understand how to cook this kind of pork, they cut off the fat and threw the lean away. As soon as I ascertained this I stopped the issue, and reported the fact to the Commissioner of Indian Affairs. Subsequently, when the Indians learned how to cook the pork, they sought it with avidity, and used it all up. In regard to this, I refer to my report to the Commissioner of Indian Affairs under date of November 13 and December 7, 1874. In these reports, it will be seen that the reasons given for the pork being unfit for the use of the Indians is because it is lean, and not because the pork is of bad quality.

CHARGE VI.—*Flour issued at the agency.*

In regard to this, I have to say that the flour, with a few exceptions, was put up in double sacks, and equal to the sample upon which the flour was purchased. I will say that there was a part of the flour in the warehouse without the inspector's brand, the reasons for which I give in the correspondence with the Commissioner of Indian Affairs, and, in explanation, I will give the reasons in detail: In consequence of the appropriations not having been made until the last of the session of Congress, the contracts could not be filled or commenced until about the 1st of August. Being out of flour at the agency, I notified the contractors to immediately deliver flour, and on that notice flour was sent in by the contractor which had already been manufactured, he not having time to make the flour and mark it as required ; that no inspector was appointed to inspect it ; and I was instructed by the Commissioner to keep samples of the flour which should be sent to the agency for inspection, and, if equal to the sample to be sent from New York, that I

should receipt for the flour. Under this press of circumstances I ordered the flour to be sent to the agency, although it did not comply with the particular clause relating to the marks on the sacks, believing that the exigencies of the case justified me in so doing. I deny that any considerable portion of the flour was inferior to the sample, and for the evidence of which I refer to I. W. French, W. L. Coakley, inspector, and to others at the agency who had the handling and issuing of the flour. I also refer to I. W. French as evidence that Dr. Irwin, agent for the Shoshone Indians, said that the flour was good enough for him and his Indians; and I further state that I was not at Cheyenne at the time Dr. Irwin was there. I also deny that I told Professor Marsh, at any time, that any of the flour inspected by Barclay White was "*very poor*," but I stated that some of it was, in my opinion, in grade below that of the sample. I further stated that the flour was *good in quality*.

In explanation of the fact that flour was shipped to the Red Cloud agency without inspection, by Mr. Coakley, I will state that, the flour having been received at the warehouse with the brand of a regular inspector upon it, the store-keeper inferred that that inspection was sufficient, and therefore forwarded a portion of this flour, thus inspected, to the agency; that subsequently an order came from Assistant Secretary Cowen, that this flour should be re-inspected by Mr. Coakley, and all flour shipped to the agency after the receipt of that order was inspected by Mr. Coakley. Before I received notice of the order for the flour to be re-inspected the greater portion of the flour inspected by Barclay White, and which had not been inspected by Mr. Coakley, had been issued to the Indians. Upon an examination of that in the warehouse, I found the proportion of that which I considered inferior to the sample was so inconsiderable that I did not deem it necessary to report upon it.

#### CHARGE VII.—*Sugar and coffee.*

I will say that the sugar and coffee issued at the Red Cloud agency was a fair article of brown sugar and Rio coffee, samples of which I will present to the commission, and verify them by the evidence of the employés at the agency, and others about the agency.

#### CHARGE VIII.—*Tobacco.*

I will say that I know nothing about the quality or value of tobacco. There are now in the warehouse samples of every lot of tobacco that has been issued since I took charge of this agency, which I will present to the commission, that they may form their own conclusions.

#### CHARGE IX.—*Suffering of the Indians during the past winter.*

That there was some suffering among the Indians at this agency last winter is not denied. The winter was excessively cold, and the amount of clothing distributed to the Indians was not more than half enough for the number that were here to receive it. The amount of supplies, with the exception of beef, was not sufficient. The reasons for this short supply are mainly attributable to the influence of such meddlers as those who bring these charges. They are filling the newspapers with such assertions as that contained in charge 2, that there were but 8,400 people at the agency, when by actual count there are shown to have been over 12,000 people here. This constant cry of over-estimate of the numbers, and fraud, &c., has had the effect to cause Congress to reduce

the appropriations for the sustenance of the Indians, while from the destruction of game, the number of Indians to be fed and clothed is increasing every year. Unless Congress supplies the deficiency, the same thing will occur next winter; for the amount of supplies now purchased will not be sufficient to feed the number of Indians which are now and will be at the agency during the winter longer than until the last of February. Another serious evil arising from this is the plan of these persons to teach the Indians that the want of supplies is due to the dishonesty of the agent, causing them to become discontented, and destroy the influence of the agent, however honestly exerted, and thereby defeat the purposes of the policy of teaching the Indians to become self-supporting.

I have confined my answer to such portions of these charges as are direct and specific. The greater portion of them being assumptions and inferences, which were evidently intended for publication to influence public opinion, and I do not deem it necessary to reply to them in this connection.

I herewith submit my official reports and letters bearing upon the various subjects referred to, and the evidence of disinterested persons who are most familiar with the facts.

Very respectfully, your obedient servant,

J. J. SAVILLE,  
*United States Indian Agent, Red Cloud Agency.*

The Hon. BOARD OF COMMISSIONERS  
*To Investigate Affairs at Red Cloud Agency.*

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RED CLOUD AGENCY, NEBRASKA,  
*Thursday, August 12, 1875.*

Present: Hon. THOMAS C. FLETCHER, chairman; Prof. GEORGE W. ATHERTON, Hon. CHARLES J. FAULKNER, and Hon. B. W. HARRIS.

#### TESTIMONY OF DR. J. J. SAVILLE.

By the CHAIRMAN:

Question. Doctor, I find that in these charges of Professor Marsh it is stated that you reported as having issued beef on the 8th of November, when in fact it was not issued until the 14th of November. You explain that in your statement by saying that the return was made upon a blank furnished for that purpose and the error occurred in putting down the issue opposite the wrong date. Now, did you have any beef on hand upon the 8th November?

Answer. None here at the agency.

Q. Did you not have on hand then some 8 beef-cattle?

A. There were 8 beef-cattle on the range. You will see that my book shows that there were on hand on the 1st October 278 cattle. These were cattle which, as I have said in my report to the Department, had left the agency herd and returned to the contractor's herds, and they were carried forward on the papers as on hand. The men were out searching for them, and I carried them forward as on hand. On the 2d November, I made the last issue before we counted the Indians. Mr. Bosler had brought here 150 of those cattle which had escaped. I issued to the Indians about 137 of those. There were 13 head of those

cattle which I rejected. I had not yet receipted for the second delivery of cattle to the agency in November. Mr. Bosler was not here, and it was not delivered until the middle of November. At that time there were here the 13 head which I told him I should reject, and among them were four of those on the range. Two of them were yearlings, which I had not counted at all before. These four and some others that had gone over I rejected, and left the matter there until Mr. Bosler should come and settle it, so that I still had some on hand, but they were not here. Mr. Bosler returned the 150 in November.

Q. You made an issue of beef about the 2d November?

A. Yes, sir.

Q. Then you issued at that time all the beef you had on hand except some 13 head of cattle which you had rejected?

A. Yes, sir.

Q. Then when did you receive any other beef?

A. The next I received was on the 14th November.

Q. So that between the 2d and the 14th November the only cattle on hand were those rejected cattle?

A. Yes, sir.

Q. It was about the 2d November that you began to make your efforts to enumerate the Indians.

A. Yes, sir.

Q. You got that enumeration completed about the 14th?

A. Yes, sir; I think on the 12th.

Q. Your regular issue-day would have been on the 8th?

A. Yes, sir.

Q. Now, as you failed to issue on that day, you issued on the 15th. Did you then make the issue for seven or for fourteen days?

A. I made the issue of beef to cover the whole time, but all other rations I did not. By special agreement with the Indians, that they would quietly submit to be counted and get their tickets, I made the issue of beef to cover the whole time.

Q. But the other rations you did not?

A. No, sir.

Q. From that there was one issue of rations, which the Indians lost by refusing to be counted?

A. Yes, sir.

Q. Who made this enumeration for you?

A. Part I did myself, and part was done by employés. We had three or four different persons counting the camps.

Q. Now, in regard to the Northern Indians which were here at the time of the issue of annuity goods; what means did you have of knowing what their numbers were?

A. I had none, only the statement of the Indians themselves; and so far as they were concerned they were not taken into account in the issue of annuity goods.

Q. You issued no annuity goods to the Northern Indians?

A. No; none except to such as came in and were counted. Some did come in and were counted.

By Mr. AHERTON :

Q. Did you consider yourself bound to furnish these Northern Indians, if they came in, with supplies as well as the others?

A. Only under instructions from the Department. I had instructions from the Department to issue rations to all the Indians that would come in to be enumerated.

Q. And annuity goods, too?

A. Yes, sir.

By the CHAIRMAN:

Q. Now, in regard to the number of these Northern Indians, who were temporarily here last November or December, did the information which you had as to their number come from them or from the Indians residing about the agency?

A. From the Indians living about here. The statement was made to me by Sitting Bull, Face, and Sword, and a number of others.

Q. Have you any information that a large part of these Northern Indians have never been to this agency at all?

A. Yes; from that statement of the Indians. I can only get it from their statement. From all the different stories that have been told I have come to the conclusion that there is a considerable number who have never been to the agency at all.

Q. Have you at any time been informed of any impropriety of conduct on the part of your clerks and employes about the agency toward the Indians here during last winter and fall?

A. Yes.

Q. Have you taken any means to correct those improprieties?

A. Yes, sir.

Q. Have you known of any of your employes being drunk?

A. Yes, sir.

Q. And did you discharge them?

A. Yes, sir; as a general thing. Once in a while a man whom we cannot get along without will get drunk, and still I have to keep him. One of the difficulties of getting along here is that men will get on a spree now and then, and we cannot discharge them because we cannot get others to fill their places.

Q. Have you ever known any of your employes to be drunk while they were engaged in issuing goods or rations?

A. No, sir.

Q. Were you ever informed of such being the fact?

A. Never, until I saw it stated in the papers.

Q. Did Professor Marsh ever state to you that any of your employes were drunk while they were issuing goods?

A. No, sir; he did not.

Q. Do you know of any of your employes, while they were issuing goods or rations, endeavoring to entice squaws into the warehouse?

A. No, sir.

Q. Did any one ever complain to you about it?

A. Yes, sir; Red Cloud made a complaint of the matter. He complained to me that the store-keeper, Mr. McBratney, was stealing. I investigated the matter immediately, and found that he had given some sugar to a squaw. I do not know that it was for the purpose of enticing her. The only reason he gave was simply that some of their friends had come to live on the old women, and it was not unusual for me to give them an extra amount of coffee and sugar to meet the expenditure necessary to feed the people visiting them. It was not an unusual thing, except that it was in the evening instead of during the day. I then issued an order that no one should go into the warehouse after dark unless I was present.

Q. Have you enforced that order strictly since?

A. Yes, sir. I have not known it to be violated.

Q. Now, Doctor, in regard to the system of issuing rations and annu-

ity goods, please explain how that is done. For instance, in the issue of annuity goods, how do you deliver them to the Indians ?

A. First, the Indians make up the number of parties which shall receive the goods. I take down from their tickets a list of all the families which will draw goods, with the name of each headman. They generally have a headman in whose name the goods are drawn and to whom I deliver them.

Q. Is it at all practicable to deliver to each Indian his goods ?

A. It is not. In the present condition of affairs among these Indians it is utterly impossible.

Q. Now, as to the issuing of rations, how is that done ?

A. It is done in the same way. A list of the Indians is taken—the families and number in each family. I give them a ticket which expresses on its face the number of people who draw upon it. In some cases several families are joined on the one ticket. They come in and present the ticket and receive their rations.

Q. Then the headman of that party retains that ticket ?

A. Yes, sir.

Q. He presents the ticket ?

A. No ; the squaws generally come in with the ticket, and the amount which that ticket calls for is dealt out to them. They then take it outside and generally divide it among themselves in front of the warehouse. Sometimes they carry it to the camp, but generally it is divided in front of the warehouse.

Q. In the issue of pork last November Professor Marsh states that “the barrels of pork were rolled out of the warehouse by one of the agency employés, the heads of the barrels knocked in with an ax, and the contents turned upon the ground. The pieces of pork were then given to the Indians, who were waiting around, without being weighed or any other means adopted to insure a just distribution.” Now, how was that ?

A. There was one barrel, and I think no more, rolled out to Little Wound’s party, which was large enough to receive 200 pounds of pork. The barrel was rolled out, and the Indians cut the barrel open, and divided the pork among themselves. All the rest of it was issued regularly through the store-room.

Q. Now, Doctor, how were the Indians camped around here with reference to the situation of the agency ?

A. They were camped in several camps on White River, extending down about 20 miles from here. A portion of them were camped over near Crow Butte, about 7 miles in another direction. Another large camp was about 7 miles up Little White Clay Creek, toward the south. Another camp was up above on White River, I do not know how far ; and then there were a great many little camps around in different places—scattered all around—some distance from here. That was before we commenced to count them. At the time of counting, they had moved in nearer the agency, but were still some 7 or 8 miles distant. I wished them all to move toward the agency, but they said they could not keep their horses if they were camped close together ; and they had to be scattered in different camps.

Q. Do the Indians frequently remove their lodges and change their camps ?

A. Yes, sir.

Q. Is it not a fact that the number of Indians drawing supplies from this agency is increasing by the coming in of the Northern Indians ?

A. Yes, sir ; that is the fact.



Q. Professor Marsh states that he was present on the morning of the 14th November; that while he was here, a lot of several hundred head of Texas cattle were brought here and accepted by you, and receipted for, but that you only weighed a portion of the herd. What do you say to that?

A. I weighed all of it. I believed every last one of those was weighed; yet there may have been a possibility of one or two getting through, as you saw them get through yesterday.

Q. How did those cattle you received at that time compare with the cattle we saw yesterday?

A. They were a very similar lot of cattle.

Q. Were they as large as the cattle we saw yesterday?

A. Not quite, I think.

Q. Were there not among them some yearlings and scrubby cattle—what are known as “scalawags”?

A. Yes; two or three, or four or five. I took no note of them. There were several, though.

Q. Were they weighed and counted?

A. No, sir. My memory does not serve me as to the number, but these yearlings and calves that went through the scales were deducted from the weight.

\*Q. How is it possible to deduct them from the weight?

A. By estimating their weight.

Q. Do you estimate their weight separately, and deduct it from the aggregate weight of the whole lot which has been weighed, or do you estimate their weight at the average weight of the other cattle?

A. I generally make an estimate of the weight and deduct it from the whole amount.

By Mr. FAULKNER :

Q. Have you any account or entry in writing that would show the fact of such deduction?

A. I have not. I am usually in the habit of taking no note of them at the time. The Indians usually take them out of the herd and I take no account of them.

Q. Were these cattle thin and poor at that time?

A. No, sir.

Q. Well, is it usual for cattle at that season of the year to be poor?

A. No, sir. It is just the time of year that they are in the best condition, that they are heaviest.

Q. Now, Doctor, I want to inquire of you about some other matters. You were sometimes out of supplies here?

A. Yes, sir.

Q. Whose fault was that?

A. The fault was in the fact that we did not have supplies enough furnished; that the amount of supplies purchased for the Indians was used up in the fore part of the year. There were so many more Indians here than were estimated for, that the supplies were used up before the latter part of the winter, and we got out of supplies because they were inadequate.

Q. Were you out of supplies at any time on account of the failure of the contractor to move them here?

A. In February, during that cold spell, there were two trains which were loaded, and which got part of the way through when their cattle stampeded in a storm, and the train laid there perhaps a month. Those wagons were loaded with corn.

Q. Do you know when that corn had been contracted for?

A. I cannot say just now, without referring to the books, whether it was the first contract or the contract for the Cheyennes and Arapahoes.

Q. Do you know how long that corn had been at Cheyenne?

A. No, sir; not without referring to the books.

Q. Are the supplies often delayed at Cheyenne for the want of transportation hither?

A. No, sir; I think not.

Q. Don't you know that there are over twenty car-loads of your freight lying there now, and have been there for over a month?

A. Yes, sir; as a matter of fact now it is, but it has not been so often, not on account of want of transportation to these places, but on account of the charges on the freight in the cars.

Q. What is meant by the want of transportation is the failure to have them transported? I refer to the fact whether or not you were in want of supplies here because the contractor had failed to do his duty in getting them to you in proper time.

A. In this case it is so. A year ago I complained to the Department of Mr. McCann for his failure to get supplies here fast enough, but on examination of his contract I found that he was only required to deliver a certain amount within certain periods of time, and so far he fulfilled his contract and the goods were transported immediately.

Q. Do you know whether his contract for transporting supplies here now specifies that he shall transport within certain periods?

A. It does not.

Q. Do you know the reason why the annuity-goods did not arrive here until November?

A. I know only from general information. I will say that the appropriations were made so late in the season that the contracts could not be let until August, but why they were delayed on their arrival at Cheyenne until the 20th September I do not know. The first goods arrived at Cheyenne on the 20th September, and they reached here in October. The reason why they were not delivered till October was in accordance with a request I made to the Commissioner to withhold them until the Indians were counted, in order to give the correct number.

By Mr. AHERTON:

Q. Did you make any complaint to the Department of the failure to have the contracts filled earlier?

A. No, sir. I received a letter from the Commissioner of Indian Affairs asking me what time would be the best to deliver annuity-goods to the Indians, and I answered between the 1st and 15th of September was the best time to deliver them to the Indians.

By the CHAIRMAN:

Q. Now, Doctor, have you ever been from here to Sidney?

A. No, sir.

Q. You know the fact that the traders are getting their goods by way of Sidney?

A. Yes, sir.

Q. Is it not pretty well understood here that that is a shorter and better road than the road to Cheyenne?

A. It is a shorter, but I do not understand that it is a better, road.

Q. Well, could not your Indian supplies be transported from Sidney here cheaper than from Cheyenne here?

A. I do not know.

Q. You never investigated that subject ?

A. No, sir.

By Mr. HARRIS :

Q. I find by your books that your had on hand November 1, 1874, 395 head of cattle; that on the second day of that month you issued 385 head; that on the 7th you butchered two head, making a total of 387 head issued, and leaving eight head of cattle on hand. Is that correct as you understand it? Is that according to your recollection?

A. I think there should be thirteen.

Q. Your book does not show any issue of cattle on the 8th?

A. No.

Q. Will you now explain how you made a return of the issue of 387 head of cattle as of the 8th of November, when no such issue took place on that day?

A. The amount opposite the 8th includes all the cattle issued from the 1st to the 8th. My book shows that on the second day of November I issued 377 head in one lot, and on the same day to different persons eight head; that on the 7th day I butchered two cattle. I had on hand after that only thirteen head of cattle.

Q. Now, I want to go back to the stampede. Your book shows that on the 1st October, 1874, you should have had on hand 278 head of cattle. Will you now state whether or not before that time the stampede had taken place?

A. Yes, sir, it had.

Q. Had you on hand any of these 278 head?

A. No, sir, not at that time.

Q. This represents, as you understand it, the whole number of the stampeded cattle?

A. Yes, sir.

Q. How many cattle did Mr. Bosler return to you on account of that stampede?

A. On the settlement with him, in the middle of November, he returned 150 head.

Q. Of what weight were those 150 head?

A. I took them, calling them the same average weight as those of September 7, the last received, the average being 1,038 pounds each.

Q. I see that you have entered in your book as lost 128 head, which makes the 278 head of cattle which were stampeded; so that there was a loss to the Government of 128 head of cattle?

A. Yes, sir.

Q. What pains did you take to recover those 128 head?

A. I had been traveling all over the country.

Q. Did you become satisfied in what direction those cattle went?

A. They went south of here, and off on Snake River. I could not tell positively where they went. The presumption is that the Indians got them and killed them.

Q. I find, on looking at your book, after the receipt of cattle on the 7th September, you should have had on hand 1,003 head at the agency. Now, at any time before or since have you had in your custody so large a number?

A. No, sir, I have not. The reason for receiving so many at that time was, that Mr. Bosler, the contractor, had that number on hand, and he had to go south of the Platte for more cattle, and if I had not received them at that time I should have been out of beef before he could get back.

Q. Now, on the 11th November I see you issued 347 head of cattle. Where did those cattle come from?

A. I see the book represents it as of the 11th, when, in fact, it should be of the 14th.

Q. Now, your book shows that on the 14th you received 701 head of cattle, for which the average was 1,043 pounds each. Professor Marsh says in his statement, "This lot was accepted by the agent and receipted for, but he only weighed a portion of the herd. These cattle I saw and carefully examined." Who weighed these cattle?

A. I weighed those myself.

Q. How many did you weigh?

A. I believe I weighed every one of them—the whole 701 head. I cannot say positively that I weighed every one of them, for there might have been one or two that went through without being weighed, as they did yesterday; but I think I weighed them all.

Q. Was Professor Marsh present at the time of their weighing?

A. No, sir.

Q. Was he here?

A. Yes, sir.

Q. Did you have any conversation at the time with him here in regard to the weight of these cattle?

A. No, sir.

Q. Do you know of his carefully examining these cattle?

A. I asked him to come down with me and see them issued in the afternoon, after they had been weighed.

Q. What conversation, if any, did you have with him as to their weight or condition?

A. None whatever.

Q. Did he say anything to you or to any other person concerning them?

A. No, sir.

Q. Was there any complaint made to you by any person in regard to them?

A. No, sir.

Q. Do you now say that the cattle weighed the full amount for which you gave Mr. Bosler credit?

A. Yes, sir.

Q. What was the condition of those cattle as compared with the cattle that were issued yesterday in our presence?

A. I think they were very similar cattle. They were in good condition.

Q. So far as you know, were any of them sick, or lame, or overdriven?

A. They had been driven very hard, all of them, and were tired. Whether any of them got down, as some did yesterday, I am not able to say.

Q. Were some of them so tired that it would be difficult to drive or goad them out of a walk?

A. I do not remember any such thing having occurred. I did not see any cattle so tired or weak, or in so miserable a condition, that the Indians could not goad them out of a walk.

Q. Did you see Major Burt there that afternoon?

A. No, sir.

Q. Was he with Professor Marsh, so far as you remember, when the issue was made?

A. I do not remember.

Q. Did you, at or about that time, have any conversation with him in reference to those cattle?

A. He was here at the agency, but I did not have any such conversation with him.

Q. It is said that a large number of the cattle were of the kind known among cattle-men as "scalawags," and not a few were weak and decrepit. What is a "scalawag?"

A. A "scalawag" is a small, stunted animal, which does not get fat, probably from some disease.

Q. Do you remember of seeing such cattle here?

A. I do not.

Q. Have you received such?

A. No, sir. Let me correct that. I think one of those I rejected from the lot received on that day was a two-year-old "scalawag."

Q. Does it sometimes happen that cattle which have been overdriven are weak, and go down?

A. Yes, sir.

Q. Are they sometimes so weak that it is hard to get them into a run?

A. Yes, sir. Cattle which are run a great deal, and get very tired, become stubborn, and you cannot whip them into a run. I did not see such an occurrence on that day.

Q. On the 25th page of Professor Marsh's statement he says: "Agent Saville then stated that the poor condition of these cattle was owing to hard driving some forty-eight hours with little grass or sleep, to hurry them through, as the Indians had had no beef for some time, he having kept back rations to induce them to be counted. These cattle arrived in the morning, and he weighed most of them the same forenoon. Some few that were wild he did not weigh, but estimated. The issue was made on the same afternoon of the receipt. Among the cattle then weighed were forty or more small and 'scalawag' cattle. Agent Saville was confident that these cattle, thin as they were, would weigh 850 pounds on an average." Did you make that statement, in substance, on the 1st of June, 1875?

A. We were having a conversation—Bishop Hare, Professor Marsh, and myself. Professor Marsh said to Bishop Hare that Mr. Bosler apologized to him for the poor condition of the cattle. I spoke to him explaining merely what Mr. Bosler probably meant to say, intending to impress upon him the idea that Mr. Bosler was not apologizing for the cattle being poor, but that they looked bad and gaunt for want of water, the hair rough, &c. I made no apology to him for the cattle.

Q. Did you, in substance, make that statement; or what statement did you make?

A. I cannot give the exact words. The substance of it was as I have just stated.

Q. Did you say the cattle were in poor condition?

A. No, sir.

Q. Did you say they looked badly?

A. No, sir.

Q. Did you say that hard driving had produced any effect upon the cattle?

A. Not, except by inference in that way, in the explanation I gave of what Mr. Bosler intended to say.

Q. Did you say that they had to be driven forty-eight hours with little grass or water, in order to get them to the agency in time?

A. I did say that they had been driven hard to bring them to the agency, but I did not state the time?

Q. Did you say that some few were wild, and you could not weigh them?

A. That was a general explanation, applicable to all cattle received, but not intended for this particular lot.

Q. In the same connection, Professor Marsh says that "Agent Saville was confident that these cattle, thin as they were, would weigh 850 pounds on an average." Did you make that statement to him?

A. I shall have to explain that in the same way, by recalling what was said. Bishop Hare asked me if these cattle would weigh, every one, 1,000 pounds, and I said, "No, they would not," and then remarked that the contract did not require them to be 1,000 pounds in weight; and he asked me how much it was, and I told him 850 pounds; and he turned to me and said, "Did these cattle average 850 pounds?" asking a general explanation—if they came up to the contract. I answered him in three words: "Yes, and more." Those, I think, were the exact words I used.

Q. Did you at any time claim, in that conversation or any other, that they weighed 850 pounds?

A. No, sir; not fixing the amount; only that they filled the contract.

Q. Do you know whether Louis Reshaw was present and saw the issue on the 14th November?

A. I do not know whether he was at the corral or not.

Q. Do you know of Lieutenant Carpenter and Reshaw being present at the issue on the 13th May, 1875?

A. No, sir; I was on the way to Washington.

Q. The Professor says: "Another fruitful source of fraud in cattle at the Red Cloud agency is the system of stampeding, which appears to have been practiced there, at least, since the present agent took charge." I want to ask you how many stampedes have taken place since you have been agent here.

A. Soon after I arrived here, in 1873, there was a stampede of cattle on the hills south of here.

Q. How many cattle were stampeded?

A. About 600.

Q. How did that stampede occur?

A. It occurred by the Indians rushing into the herd to catch a calf. It was a stormy night. It was just in the evening, and the cattle got scared and went off over the hill. That was the statement given me by the chief herder.

Q. Did any of these cattle get back into the herd of Mr. Bosler?

A. Yes, sir; a great many of them.

Q. Did a good many get into Mr. Bosler's herd?

A. Yes, sir.

Q. How many, according to the best of your knowledge?

A. I do not remember positively now. I think over 300.

Q. Have you got any memorandum by which you can state the number?

A. Yes, sir. I will get it after a while.

Q. How many did you recover?

A. I could not tell you without looking at the books.

Q. How many cattle were lost to the Government—about how many?

A. About 200, I think.

Q. What season of the year was it?

A. It was in the fall.

Q. Did Mr. Bosler return any cattle from that stampede?

A. Yes, sir.

Q. Have you the means of showing the commissioners exactly how

many were stampeded, how many Mr. Bosler returned, how many you recovered, and how many were lost?

A. Yes, sir.

Q. Will you do that?

A. Yes, sir.

Q. How many of the cattle which got back into Mr. Bosler's herd were you able to identify?

A. The first that went into the herd were traced in by the herders, and they judged of them by their being travel-worn while the others were in the herd.

Q. How long after the cattle were stampeded did you discover it?

A. Discovered it right away, but it was a stormy night, and the men could not follow them until the next morning.

Q. How far from here was Bosler's herd at the time of that stampede?

A. I am not right positive whether he had his herd on the Running Water or not. If it was on the Running Water, it was about thirty miles.

Q. Did you have any negotiations with Bosler for the return of those cattle?

A. Yes, sir.

Q. What other stampede has ever occurred here?

A. Only the one I have already testified to.

Q. Have there been any other stampedes by which you have lost cattle?

A. No, sir.

Q. Professor Marsh, in his statement, says it is a system which has been practiced here.

A. I do not know whether that can be called a system or not—two instances.

Q. Can you guard against them in any way? If you can, state how.

A. No, sir; it is something you cannot foresee or guard against. Mr. Bosler's herd sometimes take a run.

Q. How many herders had you in charge of those 600 head of cattle?

A. Three.

Q. Did you make these herders follow the cattle?

A. Yes, sir.

Q. How many days were they out after them?

A. About two weeks.

Q. Referring to the statement of Louis Reshaw as to the number of cattle that were stampeded, I ask you whether, when the 150 cattle were returned by Mr. Bosler, any receipt was given him for them?

A. No, sir.

Q. Was there any voucher given?

A. No, sir.

Q. Has he received from you any paper which would enable him to recover pay for those 150 head of cattle a second time?

A. No, sir.

Q. Do you know anything about the statement of Mr. Reshaw where he says the contractor's herder offered to sell to him some of these cattle at \$10 a head?

A. No, sir; I never heard that statement before.

Q. Did Reshaw ever say anything to you about it?

A. No, sir?

Q. Who was the contractor's responsible herder at that time?

A. I do not know. He had a number of herders.

Q. Was it George Bosler, his brother ?

A. Well, perhaps he would be the responsible man.

Q. The next statement of Professor Marsh is, "From such stampedes and the fraudulent results following, both the Indians and the Government have suffered great losses." Do you know whether any loss has been suffered by the Government beyond the loss of the cattle, 128 at one time and the number lost at the first stampede of 1873 ?

A. No, sir ; no loss at all, and I do not think the Indians suffered any loss at all.

Q. How many persons did you employ in taking the census of the Indians ?

A. Six.

Q. Did they make reports in writing ?

A. Yes, sir.

Q. How did you take the census ?

A. We went to the camps with an interpreter, entered a lodge, took down in pencil the name of the head-man of the lodge, and the number of women and children in the lodge, and then took out a ticket and wrote his name on it, and the number of people in the lodge, and these pencil memoranda were then brought and copied in a list, and when the Indians brought in the tickets that were given them we issued them their rations.

Q. Did you go over the whole country ?

A. Yes, sir.

Q. Within how many miles of the agency ?

A. Within seven or eight miles was the farthest we went, because I required them to move in near the agency.

Q. And while that enumeration was in progress you were not issuing provisions or beef ?

A. No, sir.

Q. How many days did that occupy ?

A. Three days.

Q. The result of that census showed so many people ?

A. Yes, sir ; Sioux it showed 9,339.

Q. And of the Arapahoes and Cheyennes ?

A. The Arapahoes and Cheyennes were not counted at that time. We had no annuity-goods for them ; and I had counted them previously ; but some time after that I counted them again.

Q. Did you not issue annuity-goods to them last year ?

A. Not until spring.

Q. Did you count any other than the Sioux at that time ?

A. No, sir.

Q. Now, will you turn to your record of the blankets ?

A. Yes, sir.

Q. How many bales of blankets did you receive last year for distribution among the Indians ?

A. For the Sioux, 37 bales.

Q. How many blankets to a bale ?

A. Fifty pairs to each bale.

Q. Then you received that aggregate number of blankets ?

A. Yes, sir.

Q. When were they issued ?

A. They were issued I believe on the 12th November.

Q. Was Professor Marsh present ?

A. Yes, sir ; I think he was.

Q. Did you show him the blankets ?



A. I did not show him anything. Really, in my own mind, I only know that he was present at the issue by the fact of his being at the agency and seeing him around here. My mind was too much occupied with the business I was engaged in to pay much attention to who was here.

Q. Did Red Dog make any complaint during the issue of those blankets?

A. None to me.

Q. Was he present?

A. Yes, sir; he was in the warehouse.

Q. What Indians, if any, were permitted to see and examine the blankets?

A. All the head-men that chose to come.

Q. What blankets did you issue?

A. I issued 150 pairs of 2-point whites; 150 pairs of 1½-point whites; 350 pairs of 3-point scarlet; 250 pairs of 2½-point scarlet; 350 pairs of 3-point indigo-blue; 250 pairs of 3-point green; 250 pairs of 2½-point green; 100 pairs of 2½-point indigo-blue.

Q. Is that the whole?

A. Yes, sir.

Q. Does that make 1,850 pairs?

A. Yes, sir.

Q. Do you say that all of these blankets were issued that day?

A. Yes, sir.

Q. Did you yourself assist in the distribution of these blankets?

A. Yes, sir.

Q. Who assisted you?

A. My employés, Mr. Tibbets, Mr. Lobach, Mr. Brewer, and a number of other men.

Q. Did Louis Reshaw assist you?

A. No, sir; he was acting as the head of the half-breeds. He signed the receipts for their goods. He was appointed by them to receive their goods.

Q. Was he in the warehouse assisting you?

A. No, sir.

Q. Professor Marsh says, "One of the persons whom I then saw assisting the agent in issuing the blankets was Louis Reshaw." Was he at that time employed by you?

A. He had been employed up to that time. I think that day I discharged him. I had hired him by the day to assist in counting the Indians.

Q. Did he on that day assist in distributing the blankets and other annuity-goods to the Red Cloud band?

A. No, sir; only in receiving the goods for the half-breeds.

Q. Did he or did Red Dog or Red Cloud on that day complain that they did not get their full quantity of annuity-goods?

A. I did not hear any complaints on that day. In fact, persons said in the evening that they never saw such general satisfaction in the distribution of goods.

Q. Did Louis Reshaw ever say to you that he counted the bales of blankets?

A. No, sir.

Q. Were there 18 bales issued at a different time from the others?

A. No, sir; they were all issued at once on that day.

Q. How long a time was required to make that distribution of annuity-goods?

A. All day. It was perhaps 10 o'clock when we commenced opening the bales, and we did not get through until pretty near dark.

Q. Do you know what the proportion of blankets for the Sioux nation was? What number of bales went to the Sioux?

A. All went to the Sioux.

Q. What do you say about the size of the blankets?

A. I say they were the usual weight of that size blankets, but in my opinion it would be better for the men to have some larger blankets—4-point blankets.

Q. Professor Marsh says, "The blankets actually issued were bitterly complained of by the Indians for two reasons—the first being their small sizes, which were not adapted to men as large as the Sioux braves, and were only fitted for women and children." Did they so complain?

A. They did.

Q. And in your judgment the blankets were too small for the braves?

A. Yes, sir.

Q. Did they object to the brand?

A. No, sir; only to its appearance. They complained of the appearance of the blankets. They wanted to know what the brand was on there for. They thought it was something connected with the soldiers.

Q. Why was the issue of blankets delayed to so late a period?

A. They were withheld to compel these people to be counted.

Q. Were they suffering for want of blankets at that time?

A. I think not particularly.

Q. How long had the blankets and annuity-goods been at the agency before the issue?

A. The last two bales of blankets were received on the 3d November.

Q. When were the first annuity-goods received?

A. On the 6th October.

Q. Now, who is the next in rank to Red Cloud in the Sioux Nation?

A. There is no such rank among them.

Q. This is the Professor's expression: "This earnest protest on the part of the chief who is next to Red Cloud called my particular attention to the amount issued." Who is that person?

A. I do not know.

Q. Does the description enable you to tell who that is?

A. No, sir.

Q. In what manner were those goods delivered?

A. The warehouse-door was opened, and a semicircle of the Indians formed around it, outside the door. Most of the chiefs themselves were in the warehouse. The goods were then taken, each kind selected out of the packages, taken out from the bales, and then opened. The lists were called out and the amount marked on the lists opposite their names, and the goods were carried by the employés and laid down in front of each representative man.

Q. Then if one chief was entitled to so many blankets, so many yards of cloth, and so much of another article, his proportion would be put together in a separate pile?

A. Yes, sir.

Q. Is there any other mode of distributing annuity-goods except to the heads or chiefs of bands?

A. I do not know of any other.

Q. Have you ever distributed goods to the Indians individually?

A. No, sir.

Q. Is it left to the chief of a band to distribute to his people the quantity which that band receives?

A. No, sir. It is the soldiers of the band who distribute the goods. The chief receives them and the soldiers distribute them. That is their custom.

Q. What system of checks have you to ascertain the actual amount given or required?

A. Just the list of the names. Take Red Cloud, who has a certain number of people: That number is a certain proportion of the whole number of the people. I find by the bills how much of certain kinds of goods there is to be distributed, and I give him the proportion he is entitled to, and in the same way with each of the others.

Q. Have you any record of that before the distribution begins?

A. I make it up on paper, and the paper should be on file among these documents which I have in my hand, but I find it is not here. It has been misplaced, but it is somewhere.

Q. You make up the distribution on paper beforehand?

A. Yes, sir.

Q. Now, in the distribution of goods, how do you show afterward that the distribution has actually been made?

A. I have no other showing for it except the returns—

Q. You have the lists made up with the name of each chief, the number of his people, the proportion of each article which is to be distributed. Now, when that distribution has actually been made, what do you do? Do you check the lists?

A. I check them off, each issue of each article as it is made.

Q. Did you do it on the 12th November yourself?

A. I did.

Q. Now, then, the statement of Professor Marsh is that "The only data by which the issue was regulated was a pencil-memorandum in the hands of the agent, who called off the quantity to be delivered to each chief or headman." Is that a correct statement?

A. Except that the paper was written out in ink, and I checked it with a pencil.

Q. Did you see whether or not all the goods upon that written memorandum were actually delivered to the persons named?

A. Yes, sir.

Q. After the delivery, did any Indian say to you that he had not received his share?

A. I do not remember one.

By Mr. ATHERTON:

Q. In taking the receipts of Indians for supplies issued, what means do you employ to see that they understand what they are receipting for?

A. Reading out and having the interpreter explain it as he goes along. I generally ask them through the interpreter if they understand it before they sign the receipt.

Q. Do you do that in the case of each issue of each article?

A. I explain it to all the party together. The interpreter certifies that he has correctly interpreted it to them.

Q. Do you always make these issues yourself?

A. Yes, sir.

Q. What certificate do you render to the Department of the issue?

A. Just a copy of the receipt, which is as follows:

RED CLOUD AGENCY, D. T.,  
November 12, 1874.

We, the undersigned, chiefs and headmen of the Ogallala Sioux, acknowledge to have this day received of J. J. Saville, United States Indian agent, the following articles of annuity-goods, the same being our annuities for the year 1874.

Then follows a list of goods and the names of the chiefs. The first signature is that of Red Cloud. The next are Red Dog, Slow Bull, Sitting Bull; and Louis Reshaw, for the mixed-bloods.

Q. When you receive articles from the contractor, by what method do you verify the amount received?

A. In packages put up, and in that form weighed by the inspector. We generally take them by the inspector's marks, unless they show signs of having been opened, and in that case we weigh them.

Q. Do you receive anything except beef without the contractor's brand?

A. No, sir.

Q. What is your mode of inspecting beef, to see that it is up to contract?

A. Simply by generally viewing and weighing the herd.

Q. Who is the inspector?

A. The agent is considered inspector. There is no special inspector of live stock.

Q. What means has the agent of compelling the freighter to hasten goods forward?

A. None, but reporting to the Commissioner of Indian Affairs.

Q. How frequently during your occupancy of this position have you been put to inconvenience by the delays of freighters?

A. Twice to that extent that I had to report to Washington.

Q. How long a delay were you subjected to in those cases?

A. I do not remember now the exact time; four or five weeks.

Q. Under date of December 29, 1873, your letter-book shows that you reported to the Commissioner of Indian Affairs that Mr. McCann was not furnishing the requisite amount of transportation from Cheyenne, and stated that if transportation should fail you would be compelled to issue beef in lieu of the supplies of bacon and flour. Can you state what action was taken by the Department on receipt of your letter?

A. Yes, sir; Mr. McCann was notified by the Department, and he immediately furnished the transportation.

Q. With regard to the mode of receiving beef, do you ever make any allowance to the contractors for shrinkage on account of over-driving?

A. No, sir.

Q. Has it ever been done?

A. No, sir. A question was raised here at one time with regard to that.

Q. Now, what is the amount of a ration issued to the Indians?

A. I will take it at 100 rations: 300 pounds gross of beef, 75 pounds of flour, 4 pounds of coffee, 8 pounds of sugar, about 15 pounds of bacon. In lieu of a part of the flour, when we have corn and beans, I issue 30 pounds of flour, 30 pounds of corn, and 8 pounds of beans, in lieu of the 75 pounds of flour. I will explain to you that this is the basis of the estimate for food, but the Indians do not always get that amount every issue.

Q. Why do they get a less amount?

A. Because a less amount is purchased for them, and we have to reduce the amount of rations.

Q. To what extent are the rations reduced?

A. To the extent of the necessities of the case—of the supplies on hand.

Q. To what extent are the rations reduced in the supplies furnished?

A. Last year they were reduced perhaps one-third of the whole amount; that is approximately.

Q. With regard to the distance from Cheyenne to this place—what is your estimate of it?

A. My estimate by the road that has been measured was from one hundred and sixty-five to one hundred and seventy-five miles.

Q. Do you know whether that road is longer or shorter than the one usually traveled by freighters?

A. I know it only by the statements of freighters. I infer from its course that it is longer.

Q. How much longer, do you suppose?

A. I have no idea, sir; all the idea I have is from what I have been told.

Q. In your letter-book, under date of November 9, 1873, I find a certificate that the generally traveled road from Cheyenne, as measured by an odometer, was found to be  $226\frac{18}{100}$  miles. Will you state, if you please, the circumstances of the measurement?

A. A letter was written by the Commissioner of Indian Affairs, ordering an odometer to be put on a wheel at Cheyenne by the store-keeper, sealed, and not to be removed until it arrived at the agency, where I was to open it and certify to the distance, as the letter stated, but really to the indications of the odometer. The odometer was placed on a wagon-wheel, and when it arrived here I found that it would not indicate the distance. Another was purchased which would indicate the distance, and when it got here I took it off, and found that its indications were, I think, about one hundred and thirty miles, but it had been taken off the wagon, and therefore its indications were not correct, as I supposed. Under the instructions to me, I was ordered, in case I deemed it necessary, to return the odometer and have it placed on again. I did return it to Cheyenne, and about that time I received a letter from the Commissioner urging me about the measurement, and Mr. McCann put an odometer on a light wagon or buggy, and brought it through sealed, as was ordered. On that I certified to what that odometer indicated when it arrived here.

Q. Do you remember the amount?

A. I think it indicated about two hundred and twenty-six miles.

Q. Had you any reason to suppose that either of those odometers was tampered with except the one you said had been taken off?

A. I had not.

Q. Your letter-book, under date of December 21st, 1874, reports that 128 cattle are missing, as you have stated to-day; that all but 30 or 40 (which went off to the Snake River) were trailed to the contractor's herd. What means were taken to secure the return of the 80 or 90 still supposed to be in the contractor's herd?

A. It was referred to the Department. Mr. Bosler and I were disputing over it. He denied that so many had been traced to his herd, and I referred the matter to the Department.

Q. What was the final result of the controversy?

A. The result was, that the Department settled it by crediting me with the number missing, upon proofs which, as I understand it, the Boslers furnished to the Department.

Q. Your letter-book, under date of November 13, 1874, shows a letter to the Department, reporting that some mess-pork received is entirely worthless for the use of the Indians, and, under date of December 7, 1874, reports that all the pork, except the first 200 barrels, is composed of shoulders and necks, and that "as this is of no use to the Indians, I have

quit issuing it, and shall issue no more until I receive instructions from you; and I request instructions." What instructions did you receive?

A. I received instructions at that time to withhold it from issue until the contractor should make it right. It was afterward settled with the contractor that he should deliver bacon in lieu of the difference in value between this pork and mess-pork.

Q. Your books show 430 barrels then on hand and in transit. Was that delivered to the Indians after the settlement had been made?

A. It was, sir.

Q. About what amount of funds annually pass through the hands of the agent at this place?

A. The total amount received from the third quarter of 1873 to the second quarter of 1875, is \$61,313.97. The following statement shows the amounts received each quarter during that period:

Amount received third quarter, 1873.....	§7,960 00
Amount received fourth quarter, 1873.....	9,330 00
Amount received first quarter, 1874.....	8,175 83
Amount received second quarter, 1874.....	2,177 07
Amount received third quarter, 1874.....	1,486 07
Amount received fourth quarter, 1874.....	12,480 00
Amount received first quarter, 1875.....	9,530 00
Amount received second quarter, 1875.....	10,175 00
Total amount received .....	61,313 97

Q. What was the expense of erecting the agency buildings?

A. The expense of erecting the buildings, aside from the running of the agency, I have not estimated. A good proportion of the work was done by the employés of the agency.

Q. Have all the bills contracted at that time been paid?

A. No, sir; there are a few bills which have not been paid.

Q. To what amount, probably?

A. The whole of 1873 and 1874 deficiency amounts, I think, to about \$5,000.

Q. What is the occasion of the delay in these payments?

A. They were stricken off the Deficiency Bill. Last winter I was in Washington, and understood they were on the bill, but just at the last of the session they were stricken off with other things.

Q. Does the delay of the Government in settling its accounts increase the running expenses of the agency?

A. Yes, sir.

Q. Have you any idea to what amount?

A. No, sir.

Q. From what source or fund are supplies furnished to the employés of the agency?

A. They have been issued from the Indian supplies up to the first of this fiscal year.

Q. Has any additional appropriation been made for that purpose?

A. I do not know of any.

Q. Have you supposed that the supplies for the employés of the agency were so much taken out from the supplies furnished for the Indians?

A. That is what I have supposed.

Q. Has any change been made since July 1, 1875, in that respect?

A. Yes, sir. The employés receive an allowance for rations, which they are allowed to purchase from the Indian supplies on hand.

Q. What becomes of the money paid by the employés for their rations ?

A. The instructions have just arrived, and I have not investigated what shall be done with it. It is to be taken from their pay.

Q. Do you understand whether in the new arrangement for supplying the Indians any provision is made for the amount taken out for the use of the employés ?

A. I do not.

Q. How many white employés of the agency have Indian or half-breed wives ?

A. Ten.

Q. Do their families draw supplies from the Government as Indians ?

A. Yes, sir.

Q. The affair of raising a flag-staff has been referred to several times. Will you state, in the briefest form, what was your reason for wishing to put up a flag-staff at the agency ?

A. I had two reasons. One was, that I might use it to raise a flag upon on Sunday, to indicate to the Indians when Sunday came ; another was, to use it for the purpose of signaling the military post for assistance, if necessary.

Q. Is there any school maintained about the agency ?

A. Not at present.

Q. Has there been ?

A. No, sir.

Q. Are there any means of moral or religious training for either children or adults employed about the agency ?

A. No, sir.

Q. You have spoken several times in your testimony of the Indian soldiers. Will you state briefly how they are organized, and whether they receive pay, and how they are employed ?

A. They are simply some Indian soldiers or warriors whom I employ occasionally, under a commission of the Department, when they are needed, and pay them a per diem for the time they are actually employed.

Q. Are they organized ?

A. No, sir.

Q. What would you think of the policy of the organization of the Indians into companies or battalions for the purpose of protecting the agency—keeping them under regular organization ?

A. That is something I have been trying to get permission to accomplish ever since I have been at the agency.

Q. Would the agency in that case be able, so far as its defense is concerned, to dispense with the aid of the regular Army ?

A. Yes, sir ; I believe so.

Q. How are the estimates for supplies for the agency made ?

A. They are made by me upon the calculation of the average number of Indians to be fed, on the basis of rations I have given you.

Q. Do you make any allowance in your estimate for the probable increase in the number of the Indians during certain seasons of the year ?

A. I did this year, but not last year, and that, I suppose, was one of the reasons for the short amount of rations.

RED CLOUD AGENCY, NEBRASKA,  
*Friday, August 13, 1875.*

Present: Hon. THOMAS C. FLETCHER, chairman; Hon. CHARLES J. FAULKNER, Hon. B. W. HARRIS, and Prof. GEORGE W. ATHERTON.

The examination of Dr. Saville was resumed.

By Mr. ATHERTON:

Question. Does your estimate for supplies cover anything for the employés? You told us yesterday that during the last fiscal year the supplies for the employés were taken out of the Indian supplies. Now the question is, Does your estimate for this year cover anything for the employés?

Answer. I have never made an estimate for the employés separately.

Q. Have any back issues been made to cover the times when the Indians did not receive their regular supplies?

A. None, except of beef to cover the time of the enumeration.

Q. How long last winter was the road in such condition as to prevent the regular delivery of supplies?

A. During January and February.

Q. Do you know how many times there was a failure to issue regularly?

A. I do not know.

Q. Can you give us any idea?

A. I cannot. I was away a portion of the time.

Q. Are the Cheyennes and Arapahoes treated any differently from the Sioux?

A. Not in regard to supplies.

Q. Are they in any other respect?

A. Well, they get their annuities separately. O, no; they are treated no differently in that respect, either, only they do not get them at the same time.

By Mr. HARRIS:

Q. Will you hand to the commission on their return from Spotted Tail agency a detailed statement or transcript from your books of the annuity-goods received and distributed for 1874?

A. I will do so.

Q. Will you also hand to the commission a transcript of your beef-account from July 1, 1874, to this time, with such explanations as you may deem necessary?

A. I will, sir.

Q. Now, then, I want to ask you what account you keep of the distribution of the annuity-goods.

A. I keep only the receipt given by the Indians.

Q. Can you show, from any account or memorandum, the quantity of annuity-goods given to the headmen severally?

A. I cannot.

Q. What do you say of the tobacco issued during the last year? Was it or was it not a good quality of tobacco, and was it adapted to the wants of the Indians?

A. In my opinion a different kind of tobacco would be better for the Indians.

Q. What do you say of the sugar of last year?

A. I say that it was a fair article of brown sugar.

Q. Was it as good as the sugar you are now receiving?



A. Not quite.

Q. Is the sample of coffee which you have presented to the commissioners since they have been here a fair sample of all the coffee received under the contracts of 1874?

A. I think it was about an average sample.

Q. Was there any coffee worse than that?

A. Yes, sir. There was some of it that was darker, and there were more dark grains in it. Whether it was any worse as a whole, I cannot say.

Q. In your judgment was the pork, the prime pork, all of it sound, sweet pork?

A. I believe it was, as far as I know.

Q. Is it true that some portions of it were made of shoulders, necks, and middlings?

A. That is true.

Q. In your judgment, was that pork merchantable in any market?

A. Yes, sir.

Q. What market?

A. I think it was pork that was put up for the southern market. At least I have seen such pork put up before for market.

Q. Do you not say that it was a very low grade of pork?

A. Yes, sir, I do.

Q. And in your judgment was such pork adapted to the wants of the Indians in any respect?

A. It was not.

Q. Why did you, at last, recommend its distribution to the Indians, after having notified the Department that it was not what they wanted?

A. After some time, when the rations were short, the Indians wanted the pork. There were some barrels opened and issued, and I gave that to them. They used it, and as more of them got to using it they wanted the pork. Mr. Slavens had then, as I understand it, made a proposition to the Department to deliver bacon in lieu of the difference of the value of this pork and mess-pork, and as the Indians had found that they could use it and were using it, and were anxious to get it, and were short of supplies, I recommended that it should be accepted.

Q. Now, then, I want to ask you about the seven cattle which were seen by Professor Marsh and the military officers. Were those cattle issued to the Indians?

A. They were not issued as beef to the Indians.

Q. Were they accepted and paid for as beef?

A. No, sir, they were not.

Q. Have they ever been paid for?

A. No, sir.

Q. Have they been deducted from Bosler's vouchers, or have an equal number been deducted?

A. I never gave any vouchers for them. They were never included in any voucher. I never receipted to Bosler for them. They came to me as a part of the 150 head that Mr. Bosler had agreed to return on account of the cattle which had stamped and gone back to the contractor's herd. They were turned on the range with the other cattle, and afterwards, when Mr. Bosler returned, I refused to receive a certain number of them. I think only four of those cattle were received. The others which were rejected were either killed or taken by the Indians. There were thirteen rejected altogether. I have my memorandum somewhere, but I am speaking now from memory. There were thirteen head, any way, which I refused to receipt for, and these four were some of those. I propose

to give you before you go away an affidavit of the chief herder who was then in charge of the herd. I will explain further. I never under any circumstances received yearlings, and those cattle which they saw in the range were yearlings. Their statement was that there were eight head of cattle on the range. Four of those had been brought to me by Mr. Bosler for the purpose of turning them over to me as beeves, and those I rejected and never receipted for. They were part of thirteen; the rest of the thirteen were probably killed by the Indians. They were not there.

Q. State what conversation took place between you and Professor Marsh and the Commissioner with reference to those cattle.

A. In the first place it was a free conversation without thought that it would be published. I remarked to the Commissioner, in his office, that I thought I had never receipted for those cattle which General Bradley spoke of. That being published, Professor Marsh came to me and wanted to know if I had said that I had never received those cattle. I told him no; that I had not stated positively, that I did not remember distinctly about it, but that there were two of them at least—two yearlings—which I never received, and the others I could not speak of positively.

Q. Now let me inquire whether you understood that inquiry to be made by Professor Marsh in consequence of Commissioner Smith's public statement of May 29.

A. Yes, sir; I understood that. When I met Professor Marsh again, it was in Bishop Hare's room in the hotel. There this question came up again, and Professor Marsh stated, in substance, that I had said that I had received those cattle and issued them. I told him that I had not said so; that I said I thought I had not receipted for them, but I could not remember distinctly. He then asked me, "If you have received them, were they issued to the Indians?" I said "Probably they were." He then went to take it down, and then repeated over nearly what he says there in the statement. I stopped him, and told him that he willfully misinterpreted or misunderstood me. I told him I thought he was trying to make up a case against me, and he did not care how he did it. By that time Bishop Hare got up and put his hand on me, for I was getting very angry. I said a good deal more, but that is the substance of what I said to him about it.

Q. What was Professor Marsh's reply to your statement?

A. He disclaimed any intention of misrepresenting or misunderstanding me, and I apologized to him for getting angry, and I let it pass, supposing, of course, that he had made the correction which I wanted him to make. Afterwards, on my way back, I stopped in Iowa, and saw the man who had charge of the herd at that time, and he told me that these four were a part of the rejected cattle, and two were yearlings, (which of course did not require to be rejected,) and two were milch-cows, one belonging to Mr. Reel, near Cheyenne, which I had borrowed for my own use, and the other was a little milch-cow, which Mr. Bosler had brought up for the herders. They were both very small cows.

Q. Were these cattle which you say had been rejected not afterwards issued by you to the Indians as beef?

A. No, sir; never.

By the CHAIRMAN:

Q. Was all the flour you received here from the wagons weighed by you here?

A. All except the first few loads. We would weigh, say ten sacks out of the wagons, and then count the balance out, but all the first few train-loads were 100-pound sacks. After that, they were all weighed, and they were of different weights; so no matter what was the size of the sacks, I only receipted for so many pounds of flour.

By Mr. FAULKNER :

Q. Can you state whether the accounts between yourself and the Government, and between yourself and Mr. Bosler, touching the stamped cattle, have yet been the subject of adjustment and settlement?

A. I cannot exactly.

Q. First, how is it as between yourself and the Government? Has that been settled?

A. I suppose it has.

Q. Now, as to between you and Mr. Bosler?

A. I did not make any settlement with Mr. Bosler. I understood that that matter was settled directly between Mr. Bosler and the Government. I stated the facts to the Commissioner. Bosler and I had a misunderstanding about it, and I understand he settled it personally with the Government. I suppose, however, that if there had been such a settlement, I would have received instructions to receipt to Bosler for those beeves, in order to make my accounts correct with the Government, but I have not yet received any such instructions.

Q. Has Mr. Bosler your receipt for the 150 cattle?

A. No, sir. He has no official receipt, but I believe I gave him a memorandum receipt.

CHEYENNE, W. T., *Monday, August 23, 1875.*

Present: Hon. THOMAS C. FLETCHER, chairman; Hon. TIMOTHY O. HOWE, Hon. B. W. HARRIS, Hon. CHARLES J. FAULKNER, and Prof. GEORGE W. ATHERTON.

Dr. J. J. SAVILLE was recalled.

By Mr. HARRIS :

Question. In the letter of Mr. Samuel Walker, dated May 19, 1874, it is stated that Mr. Bosler wrote for the signature of Dr. Saville two receipts, dated October 1 and 15, 1873, one of which, at least, was fraudulent. I want to inquire what you know concerning those receipts.

Answer. I gave Mr. Bosler two receipts for cattle in October, I think in 1873. I will have to look at my books to verify dates.

Q. Who wrote those receipts?

A. I wrote the receipts out and Mr. Bosler wrote the copy.

Q. Why was that done?

A. The clerk was not present to write them, and Mr. Bosler writes better than I do, and I requested him to copy the receipts for my signature, and he did so.

Q. Were you present at the receipt of cattle in October, 1873, that is the time to which those receipts for cattle refer to?

A. Yes, sir.

Q. Did you weigh those cattle?

A. No, sir.

Q. Who did?

A. We had no scales at that time to weigh cattle. We had to receive the cattle, and select out of the herd a certain number, and kill them

and weigh them, and average the weight of all those received from those.

Q. Do you remember the circumstance of receiving those cattle in October, 1873, particularly?

A. No, sir; not particularly.

Q. Could you tell how many were killed?

A. I could not. We usually killed from five to twenty; on those two occasions, I don't know exactly how many were killed. The number killed was the number required for use by those who were receiving the meat. We killed enough so as to make an average. The cattle selected for the average were usually selected by the butcher and by myself, and sometimes by others whom I employed for the purpose.

Q. Did you ever kill a number of cattle as an average which were selected by Mr. Bosler, or either of the Boslers, as an average?

A. No, sir.

Q. How soon did you get the scales up which are now there?

A. We got them up about the middle of November, 1873.

Q. Since these scales have been put up, have all cattle been weighed?

A. Yes, sir; with the exceptions I have explained to you, and another time when I received some cattle which I could not get into the corral. It was snowing very hard and we could not get them into the corral.

Q. Did either of the Messrs. Bosler at any time bring you receipts for cattle, written by himself or themselves, when you yourself had not superintended the receiving of the cattle?

A. No, sir. The only instance in which he wrote a receipt was the copying of one or two receipts, which I have explained.

Q. Mr. Walker also charges that Mr. George M. Bosler kept the beef-account of the agency while he was at Red Cloud. Did Mr. Bosler ever keep account of the beef?

A. He may have kept it for himself.

Q. Was there any time when he kept an account and when you did not?

A. No, sir; I have not with me the beef-account for 1873, or I might show you.

Q. When was the first stampede of cattle after you became agent?

A. It was in the fall of 1873, in October. I think the 8th of October; about that time; I think that was the date.

Q. How many were stampeded?

A. I cannot remember the exact number now of that stampede. We had received about six hundred head, and had made the issue; and my recollection of it now is that it was nearly four hundred head, but I cannot remember the exact number that were stampeded; it was a matter of record, but I did not charge my memory with it. Sixty-seven of those cattle were charged to the Government.

Q. And were they allowed payment for them?

A. My accounts have been sent in, with all the affidavits in the case, and a short time ago I received notice that additional evidence would be required in regard to them, which I have furnished the Department, and have not received any of my accounts yet. My accounts for that year have not been settled.

Q. It is charged by Mr. Walker, in his letter of May 19, 1873, that on the 15th of October you certified that you issued twenty head of cattle, when, in fact, you issued no cattle. What is the fact in regard to that, if you remember?

A. The fact is that I was ordered to date the receipts on the 1st and the 15th of the month, and the date did not always agree with the

date of the receipt of the cattle received there. I cannot say that I received any cattle on that day.

Q. Do you now remember that you received any number of cattle—615—between the 1st and 15th of October, 1873?

A. No, sir. It was a day or two before and after that the cattle were received.

Q. How could it be after?

A. It could only be after by making it so, as I understood the requirement was that the receipts should be made in that way.

Q. Did you ever give any receipt before you received the cattle?

A. No, sir.

Q. How came that receipt to be got before the cattle were issued?

A. It was not. The receipt was really dated back to the 15th, so if I received cattle after the 15th, which were receipted for on the 15th, the receipt was dated back. I never receipted for any cattle that were not received. I am sure of that.

Q. Did you know that Mr. Bosler did not have that receipt in his possession, delivered to him by you?

A. Yes, sir.

Q. Is it in accordance with your recollection that that receipt of October 15th covers cattle received after that day?

A. I have no recollection that it does.

Q. Do you say that there have been instances of that kind, where cattle have been receipted for after they have been issued?

A. I would not say positively. I have no recollection of such a thing, but it may have happened.

Q. Have you ever given the same explanation of this fact before?

A. Yes, sir, to the men who investigated those charges. I think it has been in print. It certainly has been in writing.

Q. Did you know why it is required that your receipts should be dated the 1st and 15th of the month?

A. I did not; but after the investigation I made inquiries about it, and the commission said they did not think it was a necessary regulation, but that the receipts should be given twice a month. After that I dated receipts on the day the cattle were received, or, in some instances, a few days afterward. If the cattle were received a day or two before, I would date them on the first of the month.

Q. Will your books show the exact day on which the cattle were received?

A. I think not on that book.

Q. Was that book kept in the same manner in which you gave receipts?

A. Yes, sir.

Q. What is the character of the book?

A. Just the same kind of a book as you have, only it is another book.

Q. Will you furnish a full copy or transcript of that book, and forward it to this commission?

A. Yes, sir; I will do so.

Q. Mr. B. F. Walters testified before the Indian Committee of the House of Representatives that he heard Dr. Saville say that he gave receipts some days in advance of the delivery of cattle, &c. Do you know anything about that statement?

A. Nothing, only I asked Mr. Walters what he meant by making that statement, when he returned, and he explained that he was intending to make the explanation that I have just made to you; that is, that the receipts were dated the 15th, and the cattle were delivered afterward.

Q. Did you ever say to Mr. Walters that you gave the receipts some days in advance of the delivery of the cattle ?

A. I did not. I don't remember ever having said anything about it until after he made that statement.

Q. Have you in any instance given receipts for anything before receipt of the articles themselves ?

A. No, sir.

Q. Let me call your attention to the receipt given to Mr. McCann. Did you not give him some receipts for cattle when it appears there were no cattle purchased ?

A. No, sir. I will explain that. I made a contract with Mr. McCann to purchase some wagons and cattle, by authority of the Commissioner of Indian Affairs. There were to be twenty-eight cattle, ten wagons, and twenty cows advertised for. They were to be delivered to the store-keeper at Cheyenne on a certain day. I agreed that, on the delivery of those cattle here, the vouchers should be delivered to Mr. McCann. The vouchers were made out at the office ; they were sent here to the store-keeper, and the cattle were not delivered on that day, and the vouchers were returned to me at once to the agency.

Q. Did you not write that the cattle had been purchased ?

A. Yes, sir. I wrote to the Commissioner of Indian Affairs that the cattle were purchased, as I believed. I was a little fast in writing that, but I supposed they had been purchased. "I was ahead of the hounds." I described the cattle and wagons in that letter.

Q. You described cattle which you had never seen ?

A. No, sir. I did not describe the cattle at all. It was understood that the cattle were American cattle.

Q. You wrote that letter, which is on file in the Department, before you had seen the cattle ?

A. Yes, sir.

Q. Did you not issue a voucher for them ?

A. No, sir ; I never did.

Q. Did he (Mr. McCann) furnish the cattle, and wagons, and the cows which that contract called for ?

A. No, sir.

Q. I want you to be explicit, Doctor, because you understand this point has been made upon you, and we want to understand your explanation.

A. I can say nothing, only this : As I told you, they were sent here to the store-keeper, and I supposed they were all delivered in that way.

Q. What authority had your store-keeper over the question of rejecting or receiving the cattle, wagons, and cows ?

A. He had no authority except that which I gave him.

Q. Was there anybody here to determine the question whether these receipts should be given to McCann ?

A. Only the store-keeper.

Q. Had he any authority, other than to see to delivering the receipts when the number of oxen, wagons, and cows were turned over to him ?

A. Only the authority which I gave him.

Q. Did he have any authority from anybody except you to inspect and accept those cattle ?

A. No, sir.

Q. Was any inspector provided for by the contractor ?

A. No, sir.

Q. Were there any other bidders for that contract except Mr. McCann ?

A. I cannot say just now.

Q. Do you remember how long that was advertised ?

A. No, sir.

Q. Was it advertised ?

A. Yes, sir.

Q. Was that contract annulled in any way ?

A. It was never carried into effect.

Q. Were those cattle, wagons, and cows ever supplied to the Indians ?

A. The cattle and wagons were, but not the cows ; but not by McCann, nor by any contract which I made, except a request I made to the Commissioner of Indian Affairs. The failure to get those things created so much dissatisfaction that I asked permission to buy them in open market, and I did so. The contract I made with McCann was a written contract.

Q. Why was it not carried into effect ?

A. I don't know. One trouble was that he failed to get the wagons. They were to be the Studabaker wagon, and on account of some destruction by fire of the shops he failed to get them. No attempt was ever made to enforce the penalties of the contract.

Q. You say then that you came here and went with Mr. McCann and two other gentlemen to a ranch in the neighborhood, about twenty miles northwest from here, to see some of the cattle that were to be furnished under that contract by Mr. McCann ?

A. I did not see all of them. I understood that Mr. McCann intended to purchase the ranch and all the cattle. And having seen a portion of the cattle I wrote the letter which is now on file in the Department, describing the cattle ; but, afterwards, Mr. McCann having failed to comply with the contract, Mr. Appleton purchased other cattle at one hundred dollars, which was less in price than I agreed to pay McCann. They were, however, poorer cattle and of less value, but no part of the cattle which Mr. Appleton purchased were the same cattle which I had seen. They did just as well for the Indians. The wagons purchased were less in price, but they were the "Bain wagon," and not the kind of wagon which Mr. McCann had contracted to furnish.

Q. Now in regard to the stampede of October 8, if that was the time you lost the four hundred cattle, how soon did you recover all but sixty-seven ?

A. It was not until in November that we recovered them. We did not recover them all at once. I had my men all over the country for three or four weeks hunting the cattle.

Q. Had you any cattle on hand after the stampede of the 15th of October ?

A. I don't remember, sir. My impression is that there were.

Q. You issued in October, as appears by this letter, twelve hundred cattle ?

A. Yes, sir ; I think that is the number I issued on that date.

Q. Did you have, during the months of October and November, as many cattle in your possession as you actually issued, which had been regularly received and receipted for ?

A. Yes, sir ; I had them in my possession. The number for which I receipted had been in possession after the stampede. I did not have men enough to take care of the herd of cattle, and at the same time go off through the country to hunt up those cattle, and by an arrangement with Mr. Bosler I returned the cattle into his herd with the understanding that I should send to his herd and get them out when they were required for issue.

Q. What cattle did you return to Mr. Bosler's herd ?

A. The cattle which had been picked up, which had run away. Mr. Bosler's men gathered a good many of them up and reported it to me.

Q. Then you returned to Mr. Bosler's herd all but sixty-seven of the whole number stampeded?

A. Yes, sir.

Q. Now, after they had been returned to his herd, did you obtain from him an equal amount of beef?

A. I took them from him as I did the others. It was a very large herd, and the average was about the same, and I took the cattle at the same as I had receipted for them. I took them by count all around.

Q. Was that during the month of November, before the close of the month?

A. Yes, sir; before the end of the month he had returned all the lost cattle except sixty-seven, by count simply. I was not present when the cattle were returned. I was in Washington during the month of October with the Cheyennes.

Q. Do you know of your own knowledge that there were received three hundred and thirty-three cattle, or thereabouts, for which no new receipts were given to Mr. Bosler?

A. Not being present at that time I cannot say that I know it of my own knowledge. I have to depend upon my employés who were carrying on the business at the time.

Q. Who were present at the time the cattle were returned to you?

A. Mr. Appleton at that time was there putting up the agency buildings, and I left him in charge for a few days until his son arrived, who was my clerk, and who took possession of the agency and the business from that time.

Q. Is there any record in your office of the return of that number of the stampeded cattle?

A. I don't think there is any record that will show the number, except the record of issue of those who issued the cattle.

Q. So that in point of fact Bosler was nowhere charged in your books with the number of cattle which were driven back to his herd, nor credited with the same number which were returned?

A. No, sir.

Q. Do you remember whether you made the issue of cattle on the 15th of October?

A. I think not. I think it was a few days after, just when I was at tempting to make those Indians consent to let me count their lodges. It was at the time they took me down to the agency. I was about eight miles from the agency, and they took me down there. A portion of the Indians wanted to drive me out of the country, but a portion of them stood by me and prevented it.

Q. Do you remember when Mr. Samuel Walker visited the agency?

A. I was absent at the time.

Q. Has no record been made of cattle which were issued when he was here, by you or your clerk?

A. No, sir.

Q. Did you make any records after you returned, from any private accounts?

A. No, sir.

Q. B. F. Walters testified before the Indian Committee of the United States House of Representatives, that he heard Dr. Saville say he gave the receipts some days in advance of the delivery of the cattle, and as there was no herd at the agency after the stampede on the 8th of October, and as the herd at that date after the delivery to the agent of 297



head numbered only 406, according to the chief herder's written statement, which I hold, it is clear that 1,280 head had not been received up to and including October 8, as Bosler swears. It is equally clear that if only 647 head had been received, two issues had not been made, as the agent says, (page 23,) of 267 head and 360 head on the 1st and 8th of October, respectively. For, if so, he could not have had (after deducting 527 head, issued October 1 and 8, from 647 received, and eleven head on hand October 1, total 658) 406 head stamped on the night of October 8, as there would have been only 131 head left after the issues. Do you know what the facts are in regard to that?

A. No, sir; I don't remember about that fact.

Q. Were you present when the issue of October 8 was made

A. Yes, sir; I was present. I don't remember whether I made the issue myself or Mr. Walters made it, or one of the others; sometimes I would have the butcher make the issue, or one of the other men when I did not feel able to go down there.

Q. Do you know if the number given here is the exact number of the cattle stamped? Does that serve to refresh your recollection of the number stamped? Was it not 567 which was stamped?

A. I think that that (567) is a correct statement. It was taken from the records and gives the exact number.

Q. From your own knowledge you will not now say whether that 567 head of cattle were ever returned or not?

A. No. I have to depend upon the statement of my employés, and the return they make to me. I have nothing but their records.

Q. You say you were not present and you cannot say that the 567 were not returned; there is no record?

A. I have nothing except the statement of my employés and the returns which I have made to Washington. These returns are vouched for by affidavits—some of them at least. In my former testimony I was in error. I think it is near 600 that were stamped.

By Mr. FAULKNER:

Q. There are some parts of Professor Marsh's statement which I would like to know something of from you. He states that J. D. Bevier, United States Indian inspector, in his report of October 21, 1874, exposed a fraudulent contract made by Dr. Saville with his father-in-law, Mr. Appleton, by which the Government would have been the loser. Will you please explain what that transaction was.

A. It was in the fall, getting late on toward cold weather; my houses were not completed, and I was anxious to get them finished for the employés and myself to sleep in before winter. I talked to the carpenters at the agency and others in regard to finishing the buildings, and finally asked Mr. Appleton to make an estimate of what it would cost to finish these buildings; and he sat down and made an estimate, and proposed to do the work on these buildings—to build slaughterhouse and corral, himself—for such a sum. Well, comparing that with what I had done before, I considered it a reasonable proposition, and I sent the proposals on to the Commissioner of Indian Affairs, stating to him the urgency of having the work done, and I stated that whatever was done should be done immediately. And the Commissioner approved the proposals of Mr. Appleton, and on those proposals, with the approval of the Commissioner of Indian Affairs, I made the contract with Mr. Appleton. In the mean time, Dr. Bevier came here, and he considered the price for the work too high, and asked me to suspend the work. He wanted me to modify the price, and I told him I would do no such

thing. I had passed judgment upon it, and I considered the price reasonable in every respect, but if he could induce Mr. Appleton to change his prices, and to do it for any less, I was perfectly satisfied; it could make no difference to me; but if he would not approve the contract, I asked him to suspend the work.

Q. Did he exercise his authority to suspend the work?

A. He did not, but he had a talk with Mr. Appleton before leaving the agency, and I understood that Mr. Appleton made some modification of the price, which met the approval of Dr. Bevier; and the Doctor asked me, in sending the contract, to send it through him; and I sat down and wrote the contract, and sent it to the Commissioner of Indian Affairs through the Doctor.

Q. Did you make known to the Commissioner what the price of the work was to be?

A. Yes, sir; the price was specified on each kind of work.

Q. Can you now recollect what it cost the Government to erect those buildings?

A. I cannot recollect all of it; most of it was for finishing buildings partly erected; for instance, making and laying shingles on the roof at nine dollars a thousand for making and laying them on the roof.

By Mr. ATHERTON:

Q. Did that change in the proposed plan, after Dr. Bevier's objection, appear of record in your letter-book?

A. The full particulars are filed in the Indian Office, in my correspondence with that Department.

Q. You said that you calculated that the mill would not saw more than fifteen hundred feet of lumber a day, and it required five or six men to saw it, and that was the reason you accepted Mr. Appleton's proposal?

A. Yes, sir.

Q. Does that mill now saw more than five or six thousand feet a day?

A. No, sir; it never could saw more than three thousand feet a day. It could not average three thousand since it has been there. The mill is calculated to saw that much, but it has never done so with the best material.

Q. How many "squaw men," popularly so-called, do you employ at the agency?

A. I think it is about ten.

Q. Do you see any reason why a white man, who has seen fit to marry an Indian wife, should not support his family without the help of the Government?

A. No, sir; I do not.

Q. Do you know any reason why every man who has an Indian family, drawing rations from your agency, should not be discharged?

A. Well, the only reason is, that I need men to do the work, and those men I retain there are useful.

Q. Are not all the men you employ there interested to obtain all they can in the way of supplies from the Government?

A. I would say that is greatly owing to the individual character of the men. Their families draw the rations, some of them, and they live with their families, and receive wages when employed by me.

Q. In your judgment, is not the whole matter of employing that class of men of doubtful expediency?

A. Yes, sir; it is.

Q. Could it not be remedied by the employment of white men?

Could you not get white men from the States that would perform the work which they do ?

A. Yes, sir ; but the experience of those men living with the Indians has been a matter of consideration with me. I have brought good men here from the States, but most of them have left because they were disgusted.

Q. Do not most of these men assist to corrupt and demoralize the Indian women ?

A. Many of them act just as the Indians do. They follow the Indian customs, and claim the right to marry as many squaws as they want to.

Q. Now, then, will not a white man marry as many squaws as he can, so as to draw rations from the Government ?

A. Yes, sir ; they will.

Q. Are you not at the mercy of that class of men if you discharge them ?

A. Yes, sir.

Q. Is not every agent so at their mercy ?

A. Yes, sir ; it is one of the greatest evils connected with the agency.

Q. What is the effect and influence of these men upon the Indians, as affects the relations of the Indians to the Government ?

A. The effect is to constantly breed dissatisfaction with the Government among the Indians, and to mislead the Indians in regard to their promises, and the duties of the Government toward them.

Q. Do you think that the Indian agents themselves would have any difficulty in discharging the duties of their office if they banished every white man connected with the agency ?

A. I think it would be very hard for me to do so at my agency. It might be done.

Q. I notice you employ several of them as interpreters. Are they employed the year around upon a salary ?

A. No, sir ; the only interpreter I have there that I can rely upon is that little half-breed, William Garnet.

Q. Is it safe to rely upon the interpretation of those squaw-men where their own interest is involved ?

A. No, sir ; not generally. I don't want to condemn every man either. There are some of them that, so far as I have been able to judge, have been true, but many of them have not.

By Mr. FAULKNER :

Q. What would be the effect upon the temper of the Indians if there was an order expelling from the reservation all these squaw-men ?

A. I think the Indians would rebel against it very strongly, at least at the beginning. I have had a great deal of trouble with these Indians. Red Cloud thought that I should discharge every man that was not a half-breed or a squaw-man.

Q. In your judgment, was not Red Cloud instigated to make that request by the squaw-men ?

A. Yes, sir ; one man I had evidence enough against to send out of the country, and that man was John Nelson ; and I also have evidence of some others.

Q. There is some evidence that the females of the Cheyenne and Arapahoe tribes, more particularly the Arapahoes, are prostituted by the white men coming to live in the neighborhood of the agency. Do you understand that to be true ?

A. Well, that is just the common report. I have never seen anything of it. The only fact I have got of that kind is that of a Sioux Indian

coming to me, and saying that the soldiers came to his tepee while he was away and insulted his woman, and he wished me to write a letter for him, ordering every soldier to stay away from his tepee; and if he did not he would shoot him, because he said he was not wanting any trouble, but he would shoot any man that would not stay away.

Q. Have you, yourself, ever made any efforts to prevent the men employed at the agency from holding improper intercourse with the Arapahoe women?

A. I have not. I could see no way to do it myself.

Q. Is it not a matter of common report that such things are taking place frequently?

A. Yes, sir; it is something I have always heard from the Arapahoes.

Q. Have you ever discharged any man from your employ who was charged with that offense?

A. No, sir; I have never known of any of my employés being charged. I have heard of it being done by the soldiers.

By Mr. FAULKNER:

Q. Has no authentic case come to your knowledge of such improper intercourse with Indian women by the employés of the agency, directly or indirectly?

A. No, sir.

Q. You say you have made no attempt to correct these evils?

A. Up to this time it has been very difficult for me to attempt anything of that kind. The Indians now are getting into a state that something can be done, and they can be disciplined.

Q. Do you say it is an admitted fact that such things have taken place at the agency?

A. Not at the agency, but I don't know what the men may do when they get out among them.

By Mr. HOWE:

Q. What has been the practical difficulty to prevent some efforts to be made to remedy this evil?

A. It was, first, the wild disposition of the Indians. A great deal of the time while I have been there a man could not go out alone among the Indians. The next difficulty arose from the class of men that I have been obliged to employ to do the work. I cared more for a man that could stand by me and handle a pistol than I cared about his morals.

Q. Did you understand that the temper of the Indians was such as made it unsafe for you to attempt to break up such practices? Did the Indians favor such practices?

A. I don't know that they did, except that of white men taking Indian wives; they did favor that. Among the Arapahoes this practice has been a common matter for years, but among the Sioux it has not; that is, I don't know that it has existed. I don't know of anything of this kind being done at the agency. I don't know the practice to be common, though it is reported to have been so for fifteen years.

Q. Do you understand it to be common among the Arapahoes?

A. I don't know anything about it, except by common report.

Q. Is it the common report that the practice prevails among the Arapahoes?

A. Yes, sir; it is.

Q. Now, do you understand that the Arapahoe Indians would resent an attempt on the part of the Indian agent to put an end to this practice?

A. No, sir.

Q. Then the Indians themselves do not interpose any obstacle in the way of your breaking up the practice ?

A. They do.

Q. What obstacle do they interpose ?

A. Any change or interference with the men who live among them, or in general terms, any change of affairs which affects them.

Q. The men we speak of don't live among them ; it is the employés of the agency we are speaking about.

A. I don't believe that the employés are generally guilty of such practices of commerce with the Indian women.

Q. Do you believe, then, that that commerce is confined to the white men who live among the Indians entirely ?

A. I suppose not entirely, but men may come in there. There are people coming in and traveling through all the time, and there are the soldiers who are stationed there ; they all may do so. I don't know of it. I don't know whether any person has ever been in that camp. There is a common report that such is the case. I have had no specific information or charges against any person. I never heard of any one individual doing so, except the case of the Sioux speaking of the soldiers. I don't believe anything about it, because I don't know anything about it. If it is common it is not confined to those who live among them, but to the teamsters and people who come with the trains and the soldiers and persons of that kind. The accusations have not been brought against any persons, except the general report that the Arapahoe women are prostitutes, and that is all I know of it.

Q. And you have taken no steps to ascertain with whom that prostitution is carried on ?

A. No, sir ; I have not.

Q. Now, Doctor, you say another difficulty in your way of investigating this matter is that you cannot dispense with the services of some of your employés ?

A. That has been the case for the last two years. I speak not of any particular man, but of the class of men I have had to employ there.

Q. But you say you don't believe your employés practice that intercourse ?

A. Well, what I meant to say is that none of them are particularly addicted to it. They may practice it possibly without my knowing it.

Q. Do you not believe that your employés practice that intercourse ?

A. I say that I don't believe they do.

Q. Now, if the employés do not practice that intercourse themselves, then the indispensability of their services does not present an obstacle to your breaking it ?

A. The necessity for employing these men is an obstacle, not because they practice that intercourse, but because they will not aid in investigating and exposing the practice.

Q. How many of those squaw-men have you in your employ ?

A. Ten, I believe.

Q. How are they employed ? In what capacity ?

A. Well, one man that you met is called a squaw-man, and is my clerk ; that is, he married a half-breed ; the next is the butcher and the sawyer ; the next are the two herders, the blacksmith, and one interpreter ; that is all I can think of.

Q. Have you the authority of any law for the employment of all these persons at the agency ?

A. I have the authority only of the Secretary of the Interior. I be-

lieve there is no law prescribing them except the orders and regulations of the Department.

Q. Out of what fund are those employés paid ?

A. They are paid out of different funds ; part of them out of the fund for employés ; another out of the fund appropriated for interpreter or clerk, and some others are paid from the incidental fund ; and two are now paid out of the beneficial fund. They are employed for the purpose of teaching the Indians, and aiding them in commencing their work of farming, and showing them how to plow. They have been employed for two months.

Q. Have you a fund or appropriation made distinctively for employés ?

A. No, sir. In transmitting funds to me the Interior Department instructs me as to what persons or employés are to be paid. I send a report of every change of employés which I make. I am not certain whether the law in making appropriations uses the expression "employés" or not, but it is used by the Interior Department in their instructions to me, and I keep the account under that head.

By Mr. FAULKNER :

Q. Does the Secretary of the Interior, in transmitting that amount, indicate the amount of salary to be paid to each employé ?

A. No, sir.

Q. What salary do you pay your clerk ?

A. He was paid \$1,200 per annum until the 1st of July ; since that time he has been getting \$1,000.

Q. Is that amount allowed from your own judgment of his services, or does it come from any order of the Secretary of the Interior ?

A. It comes from the Commissioner of Indian Affairs.

Q. Do you regard your present clerk as a competent clerk ?

A. Not such a one as I would like. I would like to have a man more competent to keep accounts—quicker and more accurate.

Q. Ought not that salary of \$1,000 enable you to employ a competent and skilful clerk at the agency ?

A. I think not, but I propose to try.

By Mr. HOWE :

Q. You say that clerk is paid out of the incidental fund ?

A. Yes, sir.

Q. Have you an incidental fund appropriated by law ?

A. Yes, sir ; I think it is by law for the incidental expenses of different agencies.

Q. Have you a fund appropriated for the incidental expenses of your agency ?

A. Yes, sir ; that is my recollection.

Q. Who are the men you say are paid out of the beneficial fund ?

A. There are two men who, I understand, are paid out of the beneficial fund ; they are those men who were employed to assist the Indians this spring in their work, and two of them are still employed in assisting them in haying.

Q. You say you understood they are paid out of the beneficial fund ?

A. Yes, sir.

Q. You pay them yourself, do you not ?

A. Yes, sir ; it is sent to me in that way for beneficial purposes.

Q. Do you know what that appropriation was last year ?

A. I do not.

Q. I want to ask you a question or two about that saw-mill. Do I understand you to say that it will not cut more than 3,000 feet per day ?

A. No, sir; it will not, under the most favorable circumstances, cut more than that much.

Q. What was the cost of the mill?

A. I don't know. It was bought before I went there.

Q. What is the size of the engine?

A. It is a fifteen-horse-power.

Q. What are the dimensions of the cylinder and the length of the stroke?

A. It is a "Blandy" fifteen-horse-power portable saw-mill.

Q. How large a saw do you run?

A. I think it is a 32 or 34 inch saw.

Q. How many men do you employ in the mill?

A. It requires six men in the mill, including the engineer, and usually one man for stacking lumber and in scaling and getting logs on the ways.

Q. Can you describe what particular labor those different men perform?

A. Well, one is the engineer, one is a sawyer and saw-setter, another I think they call the scaler, another wheels the sawdust, another man carries the lumber to the mill, and there is another man employed in snaking the logs and getting them on the ways and stacking lumber.

Q. When did you say you applied for this permission to purchase oxen, cows, and wagons for the use of the Indians to engage in agriculture?

A. It was last winter some time. I don't remember the date without referring to my letter-book. It was some time before the permission was given to purchase them.

Q. Well, when was that permission given?

A. I don't remember now.

Q. When did you make the purchases of Mr. McCann?

A. I had one paper which if I could get I would make some calculation, and could tell you, but I can't remember dates. It was before Professor Marsh was here.

Q. Well, what time in fact did you get the oxen?

A. I got the oxen in September or October. The permission was granted some time in the latter part of the winter or spring of 1874. Then I had to purchase other things to get those Indians to work in the spring, and when the permission came it was very late in the spring, and I was in a hurry to get some cattle for the purpose of breaking some ground for the Indians, and for this purpose the contract was made; and when we failed to get the cattle, I used the agency team to break some ground for the Indians. The Indians were very much dissatisfied and discontented in not getting the oxen and wagons, and accused me of making promises which I did not fulfill, and I then made the application to the Department. I don't remember the date. I purchased those oxen and wagons, as I stated, in open market. They were purchased and brought to the agency, I think, in the latter part of September or the first of October. I can't place the dates. The wagons were brought at the same time. There were twenty yoke of oxen and ten wagons.

Q. Now, to whom were these oxen delivered?

A. They were delivered to me.

Q. To whom did you deliver them?

A. I delivered them to the Indians; part of them I kept on the range with the herd in the winter.

Q. How many pairs of those oxen did you deliver to the Indians?

A. I think I delivered at different times sixteen pairs. Four pairs either died in the storms of that winter, were killed by the falling in of a bank, or were killed by the Indians. Two of them were lying upon a high bank, and another one went on top and fell down and killed two of them.

Q. To which of the Indians did you deliver the sixteen pairs of oxen ?

A. To different Indians. I don't remember their names. I gave Big Foot one pair. Yellow Hair and his party altogether got five pairs. I don't remember the names of the men in his party. I gave Grass one pair and I gave Red Dog one pair.

Q. When did you deliver those oxen to those Indians ?

A. I delivered them at different times, from the time they were received on until winter ; while some of them that were kept over I delivered this spring.

Q. What evidence did you take of the delivery of those oxen ?

A. I took the receipts of the Indians and the certificates or affidavits of those who witnessed the delivery.

Q. What did you do with those receipts and affidavits ?

A. I sent them to Washington.

By Mr. HOWE :

Q. Those oxen, I understand, have been purchased to enable the Indians to carry on the business of agriculture ?

A. Yes, sir.

Q. Where is Big Foot's farm which he is carrying on now ?

A. It is on the Little White Clay River, about three miles from the agency.

Q. How much of an inclosure has he ?

A. Not a great deal ; about three or four or five acres inclosed. It was inclosed last spring. He has built all the inclosure.

Q. Did he plow it with the oxen which you let him have ?

A. I don't know ; I believe he did.

Q. Did you ever see him work the cattle ?

A. No, sir.

Q. Do you know what has become of the oxen ?

A. He has them still.

Q. You know where they are ?

A. I don't, unless I went to look on the range. He was using them when I saw them last.

Q. What was he doing ?

A. I don't know what he was doing.

Q. Did five of Yellow Hair's band take farms ?

A. Yes, sir.

Q. Where are those farms located ?

A. They were on the creek, twelve miles from the agency.

Q. How large were the farms ?

A. Well, there were one hundred and sixty acres. That is to say, there were no farms laid off for them separately ; there never has been. They all moved upon the creek for the purpose of making a start in agriculture and farming, and they went to work and broke up about thirty acres and put it under cultivation. They are all together. The difficulties in getting these Indians to go to farming is to get them separated. They all go together.

Q. When were those thirty acres broken up ?

A. Part was broken up, but not altogether, last summer, and part last spring.



Q. How much was broken up last summer ?

A. I don't remember, but think about half of it.

Q. Was there anything raised on that ground last year ?

A. Only a small quantity of corn and pumpkins.

Q. About how much, Doctor ?

A. I don't know exactly how much. A portion of their crop failed from the drought and was no good. Part of it grew up, but did not get ripe, and they used it green, not waiting for it to mature.

Q. How was that ground broken ?

A. Part of it was broken by my team, and part was broken by some men who live among the Indians and had teams.

Q. How was the balance that was done this year ?

A. It was broken by the teams given to the Indians.

Q. Who furnished the plows with which this breaking was done ?

A. The Government.

Q. When were those plows furnished ?

A. Last spring.

Q. How many plows did Yellow Hair's party have ?

A. I only gave them the use of the plows, as they were breaking it up. I purchased six plows, and retained them in my custody.

Q. Who drove the oxen and held the plows at this breaking last spring ?

A. I was away at Washington with a delegation of Indians, and don't know. There were four men employed by me to endeavor to get the Indians to work, and to teach them to drive oxen and hold a plow, but who drove I did not see ; I left that with the farmer. The grasshoppers almost destroyed all their crops this year.

Q. Are those five pairs of oxen which were given to Yellow Hair's party still in existence ?

A. The five pairs given to Yellow Hair's party last fall were turned over to Todd Randall to keep during the winter. This spring Yellow Hair's party divided. Frank Salway got for Yellow Hair a part of the oxen and the others were gotten by Yellow Hair's party, as I understand, if they are still in existence. They may have died during the winter. Todd Randall is a relation of Yellow Hair's—that is, his wife is. Frank Salway lives at the agency. He was out cutting hay for the agency while the commission was there.

Q. How many of those sixteen pairs of oxen which were delivered to the Indians last fall do you know to be in existence now ?

A. I only know just now, by having questioned the Indians about them the other day, of seven pairs. And when I left the agency I ordered the clerk to go and hunt up all those oxen and see where they are.

Q. Has these thirty acres which you say were plowed by Yellow Hair's band been inclosed ?

A. Yes, sir.

Q. By what kind of a fence ?

A. Well, by a bowlder fence ; not a very substantial fence, but such as we have there ; it was inclosed by the Indians themselves and a man who assisted them.

Q. Who was that man ?

A. It was a man named Bridgeman.

Q. Who employed him ?

A. I employed him.

Q. Out of what fund did you pay him ?

A. Out of the beneficial fund.

Q. To whom did you deliver the ten wagons ?

A. I delivered them to different Indians, in the same way I did the oxen.

Q. Can you name any of the Indians ?

A. Most of them to whom I gave the cattle ; Yellow Hair, one ; Red Dog, one ; Big Foot, Grass, and Day, got one together. I don't remember the other names now.

By Mr. HARRIS :

Q. What use did they make of them ?

A. Well, they used them in coming down to the agency and for hauling wood, and for coming to the agency for their rations, and in moving about generally. I find the use of oxen by the Indians to be a failure. And they have got harness to use wagons with their ponies, and I have recommended that no more oxen be given them, but that wagons and harness be given instead.

By Mr. HOWE :

Q. Doctor, since you were compelled by the treaty to give oxen and wagons to those Indians to aid them in farming, why did you not give cows ?

A. Well, I thought we would try the experiment of using the oxen and wagons first, and if they used those we would give the cows afterward. And another reason was the difficulty of keeping cows during the winter.

Q. Now, I understand that, having failed to get oxen for the Indians, or in getting them in 1874, you did the breaking for these farms with the agency team ?

A. Yes, sir.

Q. What does the agency team consist of ?

A. Mules.

Q. How many ?

A. There are twelve mules.

Q. How long have you owned that team ; that is, the agency team ?

A. Most of them were transferred to me by Dr. Daniels ; all but four. Those four I purchased myself last summer.

Q. Eight you received from Dr. Daniels and four you purchased yourself ?

A. Yes, sir.

Q. Have you the same eight mules you received from Dr. Daniels ?

A. Yes, sir.

Q. What use do you put those mules to ?

A. I put them to harness at the agency in hauling, generally about the mill, and in the spring plowing ground about the agency for a garden.

Q. Out of what fund did you pay for those four mules ?

A. I paid for them out of the fund I know as the incidental fund.

By Mr. ATHERTON :

Q. What connection, Doctor, had Todd Randall with Big Foot relative to his pair of oxen, or in what transaction are those two connected ?

A. I don't know of any he had with Big Foot.

Q. Did not Big Foot last winter turn over his oxen to Todd Randall ?

A. If he did, I did not know it.

Q. Did not Big Foot state to you a week or two ago that he had turned over his oxen to Todd Randall to keep for the winter, but had not received them back again ?

A. No, sir; it was not Big Foot, it was Yellow Hair that said that to me.

By Mr. HARRIS:

Q. Has Todd Randall ever returned the cattle he received from Yellow Hair's band?

A. Todd Randall says that he turned them over, with his own oxen, all to Rooks and Bowman, to keep through the winter. In the spring I directed the farmer to see that those oxen were delivered over to the Indians to work. Two pairs of them I know were delivered to Frank Salway according to my orders, and the other three pairs I supposed had been received by those men, as they had never said anything more to me until Yellow Hair spoke to me about them.

By Mr. ATHERTON:

Q. Has not Yellow Hair recently complained to you about these cattle having never been returned to him?

A. Yes, sir.

By Mr. HOWE:

Q. Why did you order two pairs of the oxen which belonged to Yellow Hair's band to be delivered to Frank Salway?

A. Yellow Hair with some others had gone with Frank Salway to commence farming, and the two pairs of oxen which belonged to them I ordered to be delivered over to Salway.

Q. Did you employ Salway?

A. Yes, sir. I did during the spring. He is not employed now.

By Mr. FAULKNER:

Q. Did you report to the Commissioner of Indian Affairs all the property and effects belonging to the Government or to the agency at that point?

A. Yes, sir; I did.

Q. Is the Commissioner of Indian Affairs aware that you have twelve mules at that place?

A. Yes, sir.

Q. How many carriages have you of all sorts at the agency?

A. Four.

Q. Describe their different character.

A. There are two wagons, one ambulance, and one spring hunting-wagon.

Q. Are there any horses at the agency belonging to the Government?

A. Yes, sir.

Q. How many?

A. Ten.

Q. What are they employed at?

A. They are employed in herding cattle and in riding about the reservation and the agency on business connected with the agency.

By Mr. HOWE:

Q. Out of what fund are these horses and wagons paid for?

A. They were paid for out of a fund sent me for that purpose. I put them on my books as incidental funds. I never purchase anything until I get permission from the Department. I have to state the price of everything, and it is then passed upon by the Commissioner, and funds transmitted to me for the purpose.

By Mr. FAULKNER :

Q. Don't you think the number of horses and mules could be greatly economized ?

A. Yes, sir. It is my purpose to sell four of those mules ; and there is one horse that might be dispensed with. He has been crippled in herding. Horses are used up very rapidly in that business.

Q. Is there sufficient work at an agency like yours to employ ten horses and twelve mules ?

A. No, sir ; but there is work enough to employ eight mules and eight or nine horses. I have to have horses for many purposes. The farmer has to have a horse all the time, and I have to send my men all around the agency for miles.

CHIEYENNE, W. T., *Tuesday, August 24, 1875.*

Present : Hon. THOMAS C. FLETCHER, chairman ; Prof. GEORGE W. ATIERTON, Hon. CHARLES J. FAULKNER, Hon. B. W. HARRIS, and Hon. TIMOTHY O. HOWE.

The examination of Dr. J. J. SAVILLE was resumed.

Dr. SAVILLE. I want to offer a little excuse for myself yesterday. I am subject to nervous spells and sick headache, and I was suffering from it yesterday. I would like to correct one or two things which I said yesterday, which I find, upon thinking about, I can clear up a little. I want to call your attention to the statement of Mr. Walters in regard to my books being made up from memoranda in my pockets. I wish to correct my answers in regard to this, and also about the contract with Mr. McCann for the wagons, horses, and oxen, &c. There was no contract made with Mr. McCann. I did not advertise for bids, for the reason I had made inquiries upon the price of oxen in Missouri and Iowa, and I came here and saw the oxen, or a part of them, that were to be furnished, and had a description of the cows, and understood that the contract for them was completed, or would be completed in a short time, and I went to the agency and then wrote the letter to the Commissioner of Indian Affairs, in which I spoke of having purchased those things just as a merchant would speak of having purchased goods after having ordered them and had not received them. In regard to charges of Mr. Walters, I will say that they were investigated by the commission of which Bishop Hare was chairman, and the evidence is now on file in the Indian Office, and can be seen there.

By Mr. HARRIS :

Q. I want to ask you what goods, if any, are weighed at the agency on their arrival in the trains ?

A. We always weigh bacon and corn and flour and coffee. Goods that are put up in packages and inspected by the inspector, and the weights marked on the package, we usually take as they are marked, unless they show evidence of having been broken, such as annuity goods. We take the weight of sugar and tobacco.

Q. In 1873 did you pursue the same or a different system ?

A. In 1873 we did the same, except we were not so careful in regard to flour. It came in one-hundred-pound sacks, and we did not weigh it, and they drew it at the wagon, unless there was some appearance of it having been broken open. Now we weigh it all.

Q. Had you any idea that flour was coming in short weight designed to pass for full weight ?

A. Yes, sir. I ascertained that flour was coming to the agency in short weight. I know no reason for it.

Q. Did that first happen, as far as you know, under the Martin contract?

A. Yes, sir.

Q. Did you ever know of any flour coming in short weight to the agency except that of the Martin contract?

A. No, sir; I think not.

Q. Has ever any flour of short weight been received at your agency and counted as one-hundred-pound sacks?

A. No, sir; I think not.

Q. Who first made known to you, or where did you first get the information, that flour was coming, under the Martin contract, in eighty-eight-pound sacks?

A. Mr. Palmer, the store-keeper here at Cheyenne, first called my attention to the fact. I don't know whether he first detected it by weighing it or not.

Q. Then, so far as you know, was not that flour designed to pass for one-hundred-pound sacks?

A. Yes, sir; so far as I know.

Q. Did the contractor, or any of the employés, give you to understand that he was shipping flour of short weights?

A. No, sir.

Q. When you first learned of this short weight what did you do?

A. I gave orders to the store-keeper to receive no flour in less than one-hundred-pound sacks without orders from the Commissioner of Indian Affairs to do so, and directed the store-keeper to communicate to the Commissioner of Indian Affairs, which he did, and the Commissioner wrote him a letter which stated that it made no difference, provided the weight of the flour was certified to by the inspector.

Q. Was that at the time that Mr. Long was first appointed inspector?

A. Yes, sir; Major Long was the inspector then.

Q. Prior to the appointment as inspector of Major Long, did not a large portion of that flour pass without being noticed by anybody?

A. No, sir.

Q. Do you know whether any portion of that flour was received at your agency as one-hundred-pound sacks before the fraud was detected?

A. I do not; I have no reason to suppose so. The last car-loads, the first that was received there, was sent up billed at so many sacks of one hundred pounds, and there were two or three sacks put in over the count, so that the weight was correct, but the count was over. I received none as one-hundred-pound sacks, unless it was received by the clerk without my knowledge.

Q. Now, you say that all goods, except those like sugar, and packages of dry goods and tobacco, have been weighed by you on their arrival at the agency before your receipt was given to the contractor for transportation?

A. Yes, sir.

Q. What method of keeping the beef-account, between yourself and Mr. Bosler, existed in the year 1873? I would like to have you state particularly all the books that were kept and the whole process.

A. There was only one book kept by me in which I entered the beef received as receipted for in the office; it was the book of gross weights and numbers.

Q. Was there a period in October or November, 1873, when you had no such account?

A. No, sir.

Q. It is stated by Mr. Walker that neither you nor your clerk could give the amount of cattle or goods received without calling upon George M. Bosler.

A. I remember the charges. I never called upon Mr. Bosler for such things. I never saw Mr. Walker. Frank Appleton was my clerk at that time ; he was killed afterward by the Indians.

Q. What was your manner of keeping account of the beef issued about the time he was there ?

A. I made up a list, and issued on this a certain number of cattle, and there were a certain number issued on orders to Indians that were camped a distance from the agency, and the entry in the book was made up from this memorandum. The list and the orders before each issue was made up in the whole, without keeping in detail the number of head that were issued, during the eight or ten days, at different times. I will furnish you with a full transcript of beef issued by me in 1873, and also a transcript of beef issued since I took charge of the agency.

Q. Have you the record which Appleton himself made ?

A. Yes, sir ; he may have written upon it.

Q. Has that book been changed or altered in any respect since Walker's report ?

A. No, sir.

Q. Have there been any different entries in that book ?

A. No entries have been made since the time Appleton was there which apply to the time he was there.

Q. Is any permanent record kept of the supplies issued to each band of Indians or each head man ?

A. No, sir.

Q. How do you determine the amount of supplies which you issue on any given day ?

A. If I have a full supply of rations on hand, I make up a full ration of each kind for each Indian. If I am short of any article, I divide it *pro rata* among all the Indians ; then, on issue-day, as the tickets are brought in, the goods are issued according to that plan and a record made up at the end of the day's issue. I figure up the number of rations of each article issued and keep a record of that. That is the only means I have for determining the balance of goods on hand or of the amount issued.

By Mr. ATHERTON :

Q. On a previous examination you have testified that you have never made any over-issues to cover back deficiencies ?

A. Not of rations ; I have of beef.

Q. It follows, then, that all deficiencies of that kind are permanent losses to the Indians ?

A. Yes, sir.

By Mr. FAULKNER :

Q. Doctor, I want to inquire of you if you are able to state what was the number of children within three miles of the agency between the ages of eight and eighteen ?

A. I could not tell without seeing the lists.

Q. Have you ever made any effort while you were there to establish schools for the education of the Indian children ?

A. Yes, sir.

Q. What efforts, and with what success ?

A. I have all the lumber sawed for a school-house. It is not my duty

to establish schools; the missionary board establishes the schools and employs the teachers, and the Department furnishes the school-house and a teacher. I only carry out the orders of the Department with regard to these matters. I have received orders to build a school-house, and have the lumber sawed out ready to erect the school-house, and have received a copy of a contract between the Commissioner of Indian Affairs and Bishop Hare, by which he is to furnish a teacher for the school. Bishop Hare is to perform a certain part in the establishment of a school, and the Commissioner is to furnish that which the Government agrees, which is to build the school-house, pay the teacher, and give a ration of food a day for each child attending the school, which is to be delivered over in bulk to Bishop Hare or his agent.

Q. When do you calculate to be able to have that school-house erected and the school established?

A. I can have it up in four or five weeks; just as soon as I get time.

Q. Who do you look to for the selection of a teacher?

A. To Bishop Hare and the board of which he is a member.

Q. Does the Government make any appropriation yearly for the teacher?

A. I don't know.

Q. What are the terms of the contract between the Commissioner of Indian Affairs and Bishop Hare?

A. Well, I looked over it rather casually. I can remember only the facts which I have told you—that the rations are to be delivered for the number of children attending the school. The teacher is to be supplied with certain books, I think, by the Government. There is a copy of the contract on file in my office, and you can see it.

By Mr. HARRIS:

Q. I would like to know whether, in the delivery of beef or other supplies, you have made any distinction between chiefs and head men in the amount of their portion?

A. Yes, sir. The chiefs, after their custom, are usually expected to entertain a large number of their followers, and have been accustomed to have a large supply on hand to be able to entertain their friends in their wild state coming to the agency. This custom is so fixed upon them that we have to yield to it to a certain extent, and furnish the chief or head man of a band an extra amount of rations.

Q. Who determines the difference between one head man and another, or between the chief and his men?

A. I do.

Q. And you determine to whom you will give the most?

A. Yes, sir. I make it even with the head men themselves; that is, give them one extra ration for their families. I treat all the head men alike. I don't give the soldiers anything extra. To Red Cloud, Blue Horse, High Wolf, and other head men I give more rations than the rest.

Q. Do you mean to say that you give those head men in the same proportion? Do you give one head man just as much as another?

A. Yes, sir. I have never made any distinction in giving one more than other. I have never heard any complaint that I have done so. I have been breaking down the system of giving extra rations as much as I can, and now I have almost broken it up.

Q. Can you show by your records to what chiefs and bands cattle have been issued, and the numbers to each, since you have been at Red Cloud?

A. I cannot.

Q. Have you that record for any portion of the time ?

A. Yes, sir.

Q. For what portion ?

A. For the last six months. I keep now a record of my issues of beef to all the bands.

Q. Were there any cattle receipted for in October, 1873, which you did not see yourself ?

A. Yes, sir.

Q. What was the date ?

A. I don't remember the date. I think that I saw a portion of all cattle that were receipted for on any receipts at that time, although I did not see all of them.

Q. At any time has there been an allowance made to the contractor for shrinkage in his cattle by reason of over-driving ?

A. No, sir ; not to my knowledge.

Q. Now, have you been told or have you information that Mr. Appleton ever made such an allowance ?

A. No, sir. I have no information that Mr. Appleton ever made such an allowance. I have heard it said that he did. It was said by a party that knew nothing about it ; but no such allowance was ever made.

Q. It has been asserted by some persons that Mr. Appleton, in November, 1873, made an allowance to Bosler of thirty-five pounds each for cattle received for over-driving. Was that ever done with your knowledge or consent ?

A. No, sir.

Q. Did Mr. Appleton ever tell you that he had done so ?

A. He did not advise me that he ever did so. That was Mr. A. B. Appleton, now residing at Sioux City. I requested him to come here before you started from the agency, but he had not time to get here before you would leave, and I told him not to come. There is no record on that subject on my books. I pay my employés by checks. I keep my deposits in Omaha, in the First National Bank ; it is selected by the Department as my depository. I keep no deposits in Cheyenne. Omaha is five hundred miles from Cheyenne and six hundred from Red Cloud. My employés have sold their checks to the traders. I have never known of the checks being shaved at Red Cloud at five or ten per cent. discount. I don't know that it ever has been done ; most of the men are indebted to the traders to a certain extent at the end of the quarter, and they, the traders, take their checks.

Q. Are the books and accounts of your predecessors in your possession ?

A. None of them have been left with me.

Q. Have you a set of books, which you consider to be entirely correct, all to be left there ?

A. Yes, sir ; the law requires me to keep but one book, upon which shall be entered all articles purchased for the agency. All the books that I have there are books that I have gotten up myself from my own ideas of what was necessary ; and I will say that it is one thing that is important, I think, for the agencies, that the Department should prescribe the system of books for the agencies, to be left there, and the forms upon which they shall be kept. If I had had such regulations and the forms of keeping those books when I first went there, there would not have been the distraction in the records which now exists ; but, not knowing the business and the necessities of the service, I had to get up books just as the necessities arose. I could now get up such books as would



keep a perfect record for the agency, and I suppose there are some men who have experience at the Department who could do the same thing.

By Mr. FAULKNER :

Q. Can you assign any reason or any explanation of the fact that your agency has been singled out in the most systematic manner as a point of attack ever since you have been in that agency ?

A. A large portion of it is incomprehensible to me. There are some facts, however, in regard to matters which have occurred in connection with the agency which I will state. First among these is this: When I first went to the agency, Mr. William Welsh took a very active part in what he termed detecting frauds at the agencies, and wrote me a letter, in which he stated that he wished me to act the part of a detective upon the officers of the Government which were over me. I made no reply to such letters. Soon after I got to the agency, a large number of those wild Indians came down, increasing the number of Indians to be fed at the agency about double those which had been estimated for, and I was compelled to give them rations. I wrote to the Department, asking instructions. I was told to give them rations. As soon as my receipts were in there, this man Walker was sent out there to the agency, to, it seems, make a report upon the agency, and his report looked as if he had gone out there to make up a case without regard for truth. Another thing: When I first went to the agency, Mr. Jules Ecoffee was the trader at the agency. He had gotten into a difficulty between two parties of Indians, one of which was for him and the other against him. And at that time a keg of whisky was taken from his store and destroyed by the Indians, and the Indians met him as he was going to Fort Laramie, and ordered him out of the country, and demanded of me that another trader should be appointed. This I reported to the Department, and Mr. Ecoffee's license was revoked, and Mr. Todd Randall was appointed trader. General John E. Smith is a particular friend of Mr. Ecoffee's, and seems to have taken up his cause, at least in feeling, if in no other way; and during the time of the excitement, along in the winter, after Mr. Walker's report, made another report, stating that I was issuing beef in such quantities that it was left to rot on the prairie, the Indians taking only the hides, and trading them for guns and ammunition. I received this statement from the Commissioner of Indian Affairs by telegraph, asking me if it were so. I telegraphed the Commissioner of Indian Affairs that the statement of General Smith was false in every particular. This was a very opposite issue between General Smith and myself, and was the origin of the large portion, I suppose, of the feeling of the Army officers, which has caused them to enter so zealously in this matter against Red Cloud agency. I think that, coupled with the desire of a certain portion of the Army officers to have the Indian business transferred to the War Department, has been the origin of this fight here on me. I think, too, that the importance of the agency, it being a very large one, has had something to do with it, together with the fact that many of those individuals have held office, and wish to break down the peace-policy, and look upon Red Cloud agency as the most vulnerable point to attack the Indian business. That is about, in general terms, my idea of the whole causes of making Red Cloud the center of attack. Although it has not been entirely confined to Red Cloud agency, that has been the central figure in the contest. And if you will allow me to add, for myself, it has been the cause of embarrassment to me; it has been the cause of dissatisfaction and disaffection among the Indians; it has been the loss of money to the Government; it

has made it more difficult for me to carry on the business of the agency, and obstructed work that could have been accomplished there had these attacks not been made. I can say now that I would have had at Red Cloud agency thirty or forty families in houses; I would have had the agency completed, and a school-house there, and possibly a school, with the same amount of money that has been expended there, if it had not been for these troubles.

By Mr. FAULKNER :

Q. Don't you think, under all those circumstances, that the best interests of the service would be promoted by changing you for some other agency, and putting some other person in it ?

A. Yes, sir; I made up my mind on that subject when I was in Washington last summer, and have acted accordingly. I feel, as I stated in my letter to the Commissioner, that these attacks upon me have weakened my influence with the Indians. While I do not believe that the Indians will ever be satisfied with any agent that would undertake to carry out the law and his duty fully, still, there has been a considerable feeling worked up against me among some of them. While most of them are my friends, and insist upon my remaining there, others feel very bitter toward me.

By HARRIS :

Q. There is in the warehouse a large quantity of corn which has not been inspected; will you state the amount ?

A. I don't know the amount. There is one train-load. I think there are about 250 sacks, at 150 pounds to the sack, which make 37,500 pounds. I am not sure, and I will correct this statement if I find it to be wrong.

Q. On whose contract was that corn forwarded ?

A. John E. Baldwin's. It has not been weighed at the agency; it possibly has been weighed, but not officially.

Q. Do you know whether you have given receipts to Mr. McCann for the transportation of that corn ?

A. Mr. McCann did not transport it. Mr. Baldwin's contract provides that he shall deliver the corn at the agency. I permitted it to be placed in the warehouse without receiving it or receipting for it, and notified the Department, and have received instructions concerning its inspection. The instructions were to request the commanding officer at Fort Robinson to appoint a board of survey to inspect and receive it. I have made that request to the commanding officer, and he has informed me that he could not appoint such a board without higher authority; and I had to return his answer to the Department, in order to get orders from the Secretary of War. There is more corn due on the Baldwin contract. I don't recollect how much.

Q. Do you judge it to be judicious to supply corn to the Indians ?

A. Partly, yes, sir; I think it would be better, as I have reported already to the Commissioner, to have a corn-mill and grind it there at the agency.

By Mr. ATIERTON :

Q. What was the longest period during last year in which there was no issue of beef ?

A. I cannot tell the exact time; but think it was eighteen days.

Q. Are you confident that there was no longer period than that in which there was no beef issued ?

A. I could not say positively, but I think that was the longest period.

Q. Can you state any more accurately in regard to any other supplies than beef?

A. No, sir.

Q. In reporting the affair of the flag-staff to the Department, what instructions did you receive?

A. I received instructions from the Commissioner to cause those Indians to bring in a new staff and erect it there, if I had sufficient force there to do so.

Q. What action did you take or what answer did you make?

A. I returned an answer, and sent copies of the correspondence between Major Mear and myself in regard to the force he had at Camp Robinson, showing that it would be impracticable to carry out the Commissioner's instructions. I will say, that if I had had the workmen then to put up the flag-staff I could have done so. The young men and soldiers came to me and said if I wanted to have a flag-staff put up they would protect me; but I had no workmen there to do it.

By Mr. HOWE :

Q. Doctor, have you had any teachers at the agency heretofore?

A. No, sir.

Q. Has there been no appropriation heretofore for that purpose?

A. My recollection is that the appropriation is a permanent one for schools. The funds under which I get money are as follows: Pay of agents, pay of interpreters, pay of employes, incidental expenses, and beneficial purposes. I enter them on my book under those heads, and pay out of those funds for just such things as I make requisition for; but how they are managed at Washington I don't know, nor do I know how they are appropriated.

By Mr. FAULKNER :

Q. Can you recollect what the amount of this beneficial fund is at your agency?

A. It is irregular. The Commissioner of Indian Affairs fixes the amount.

Q. Is not the school-fund included in the beneficial fund?

A. I don't know.

Q. Have you any discretion, yourself, in the expenditure of the beneficial fund?

A. No, sir; it is all prescribed by the Department at Washington.

By Mr. HOWE :

Q. Doctor, have you any duties devolving upon you as agent other than to receive the various supplies purchased for distribution at that agency, and to make that distribution?

A. Yes, sir, I have other duties.

Q. What are they?

A. Under the instructions from the Commissioner of Indian Affairs to do and perform any acts or work to promote civilization among the Indians.

Q. Is there any practical difficulty in the way of your keeping an account by a system of your own of the supplies received, so that you can be able to tell at any time, or at all times, that you have received just the amount of supplies belonging to the agency, and show with such accuracy as a merchant can show that he has received exactly the invoice that he purchases year by year?

A. No, sir; there is no practical difficulty in the way of doing that except the clerical labor, or want of sufficient competent clerical force to

keep such a system of books that would show all those items as a merchant's books show them. There is perhaps a practical difficulty there.

Q. Do you mean to say that you had not sufficient clerical force ?

A. No, sir, I had not.

Q. Have you asked for additional clerical force for that purpose ?

A. No, sir, I have not.

Q. Have you not always been able to devise a plan by which you could show the distribution of the various supplies you received, with such accuracy and certainty as a merchant can show the sales of his goods ?

A. I believe that I do that now.

Q. Have you always done it ?

A. No, sir, not at first; not with the same accuracy that we do now.

Q. When was the system in which you are now keeping your books first adopted ?

A. I commenced the first of July, 1874.

Q. Since the first of July, 1874, your books will show accurately the distribution of all the goods of every description which you have received at that agency for that purpose ?

A. No, sir, not of all. The books alone will not show the distribution of beef since that time to the Indians or head men.

Q. Will your books show the distributions of other supplies ?

A. Not of annuity goods or of rations; they will at the warehouse; the annuities were distributed and the amounts entered up as a whole, and not as a distribution as with the beef.

Q. Who is there connected with your agency who, if placed on the stand, could verify the accuracy of your books ?

A. The clerk, as far as the books are concerned, and the store keeper of the books he keeps.

Q. These two functionaries keep different sets of books ?

A. Yes, sir.

Q. Do these different books and different entries relate to the same transaction or to different transactions ?

A. The same transactions in a somewhat different form.

Q. So that one is a check upon the other ?

A. They are so intended.

Q. You state in addition to these duties of receiving and distributing goods and supplies, you are also charged with the duty of executing such orders as the Commissioner issues from time to time to promote civilization among the Indians ?

A. Yes, sir. These are contained in my letter of instructions.

Q. All the instructions you have received in that behalf are in writing, I suppose ?

A. Yes, sir; in writing or in printed orders or circulars. They are matters of record both in my office and in the Indian Bureau.

Q. Do you remember any one order or any one specific thing which you have been ordered to do by way of promoting civilization, beyond that of distributing supplies ?

A. No, sir, I do not.

Q. I understand you to say that in point of fact there has been no teacher employed at the agency up to this time ?

A. No, sir.

Q. There has been no attempt to open a school ?

A. No, sir.

Q. How large is this building to be which you are about to construct for a school-house ?

A. I am going to make a one-story house, 22 or 25 feet by 50 feet, with two rooms.

Q. What is that building going to cost?

A. It will cost, altogether, about twelve or fifteen hundred dollars; that and the stockade-fence around it. We have to build the fence to keep the children in and the others out.

Q. Are you building it upon contract?

A. No, sir; so far we have only sawed the lumber and purchased the logs, but whether it shall be built by contract or by the day, I propose to get instructions from the Department.

Q. What did the logs cost you?

A. Three hundred and fifty dollars, I think.

Q. How many thousand feet of lumber?

A. Twenty thousand feet, I think.

Q. You saw the lumber?

A. Yes, sir.

Q. The 20,000 feet you think will put up the building and the fence?

A. Yes, sir; that is the estimate.

There is one thing in Professor Marsh's charges which I would like to correct. The Professor states that I told him in presence of Bishop Hare that the cattle issued on the 14th of November averaged 850 pounds. The conversation was going on between Bishop Hare and Professor Marsh as to what average weights the contract required, it having been stated by Professor Marsh that the contract required 1,000 pounds, and which had been corrected by some person in the papers. Bishop Hare asked me what weights the contract called for, and I told him 850 pounds; he then said to me, "Will these cattle average that much?" and I answered, "Yes, and more." He then asked Professor Marsh if he thought they would average that much, and he said that he did not think they would average over 750 pounds. The bishop asked him if he could make an affidavit to that fact, and he said no, he could not. Now I wish to explain that I did not state that the cattle averaged exactly 850 pounds. I simply intended to state just the question that was asked me, that they would weigh that much. At the time the question was asked me, I did not remember how much the cattle averaged; I only remember the general fact that they averaged something over one thousand pounds, and if he had asked me how much the cattle would have averaged, I could not have told him at the time, and it is a mistake to say that I made such a statement.

#### DR. SAVILLE'S DOCUMENTARY EVIDENCE.

The following are the documents furnished by Dr. Saville, to which reference is made in his written reply to Professor Marsh's charges, and in his oral testimony:

##### ALLEGED OVER-ISSUE OF RATIONS.

*Complaint of S. R. Hosmer.*

ZANESVILLE, September 7, 1873.

DEAR SIR: Yours is received. Will say that I have very little doubt that the Government is paying for a very large number of rations at the Red Cloud agency more than there is Indians, and the only way to ascertain that fact is to send a special agent to go there, count the Indians, and also the number of rations that may be issued at

three or four different ration-days. As to the flour, you will be astonished at what I am about to state. The Indians don't make any use of flour, no more than though it was sand. I went into a great many lodges. In some I would find ten bags, others fifteen, and some as high as twenty, all of it having the appearance of being there for months; bags all turned black; used generally to lie or sit on. I don't see anything to indicate the use of any flour for the last twelve months. I see no sign of new bags, but I did see a stack a long distance in the prairie. I asked what it was, and was told it was flour. It was some distance off, but I took the time to go and see it, and I found not less than one hundred and fifty or maybe two hundred bags of flour in a stack without the least covering, bags all turned black, and the clerk informed me that it had been there over six months. Now, as flour is not used by the Indians, it seems to me that Dr. Daniels, if he had been a correct man, would have notified your Department of such fact; but I think there is a good show for dishonesty.

Truly,

E. P. SMITH, *Commissioner.*

S. R. HOSMER.

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*Agent Saville's Reply to the Above.*

RED CLOUD AGENCY, D. T.,  
September 27, 1873.

SIR: I have the honor respectfully to acknowledge the receipt of your communication of the 15th instant, inclosing copy of letter from Hon. S. R. Hosmer, charging that there is an overissue of rations at the agency; that the Indians make no more use of the flour than if it were sand; that he saw a large amount of flour in Indian lodges which had the appearance of having laid there for months; that he saw two hundred sacks of flour on the prairie, bags turned black, and the clerk informed him that it had been there for six months; and recommending that a special commissioner be sent here to count the Indians, and number of rations issued, &c.

In reply I will respectfully state that, as regards the first charge, I think perhaps at this time there is an overissue of rations, arising from the Indians claiming more families than they have in their bands. I have been making every effort to ascertain the correct number, but owing to the persistent refusal of the Indians to permit any person to number them, I have failed; as regards the means taken to verify their statements, I first attempted the course followed by my predecessor, to ascertain by indirect means the true number, but have found that it only created bitter feelings and resentment. I have now appealed directly to their sense of right, and have obtained their consent to have one of their own number count the people, which I look upon as a step toward getting permission to count them myself. Mr. Hosmer's charge could only be a surmise on his part, as he had no means of ascertaining the fact, the short time he was at the agency.

The second charge is so idle that it scarcely deserves notice, and can only be answered by a general denial.

To the third charge I will say, if the gentleman should at any time go into certain lodges soon after issue-day, he would see bags of flour piled up; and if he should go again the day before issue-day, he would find that they had disappeared.

I have ascertained from the employes that the flour stacked upon the prairie was a lot of flour received by Major Wham, had been stored at Fort Laramie, and had been brought down a short time before Mr. Hosmer's visit, and stacked on the bank of the river, because the water was so high that it could not be brought over to the agency. This flour was transferred to me by Dr. Daniels, and I have issued all of it to the Indians, though they complained bitterly about it, not from any damage it received when stacked on the bank of the river, but because it was originally bad, and became worse by becoming musty by age.

As regards the recommendation for a special agent, if the gentleman covets the job of counting Indians, I am sure I have no objection to his trying it on these; he would, perhaps, get information more important to himself than to the Department.

Very respectfully, your obedient servant,

J. J. SAVILLE,  
*United States Indian Agent*

Hon E. P. SMITH,  
*Commissioner of Indian Affairs.*

## COUNTING THE INDIANS.

*Agent Saville to Commissioner Smith.*

RED CLOUD AGENCY, D. T., December 29, 1873.

SIR: In compliance with circular from office of Indian Affairs dated April 14, 1873, requiring a report of the number of Indians present and receiving food at the time of the issue thereof, I respectfully report that for the fourth quarter, 1873, the number present at time of each issue is as follows:

	Lodges.	People.
October 1.....	1,990	13,930
October 8.....	2,100	14,700
October 21.....	1,795	12,535
October 23.....	2,388	16,716
November 8.....	2,316	16,212
November 18.....	2,371	16,597
November 29.....	2,313	16,191
December 9.....	2,336	16,352
December 20.....	2,300	16,100

The above is the number estimated from the report of the Indians themselves, corrected as far as possible from outside information. These figures I think too high, and I bring the issue of beef down as low as I can without the aid of force.

The number of rations that I have actually issued is an average of thirteen thousand, (13,000,) and this I believe to be near the number of people here.

I have counted the Cheyennes and Arapahoes, and find 1,900 Cheyennes, and 243 Arapahoes. To these I have issued, of food other than beef, about two-thirds rations; to the Sioux I have issued about one-half rations.

Over the beef issue I have not so much control.

During the month of October, when the northern Indians were coming in, they reported many more lodges than they had. I reduced the number as much as I was able, but as their demands were excessive I could not avoid issuing a greater number of beeves than I thought due them. In order to keep the issue something near right, I let the time pass to ten days.

On October 21 I cut the issue down, and attempted to force a count of their lodges, with the result stated in my monthly report for October. This raised such a tumult that I was compelled to anticipate the issue of November 1.

It is impossible to make a regular issue of food to these Indians.

Very respectfully, your obedient servant,

J. J. SAVILLE,  
*United States Indian Agent.*

HON. E. P. SMITH,  
*Commissioner of Indian Affairs.*

*Agent Saville to Commissioner Smith.*

RED CLOUD AGENCY, D. T., December 29, 1873.

SIR: I have the honor respectfully to report that on Christmas day I made a feast and called together the chiefs and principal men of the Sioux, for the purpose of bringing before them again the question of counting the people.

Red Cloud, Red Boy, Blue Horse, and Slow Bull had promised me that it should be done.

I talked with Little Wound the night before the council, and he promised to favor it. The prospects seemed favorable to accomplish this desirable object.

When the council met Red Cloud had to be sent for twice before he would come. I explained to them the necessity for numbering the people, that they might get the proper kinds and amount of annuity goods, and that I might be able to issue their rations in a more satisfactory manner. I read to them the circular requiring me to report the number of Indians receiving food. I gave it to them as the words of the Great Father, and that this was required of them by him. Red Cloud arose and made a speech, a copy of which accompanies this report.

I believe that it reflects the sentiments of the council, and it was applauded by those present, and mostly so when he spoke of the death of their people being caused by the whites. And when he said they had resolved to do nothing until they get the guns, and refused to take anything in lieu of them, not a man made an attempt to oppose him.

High Wolf and Red Dog spoke and indorsed all that Red Cloud had said. All the rest of my pretended friends were silent. I told them that I would do nothing more

for them; that until they did as I required them to do, I should do nothing to get them anything.

I have given up all hopes of controlling this issue of rations except by force. These chiefs are jealous of each other, each trying to gain favor among the soldiers. The soldiers are dissatisfied, insolent, and unreasonable, becoming more overbearing in their demands every day.

They annoy the workmen while at labor, and raise more or less disturbance at time of issuing beef. From one issue to the next it is a constant contention over the amount each shall have. This, while it is almost unendurable, might be overcome in time; but the indications become more and more apparent that the young men are preparing for war in the spring. The expression of Red Cloud to let the issue of rations "continue as it is until spring, and that they will wait for the guns until that time," conveys an implied threat. There are many Indians here who are in favor of sustaining me, and are opposed to all attempts at violence; but they are overruled and silenced by the more warlike and restless majority. Of the number who are sincerely in favor of peace, I believe Man-Afraid-of-his-Horse is the head. He, not Red Cloud, is recognized by the majority of the Indians as the legitimate head chief of the Ogallallas. I have appealed to him to undertake to unite his people, and do as Government demands, or they will bring trouble upon themselves. He has promised to do so; but such is the disorganized state of affairs that I have little hope of his accomplishing anything. The old man told me that the Crows had invited him and his son to visit them to form a treaty of peace. He remarked that he did not know why they wished it. I have learned from others that it is understood among the Indians that the Crows wished to form a combination against the whites. He also told me that the Minneconjou had ordered all their people to leave the agency, and that they intended to leave as soon as the grass started. There are evidently two parties here, one for peace and one for war. The indications are that the war party is gaining ground, and are now probably in the majority.

On the 24th instant, four young men from the Wazaza camp came to me and demanded blankets and guns as pay for the timber cut at the mill, and in case they were refused, ordered me to take the men from the mill and stop the work here. With this, of course, I positively refused to comply.

In case it be decided to send troops here, a supply of provisions could be sent at this time without exciting the suspicion of the Indians. My supply of hay is sufficient only for my horses until the last of March, and there is none other in the country. Hay can be bought at reasonable prices on the Platte, below the old agency.

I respectfully request that, in case any movement of troops into this country be contemplated, I be notified in time to prepare for our defense, as otherwise our lives would undoubtedly be sacrificed. I would also state for your information that every movement taking place at Fort Laramie is immediately reported to the Indians by the half-breeds and white men married to or living with Indian women. It would be a great advantage to the agency if this class of persons could be prohibited coming to the agency without a pass from the commander at Fort Laramie. The length of time it takes for communications to reach Washington, and the possible exigency that may arise at any time, is my excuse for volunteering these suggestions at this time.

I do not believe that there is any immediate danger as long as we have plenty of food for them, but such is their uncertain temper that I may have to call for troops at any time, and certainly before spring opens they will be needed here. In view of this contingency, I will append a report of the present condition of the agency in a defensive view.

The buildings and stockade are none of them quite finished, but with good weather we will be able to finish them in the course of three weeks. The agency is situated on an elevation of about one hundred and twenty-five feet above and overlooking White River. We should have to dig to that depth to obtain water. At present our supply is obtained at a spring about half a mile distant. Two cisterns, one at the warehouse and one at the barn, would give the best supply when the spring-rains come.

If thought necessary, these cisterns might be built now, and filled with water from the spring or river.

Very respectfully, your obedient servant,

J. J. SAVILLE,  
*United States Indian Agent.*

Hon. E. P. SMITH,  
*Commissioner Indian Affairs.*

*Red Cloud's speech.*

When the Great Spirit made us, he gave us the bow and arrow. He gave you the gun. We are trying to do good, and are still waiting for the guns for our people. When I was at Washington to see Great Father, he said I was to hold this side of the Platte



for thirty-five years. There were different whites came here, and promised us guns and ammunition if we would move out here. I did not believe them at the time, and I now see they did not tell us the truth. They were promised to this nation, and we will still look for them. We want nothing in exchange for the guns. About counting our people: I will say that we will do nothing until we get the guns that were promised us. We want them as soon as you can get them. You white men have a great many cities—five or six. You can count your people, but we cannot count ours now, as we have no education. There are several thousand Sioux. Two thousand lodges. You asked me often about counting our people. I understand you very well, but you tell Great Father to send us those guns, and we will then talk about counting. You were brought up on different food than we were, and I blame the whites for our people dying off so fast. Our hills are already becoming red with them. [Alluding to the coffins covered with red flannel which we have made for them, and mounted on scaffolds.] Our fathers told us about the whites long ago, and that we could get plenty of guns from them to hunt with. This is all I have to say now, and all we want is the guns and ammunition, and we want you to get them for us. You can issue rations to these people the same as now until spring; we will wait that long for the guns.

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*Agent Saville to Commissioner Smith.*

RED CLOUD AGENCY, February 2, 1874.

SIR: During the past month I have steadily pressed upon the Indians the necessity of permitting me to count their people. There has been much discussion among them, and I think I have gained ground among those most devoted to maintaining the agency. They are now fully aware that, in order that they may get a sufficiency of food, I must know their numbers.

In my contentions with them several important facts have become apparent. The chiefs are but the representatives of the soldiers, and, although they have a certain influence over them when pushed to speak in council, they express the opinion of a majority of the soldiers.

Red Cloud's people are mostly of the hostile party, and have generally exerted a controlling influence at the agency.

There are a number of soldiers of the Kiocsies, Wazazies, and other bands, who are devoted to the agency, and, if encouraged, will defend the agency and enforce the orders of the Department.

Pumpkin-Seed, head soldier of the Wazazies, proposed to me that if I would arm ten of his soldiers he would compel the rest to have their lodges counted, adding, "An Indian has great respect for a gun." I am well convinced that this element may be used to accomplish the much-desired object of counting the Indians. I therefore respectfully request that I may be permitted to give to, say, four or five of these head soldiers a gun and ammunition, in case they take hold with me and count the people, and that I may promise them that more will be armed if they prove true to the Government.

This may fail to accomplish anything. I think it well worth trying. If I can accomplish this, I shall be able to reach the horse-stealing and other annoyances through them.

Very respectfully, your obedient servant,

J. J. SAVILLE,  
*United States Indian Agent.*

Hon. E. P. SMITH,  
*Commissioner Indian Affairs.*

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*Agent Saville to Commissioner Smith.*

RED CLOUD AGENCY, D. T.,  
February 14, 1874.

SIR: Relative to the situation of affairs at this agency, I have the honor respectfully to state that, in my efforts to induce these Indians to comply with the requirements of the Government relative to issue of food and management of the business of the agency, I have been firmly opposed by the Minneconjoux, Saus Arcs, and other northern Indians who have spent the winter at this agency. They have had a great influence over the young men of the Ogallalla and Brulé bands, and as the chiefs could not control them, it has been a constant struggle on my part to prevent open hostilities. But by perseverance and constant work I gained an influence over the soldiers, and united them in favor of carrying out my designs. Finally the northern Indians gave up the

hope of getting the Ogallallas to join them in war, and came to me and gave notice that they were going to leave, and ordered me to take the agency out of the country. The presents I had bought for these Indians came in about this time, and I asked Lone Horn, of the north, the Minneconjoux leader, to come in before he left, as I wished to give him something.

He came in with about twenty of his men. When I had assembled the chiefs and soldiers I read and explained the treaty to them, pointing out wherein they had violated it, and finally assured these northern men that the Government would do nothing for them, nor give them anything, until they abandoned their hostile attitude and came in as friends. I offered Lone Horn a present as a peace-offering. One of his men outside the door hallooted at him, and he refused to take it. I distributed the presents to the Ogallalla chiefs and soldiers, and they pledged themselves to defend the agency and obey the orders of the Great Father at Washington.

The northern Indians began immediately to break up into war-parties, and the next day I was warned by some of their men who were friendly with me that four different men had resolved to kill me. Many of the Ogallalla soldiers remained about the agency, and all became quiet. I felt that I had gained a victory over their war-party.

Knowing that Major Howard was in trouble with these parties, I rode down to his agency to see if I could render him any assistance. While I was there, about two o'clock at night, my night-watchman had gone to sleep; an Oucepee Indian climbed the stockade, knocked at the door, and called me. My clerk, store-keeper, and Dr. Gure were sleeping in the room. They got up and opened the door, and the clerk stepped out to awaken the interpreter.

He took but a few steps from the Indian when he shot him through the body and fled. An Ogallalla, Afraid-of-Eagle, was sent for me, and while at Whetstone told the Indians who the assassin was. The next day the man appeared in the camp of Roman Nose, near Whetstone agency, and some Brulés\* killed him.

The Ogallallas have since kept a guard day and night over the agency. They told me that these Indians are determined on war, of which I was satisfied two months ago.

I have presented the situation clearly to them, and assured them that it is my belief that the Government would send troops in this country and punish them, and now that the Ogallallas must say what they were going to do; that if these war-parties passed through their country the troops would certainly pass through after them. To-day a general council was held; all the bands have united in the determination to defend the agency, to have nothing more to do with the northern Indians, and prevent their war-parties from passing through this country. They ask for arms to carry out this resolution. I am perfectly satisfied that a hundred Springfield needle-guns, placed in the hands of such men as I can select here, will insure peace here, bring in Crazy Horse, head of the hostile Ogallalla, and settle the claims and disaffection growing out of the removal of the agency.

Red Cloud requests that these soldiers be paid for doing guard-duty and acting as escorts. I would respectfully recommend that this be done. It will give them employment and tend greatly toward keeping them from going off in war-parties. I sent an escort with the herders for cattle, and to-morrow shall send eight men to the Platte to escort a freight-train through. These I have promised to pay.

Very respectfully, your obedient servant,

J. J. SAVILLE,  
*United States Indian Agent.*

Hon. E. P. SMITH,  
*Commissioner Indian Affairs.*

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*Agent Saville to Commissioner Smith.*

RED CLOUD AGENCY, D. T., March 24, 1874.

SIR: For your information, I have the honor, respectfully, to report that I have nearly completed a census of the Indians remaining at the agency. I find many more than I expected after the stampede that took place at the time troops came here. I have already enrolled over four thousand Sioux, and a number have not yet come in, seemingly hanging between submitting to enrollment and leaving for the north. All the Cheyennes, except Turkey-Leg's small camp of 216 persons, have gone north to Hot River. The Arapahoes remain here. At the last count there were 963 of them. I shall count them this week, and by next mail will give full returns of the census. They will aggregate near 6,000.

In this connection, I will respectfully state that we are out of bacon, having made the last issue February 2. We have forty-one barrels of sugar, enough for three issues. Of all other rations I have enough, by a slight reduction of the ration of coffee, to carry me through the year, provided the number of Indians is not increased. If I am permitted

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\* Mistake.

to issue beef in lieu of bacon I shall need no more this year; but of sugar it is very desirable to have an additional supply, as it certainly is a very important part of the children's food.

To-day a messenger came in from the camp of Black Twins, hostile Ogallalla, saying that he wished to come to the agency to trade; that he had heard of what the Minneconjoux had done, and wished nothing to do with them, and did not wish a war with the whites. I am making every effort to bring these people to the agency. If they can once be separated from the hostile bands, Uncpapas, Minneconjoux, and Sans Arcs, a war may be averted.

Since arrival of the troops these Indians have been very quiet and obedient, apparently trying to prevent any collision with the troops.

Red Cloud has apologized for his speech of December 25, and has done much to atone for his hostile speech.

Very respectfully, your obedient servant,

J. J. SAVILLE,  
*United States Indian Agent.*

Hon. E. P. SMITH,  
*Commissioner of Indian Affairs.*

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*Agent Saville to Commissioner Smith.*

[Telegram.]

RED CLOUD AGENCY,  
*Dakota Territory, October 19, 1874.*

COMMISSIONER OF INDIAN AFFAIRS,  
*Washington, D. C.:*

All of the Ogallallas will be here this week. I request an order from the Department to the Indians at this agency requiring them all to move their camps to the agency and be counted in front of their lodges before receiving their annuity goods.

Please reply by telegraph. Messenger will wait.

J. J. SAVILLE,  
*United States Indian Agent.*

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*Agent Saville to Commissioner Smith.*

RED CLOUD AGENCY,  
*Dakota Territory, October 19, 1874.*

SIR: The northern Indians are nearly all here, and all will be here this week. The number registered is large, yet about the same as was estimated by lodges last winter. I believe that the number is not far from correct; but as there is room for doubt until they are actually counted, it is desirable that an actual count should be made. I think it would be very difficult, if not impossible, for me to count them without an order from the Department. I have, therefore, telegraphed asking an order directed to the Indians, requiring them to move their camps near the agency and be counted in front of their lodges before they receive their annuity goods, and I further recommended that in case of refusal, that I be authorized to stop their rations until they submit to such enumeration.

Very respectfully, your obedient servant,

J. J. SAVILLE,  
*United States Indian Agent.*

Hon. E. P. SMITH,  
*Commissioner Indian Affairs.*

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*Agent Saville to commanding officer of Camp Robinson.*

RED CLOUD AGENCY, D. T., *November 3, 1874.*

SIR: There are some indications that I am going to come to an issue with these Indians over the question of counting them. I therefore respectfully inquire if you have sufficient force to protect the agency against the united force of the Indians now here, and what force you could place at the agency in case of such an event.

Please answer by return carrier.

Very respectfully, your obedient servant,

J. J. SAVILLE,  
*United States Indian Agent.*

Major MEARS,  
*Commanding Camp Robinson.*

*Commanding officer of Camp Robinson to Agent Saville.*

HEADQUARTERS CAMP ROBINSON, NEBR., November 5, 1874.

SIR: I am instructed by the commanding officer of this post to inform you, in reply to your communication of this date, that he is unable to say whether he has "sufficient force to protect the agency against the united force of the Indians," as he is unadvised of what force the Indians can bring.

He directs me to say that he has four (4) companies of infantry, of forty-five (45) men each, and one (1) company of cavalry, of forty-seven (47) men, the sick and guard not deducted.

The cavalry, with the exception of a few men, and one (1) company of infantry, is all the force that can be spared to protect the agency, leaving the balance to protect the post until re-enforcements arrive.

I am, sir, very respectfully, your obedient servant,

W. H. PEASE,  
*First Lieutenant Ninth Infantry, Post Adjutant.*

Mr. J. J. SAVILLE,  
*United States Indian Agent, Red Cloud Agency, Nebr.*

*Agent Saville to commanding officer of Camp Robinson.*

RED CLOUD AGENCY, D. T., November 5, 1874.

SIR: For your information I would respectfully state that from the best data in my office it is my opinion that these Indians could muster from fifteen hundred to two thousand fighting men, two-thirds armed with guns, the rest with bows and arrows. The defenses of the agency you have seen. Is the force you have designated in your communication of this date sufficient to hold this agency against the above number of Indians?

Very respectfully, your obedient servant,

J. J. SAVILLE,  
*United States Indian Agent*

COMMANDING OFFICER, *Camp Robinson.*

*Commanding officer of Camp Robinson to Agent Saville.*

HEADQUARTERS CAMP ROBINSON, NEBR., November 5, 1874.

SIR: In reply to your second communication of this date, I am instructed by the commanding officer to say that, presuming you have reference to, and wherein you inquire "is the force you have designated in your" (my) "communication of this date sufficient to hold the agency," &c., furnishing only the cavalry, and one company of infantry from the command, as against fifteen hundred to two thousand fighting Indians, "two-thirds armed with guns," he believes it would not be enough if the Indians concentrated all their force on the agency; but it is *fully* all that can be spared from this command.

I am further instructed to say to you that the commanding officer will not pledge himself to send the cavalry if an outbreak takes place, but he will, when the moment arrives, decide whether to send two companies of infantry, or the cavalry company and one of infantry.

The commanding officer expresses a wish to see you this afternoon at this camp, if convenient, as he is unable, owing to his duties of preparation, to come over to the agency.

I am, sir, with much respect, your obedient servant,

WM. H. PEASE,  
*First Lieutenant Ninth Infantry, Post Adjutant*

Mr. J. J. SAVILLE,  
*United States Indian Agent, Red Cloud Agency, Nebr.*

*Agent Saville to Commissioner Smith.*

RED CLOUD AGENCY, D. T., November 13, 1874.

SIR: I have the honor respectfully to forward a statement of the number of Indians by actual count at this agency, and certified by those who assisted in the count. There was much opposition to the count, and at one time it appeared that there would be a

forcible resistance to the orders of the Department. But the arming of Indian soldiers had much to do in bringing about quiet and enabling me to accomplish this much-desired object. Many northern Indians left rather than submit to the count. Lone Horn's band of Minneconoux and several small bands of Sans Arcs were among those who left. The result of the count confirms the approximately correct registration of the Indians themselves. Over half of Little Wound's band are in Nebraska a-hunting. I have ordered Mr. Browne, the sub-agent, to count them when he arrives on the hunting-ground.

Very respectfully, your obedient servant,

J. J. SAVILLE,  
*United States Indian Agent.*

Hon. E. P. SMITH,  
*Commissioner Indian Affairs.*

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THE FLAGG-STAFF AFFAIR.

*Agent Saville to Commissioner Smith.*

[Telegram.]

RED CLOUD AGENCY,  
*Dakota Territory, October 24, 1874.*

Hon. COMMISSIONER OF INDIAN AFFAIRS,  
*Washington, D. C. :*

Yesterday I had a pole brought to the agency for a flag-staff. Some Indians raised objections to having a flag at the agency. To-day a large number of Indians armed and painted came in and cut the pole in pieces. I called upon Red Cloud, who was present, to prevent it, but he refused. I called upon the military for protection. A squad of twenty-six cavalry, under command of Lieutenant Crawford, responded and marched bravely through several hundred armed and painted Indians. Many of the agency Indians used all their exertions to prevent a collision. The leaders of this party are northern Indians, and the same men who raised a disturbance at this agency last fall.

J. J. SAVILLE,  
*United States Indian Agent.*

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*Agent Saville to Commissioner Smith.*

RED CLOUD AGENCY,  
*Dakota Territory, October 24, 1874.*

SIR: I have the honor respectfully to report, relative to the disturbance at this agency, that on Friday, the 23d instant, I had brought to the agency a pole for the purpose of erecting it for a flag-staff. At the same time I visited the camp of Little Wound to ascertain how many of his people were yet here, as I was satisfied that he had made false statements about it. He was at the agency when I arrived and was angry because I had visited his camp. He made some remarks in opposition to raising the flag-staff, but I paid no attention to it, knowing that he was in an ill-humor. But the next morning one of the leading men of one of the northern bands spoke about it, and I explained to him why I was going to put it up. This seemed satisfactory. I still do not think there was any great opposition on the part of the Indians, for it had been frequently spoken of in my office, and some of the Indians who have been urging me to put up a council-house requested that I put a pole on it and get a flag for them. This shows that this opposition was purely factious. At noon on Friday 23d, as I came out from dinner, a large number of Indians were inside the stockade, but as this was not unusual I passed on to the warehouse to attend to some business there; when I came out, I heard a number of Indians hallooing and running toward the pole. I told them to leave it alone, and turned to go toward the office, and then noticed, what I had not before observed, that a large portion of the people there were northern Indians armed and with only their blankets and breech-clouts on. They obtained an ax and commenced to cut the pole. Red Cloud was in the office, and I asked him to stop them, but he carelessly remarked that they had held a council and determined to destroy the pole. As armed Indians were rapidly gathering, I sent to Camp Robinson for troops; twenty-six men were sent down under command of Lieutenant Crawford. Before they got here several hundred Indians had arrived with very evident hostile intentions. But about the same time a party of Man-Afraid-of-his-Horses' band, headed by Sitting Bull, came up and rushed between the hostile Indians and the troops, and with their war-clubs beat them back. This positive stand

on the part of the friendly Indians entirely disconcerted the hostiles, and after an hour's excitement they drew off to their camps. Sitting Bull with about twenty of his men have guarded the agency since, and I permitted the soldiers to return to their camp. I do not think that Little Wound had anything to do in raising the excitement, but was simply stating the opposition which was felt by the northern Indians, which I knew nothing about at the time. This excitement has clearly demonstrated three important facts:

1st. That among these northern Indians there still remains a bitter hostile feeling against the whites.

2nd. That of the Indians who live at the agency, the greater part are as truly friendly and will fight if necessary in defense of the agency. Yet there are quite a number, of young men especially, while they would not inaugurate a movement of the kind, are always ready to join any turbulent outbreak which may occur.

3d. That if any question should arise which would meet the united opposition of the Indians, the number of troops posted here would be entirely insufficient to defend the agency.

The leaders of this outbreak are the same who took me prisoner last fall when I attempted to count their lodges. I am now thoroughly convinced that the Government can safely trust a large number of these Indians with arms to defend and keep order at the agency. The men whom I depend upon for this were not present when the outbreak commenced. Had they have been here it would not have occurred. I would respectfully suggest that several of the Indian soldiers merit a recognition from the Government for the firm stand they have taken on all occasions in promoting order at the agency, and the courage and energy with which they faced and drove back the hostile Indians in this outbreak. Many of the northern Indians have left the agency; how many I do not know.

Very respectfully, your obedient servant,

J. J. SAVILLE,  
*United States Indian Agent.*

Hon. E. P. SMITH,  
*Commissioner of Indian Affairs.*

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THE STAMPEDE, OCTOBER, 1873.

*Agent Saville to Commissioner Smith.*

RED CLOUD AGENCY,  
*January 29, 1874.*

SIR: I have the honor herewith respectfully to transmit statement of beef-cattle lost at Red Cloud agency during the fourth quarter, 1873; and in further explanation would respectfully state that I had just received from the contractor a large number of cattle, having then on hand about 600 head. The northern Indians were coming in daily, and there was considerable excitement among the Indians from causes explained in my report for September and October.

The night of the 9th of October was stormy, and, near morning, as the herders state, an Indian started the cattle, and about 200 of them were stampeded and scattered over the country. Not having enough horses or men to hold the herd and at the same time recover the lost cattle, I returned the cattle on hand to the contractor's herd, taking his receipt for them. I started the herders after the lost cattle, and in the course of three weeks they recovered all but 67 head. That many of these were lost I charge to the neglect of the chief herder.

A question arose regarding 24 head, the chief herder claiming that in one lot he had returned 40 head; but the contractors claimed that he returned but 15 head in the lot named. Subsequently, Mr. Heck, a freighter, stated that the herder had staid at his camp the night before, turning the cattle into the herd, and that he had but 15 head. I was therefore compelled to accept the number as fifteen. The chief herder had made several false statements about the loss of the cattle, and I discharged him for neglect of duty.

Very respectfully, your obedient servant,

J. J. SAVILLE,  
*U. S. Indian Agent.*

Hon. E. P. SMITH,  
*Commissioner of Indian Affairs.*

*Statement of beef-cattle lost at Red Cloud agency, D. T., during the fourth quarter, 1873.*

October 9 two hundred head of beef-cattle were stampeded, and sixty-seven head lost, weighing sixty-nine thousand eight hundred and eighty-one (69,881) pounds gross.

I certify on honor that the above statement is correct; that the number of cattle therein stated were lost; that the weight had been obtained by killing and weighing twenty (20) head of an average size, and that I used all diligence and care within my power to prevent such loss.

J. J. SAVILLE,  
*United States Indian Agent.*

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THE STAMPEDE, SEPTEMBER, 1874.

*Agent Saville to Commissioner Smith.*

RED CLOUD AGENCY, D. T.,  
December 21, 1874.

SIR: I have the honor herewith respectfully to transmit the affidavits relative to the loss of cattle from the agency-herd and their return to the contractor's herd, September 7, 1874.

There remain one hundred and twenty-eight head unrecovered.

Diligent search and inquiry have been made, and no trace of them can be found, except the trails leading to the contractor's herd, all of which entered the herd except a trail of thirty or forty head, which trail was lost on Snake Creek, and there is no positive evidence that it entered the contractor's herd. Mr. Bosler, who has charge of the contractor's herd, returned to the agency one hundred and fifty head, which he acknowledged to have returned to the contractor's herd.

While I have not, and cannot get, the positive evidence that the whole number of cattle lost entered the contractor's herd, yet the circumstantial evidence leaves scarcely a doubt that they did so.

I respectfully refer the matter to the Department for settlement with the contractor, or instructions as to how I shall proceed in the matter in the absence of the contractor.

Very respectfully, your obedient servant,

J. J. SAVILLE,  
*U. S. Indian Agent.*

Hon. E. P. SMITH,  
*Commissioner Indian Affairs.*

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*Sworn statement of Sheridan McBratney.*

SIR: In compliance with your request, I herewith respectfully submit a statement of facts in regard to the loss of cattle from the agency-herd, and of the return of the same to Mr. Bosler's herd, near Chimney Rock, on the North Platte River, from which place they had been driven.

Under your direction I took charge of 834 head of cattle, near the agency-coral, at dark, on the 7th of September, and with but two men started to take them to the agency cattle-range on White River, seven miles distance. It soon became dark, and in order to avoid timber and brush—which we only could have driven cattle through in daylight—on Dead Man's Creek, which must necessarily be crossed, were compelled to take a circuitous route, and cross Dead Man at the edge of the bluffs.

We made the crossing and got the cattle to the herd-camp, as we imagined at the time, all right, and as they were very wild, I did not want to round them up and count them on the 8th. On the morning of the 9th I counted the cattle, and found there were 284 head missing.

I immediately started with one of my assistants, Clemente Bernard, to ascertain when the cattle had left the herd, and to follow and recover them, if possible. We found they had left the herd when we had crossed Dead Man's Creek, in the night, and had proceeded up the creek on the east side and on across the divide in a southeastern direction, striking Running Water at the crossing of the lower road. They stopped to feed on Running Water and scattered for about three miles along the stream, and when they left there they traveled south in two bodies, one going by the wagon-road

and the other three miles to the east. The west trail followed the road to the crossing of Snake Creek, where it left the road and bore east toward the other trail, the two trails coming together ten miles north of the North Platte, from which place they traveled by one trail into Mr. Bosler's range.

We caught up with the cattle as they were mingling with 300 of Mr. Bosler's cattle which had gathered on a creek for water.

It would have been impossible for us to have taken all of the cattle we had lost from among Mr. Bosler's, and I at first thought of getting the number and returning to the agency with them, but, after thinking it over, I knew that Mr. Bosler would not be satisfied, and concluded to go to Mr. Bosler's camp, report the facts to his man in charge, get him to examine the trail, and then let Mr. Bosler and you settle it as might seem best, not doubting but the matter would be easily adjusted.

About 25 head of cattle left the main trail near the wagon-road crossing of Dead Man, and traveled by the road to within five miles of Running Water, where they left the road and traveled in a southeastern direction, crossed Running Water, and again entered one of the main trails between Running Water and Snake Creek. About 30 head left the east trail near Snake Creek and followed down that stream seven miles, where they left the creek, from which we were unable to follow them, and could not determine whether they had returned to Mr. Bosler's herd or not.

These two are all the branch trails that I saw, but I sent Clemente Bernard to the Platte with Mr. G. W. Bosler to show him the trails, and he found some other signs, of which he will tell in his statement.

It has been asserted that some of the lost cattle died on Running Water, but I have examined the ground carefully where they are said to have died, and can find no signs of cattle having died recently, and am satisfied that the assertion is without foundation.

From all the trail-signs and indications that could be found I am satisfied that all the cattle except those which went down Snake Creek, four head, which were returned, one head which died on Dead Man's Creek, and one head which remained on Running Water, in all about 36 head, returned to Mr. Bosler's herd, from which they had been driven.

SHERIDAN McBRATNEY, *Chief Herder.*

Subscribed and sworn to before me, and in my presence, this 26th day of October, 1874.

J. J. SAVILLE,  
*United States Indian Agent.*

—  
*Affidavit of Clemente Bernard.*

I, Clemente Bernard, being duly sworn, do depose and say, that I am employed at Red Cloud agency, D. T., and that on or about the 9th day of September, A. D. 1874, started in pursuit of 284 head of beef-cattle, lost from the agency herd.

I followed two trails from Dead Man's Creek to the North Platte River; at that place one trail went to the left and the other one to the right. I followed the left-hand trail into Mr. Bosler's herd; the right-hand trail I did not follow. Beside the left-hand trail, I found two other small trails going into Mr. Bosler's herd, one of about 12 and the other of about 15 head of cattle. I also found a trail on Snake Creek, of about 40 head of cattle, four miles from the road; I followed it six miles, until it went into the Sidney road, and saw a good many fresh horse-tracks there; do not think that trail went to the North Platte.

I think there was about 150 head of cattle on the left-hand trail, which went from the North Platte River into Mr. Bosler's herd. On this trail about half the cattle traveled in the road and about one-half outside the road. From what I have seen of the trails, &c., I think that at least one hundred and fifty (150) head of the cattle returned to Mr. Bosler's herd, if not more.

his  
CLEMENTE X BERNARD.  
mark.

Subscribed and sworn to before me and in my presence this 26th day of October, 1874.

J. J. SAVILLE,  
*United States Indian Agent.*





number he has returned, and I have taken them upon my papers. I shall take further evidence in the case, and Mr. Bosler agrees to count his cattle as soon as practicable, and should he find more than the above one hundred and fifty head, he will return them. If any other proceeding is necessary, in the opinion of the Department, I respectfully request instructions to that effect.

Very respectfully, your obedient servant,

J. J. SAVILLE,  
*United States Indian Agent.*

Hon. E. P. SMITH,  
*Commissioner Indian Affairs.*

### MONTHLY REPORT FOR OCTOBER, 1873.

RED CLOUD AGENCY, D. T., *November 1, 1873.*

SIR: I have the honor respectfully to report that since my last monthly report that I have finished the distribution of annuity goods to the Sioux. There was much dissatisfaction, even among the best disposed, at the poor quality of the goods and deficient quantity, there being a much larger number of Indians than usual at the agency. Subsequently a large number of Minneconjoux, Umpapas, and No Bows came, and was much disappointed to find no goods for them, and especially guns, which they had been informed were promised them. Several attempts were made to break into the warehouse where the goods for the Cheyenne and Arapahoes were stored, they not having yet come in. Lone Horn, a chief of the No Bows, came in with about forty lodges of people. Altogether there was probably between two and three hundred lodges. They reported, however, a much larger number; and being satisfied that they were making a false report, I made an attempt to count their lodges. For that purpose, in company with the interpreter, I rode eight miles up White River, and crossed over to the north side, which the Indians had prohibited. The northern Indians, hearing of this, came in full force to the agency, and sent a party after me with orders to shoot my horse. On overtaking me I was informed of this. I told him that it was the Great Father's horse, and if he thought it safe to shoot it, to do so. He said he had concluded not to shoot him, but fired his gun in the air. When I arrived at the agency I found a large party of the strangers, headed by Big Little Man and Pretty Bear, two rather notably vicious characters. I sat down in front of my office, and one of them, in a rather peremptory manner, ordered me to come to where they were, a distance of one hundred yards. I told him if they had anything to say to me to come in front of my office and say it. About two hundred of them came in front of me, and at the same time I saw that a large number of Little Wound's band had come up on horseback to the left, and Red Cloud on horseback, with his gun before him, on the right. One of the strangers harangued them, from which I soon found that Red Cloud and his followers and Little Wound's men had appeared there to sustain me, and gave no sympathy to the strangers. After that Red Dog stepped out and made a speech defending me, and advocating the counting of their lodges. And after some violent and threatening speeches they mounted their horses and rode off. I failed to get the correct number of lodges, but have set on foot a movement which I hope will result in obtaining a correct report of them. In this Red Cloud, Little Wound, and Red Dog have promised to assist me. On account of the increased number to feed, and undoubtedly some fraud on their part as to their numbers, I have not been able to get a full supply of commissary-stores, and therefore the issue of different articles are irregular in quantity, being without some one article every issue-day.

About two hundred head of cattle was run off by the Indians, as alleged by the herders. They are scattered through the hills, and I have the herders out gathering them together. I have comparatively little trouble with herd until since the northern Indians came in. I found much difficulty in getting the Cheyennes to the agency, and of the Arapahoes but twenty-five lodges have come in. There has been a difficulty between the Sioux and Arapahoes, one of the latter having been killed by a Sioux; they, therefore, will not come to the agency. I gave the Cheyennes their goods, and distributed a portion of the Arapahoe goods here, retaining a portion for those who have not yet come in. With much difficulty I started the Cheyenne and Arapahoe delegation from the agency on the 30th instant, ten Cheyennes and five Arapahoes forming the party.

The work on the agency-buildings progresses rather slowly, the mill not being of sufficient capacity to furnish but from two to three thousand feet of lumber per day.

The workmen are engaged in putting on the roof on the main warehouse, and the stockade is nearly completed.

The barn is inclosed, and hay received just in time to escape the prairie-fires, the Indians having burnt the prairie to the north and east of the agency; whether by accident or on purpose, I do not know.

J. J. SAVILLE,  
*United States Indian Agent.*

Hon. E. P. SMITH,  
*Commissioner of Indian Affairs.*

#### MONTHLY REPORT FOR NOVEMBER, 1873.

RED CLOUD AGENCY, D. T., *November 30, 1873.*

SIR: I have the honor respectfully to report that on the 2d of November, as a party of the employés were entering the mess-room, a boy about fifteen years of age, son of Bad Hand, rode up and shot an arrow into the back of Allen Evens, a carpenter. A number of Indians were about the agency, and immediately a party, led by a soldier, Sitting Bull, gave chase, fired several shots at the boy, compelling him to take refuge with the chief High Wolf.

Great excitement existed about the agency for a few days, but the chiefs Red Cloud, Red Dog, and many of the soldiers remained about the agency and restored quiet. They held a council, and decided that the father of the boy should give the wounded man two horses, which was done. The wound proved to be not serious.

The northern or hostile Indians have given a great deal of annoyance, interrupting workmen in their labor, and causing disturbance at the time of issuing beef-cattle. These people are beginning to leave for the north, and part of Little Wound's band have gone south to hunt. This has enabled the acting agent to reduce somewhat the issue of beef. The supply of other articles of food has not been in proportion to that of beef, because there has not been enough transported to meet the demand. This has caused a greater demand of beef than would have been the case had we had a full supply of other rations.

The acting agent has succeeded in getting a correct enumeration of the Cheyennes now at the agency. They are divided into two bands. "Dull Knife's," now "Little Wolf's," band have 185 lodges, in which are 264 families of 1,287 persons; "Turkey Leg's" band have 49 lodges, in which are 102 families of 613 persons. There has been issued to them one hundred and forty-five thousand pounds gross of beef.

This camp has been visited several times by the acting agent, and he finds that they use every part of the beef, even to the head and feet, and they break the bones and boil them. Of other material they have received about two-thirds rations. This is evidently not enough food for them. They complain bitterly of not having enough to eat; and I am satisfied that it is so. On the 4th of November, after the departure of "Dull Knife" and his party, the Cheyennes met in council and deposed "Dull Knife," and appointed "Little Wolf" to be chief in his place. They told the acting agent that they would not regard any treaty that might be made by the party going to Washington. There have been some horses stolen from freighters by the hostile Indians, and one horse stolen and one pair of oxen killed belonging to Mr. Hillman, who has been cutting logs for Mr. E. Coffey. "Little Wound" ascertained that the cattle were killed by some one of his band, and came in and reported it, and told us to deduct two beeves from their allowance.

The contractor supplying lumber has failed to supply logs enough to keep the mill going. Consequently the buildings have progressed slowly.

Very respectfully, your obedient servant,

J. J. SAVILLE,  
*United States Indian Agent.*

#### MONTHLY REPORT FOR DECEMBER, 1873.

RED CLOUD AGENCY, *December 31, 1873.*

SIR: I have the honor respectfully to report, that on my return from Washington I arrived at the agency December 15. I found the Indians complaining, irritable, and troublesome, making unreasonable demands, such as pay for the timber cut at the saw-mill, and immediate opening of trade in ammunition, and increase in their rations. Some had gone out hunting, but these were mostly men, they leaving their families at the agency. Also, some of the northern Indians had gone, but their representative men remained; and although I have been enabled to reduce the amount of food issued, it has been done in a purely arbitrary way, giving them about the amount I thought right for them. In some cases no doubt injustice is done, but, as they will not give me

an opportunity to know the facts, I shall continue, as far as possible, to reduce the issue in the same way.

For a detailed statement of efforts to enroll these Indians, I respectfully refer you to my report of a council held at this agency December 25. I have been compelled to permit the sale of a small portion of ammunition to the Indians for the purpose of killing their beeves. To explain why a considerable amount of ammunition is required for the purpose I will state that, as the cattle are issued from the corral, the Indians start on a chase, horseback, and shoot them down on the prairie, making many ineffectual shots before bringing them down. It is estimated that from eight to ten shots are expended for every beef killed.

The whole amount permitted to be sold is five thousand (5,000) rounds.

I neglected to state in November report that of the cattle which were stampeded in October all were recovered but sixty-seven (67) head. A detailed statement will accompany my quarterly returns.

It has been difficult to get efficient employés, and some of the best have left on account of fear of the Indians. This has caused many changes in list of employés.

The agency buildings are nearly completed, and, with good weather, will be completed in the course of four or six weeks. When the log-contractor failed, I sent the mill hands into the woods to cut logs and get them in with the agency-teams, thus keeping the mill going about half the time. By this means I shall be able to get out enough lumber to finish the buildings now in course of erection.

The number of Indians reported here by themselves, and claiming rations, are more than double that estimated in purchase of supplies. The average number to whom rations have been issued is about double the number estimated for, or thirteen thousand. To this number there has been issued a full ration of beef and about three-fourths rations of other supplies.

Of the short supply the Indians make little or no complaint, except that of bacon and sugar, and even for this they would willingly take its equivalent in beef, making it their entire living. In controlling these Indians, I find a difficulty that does not exist, perhaps, to the same extent at any other agency. The Ogallallas are divided into eight bands, headed by as many chiefs of more or less influence, but none of them having power to control his own band, much less others. These chiefs are all jealous and ambitious, and consequently anything which may be advocated by one is sure to meet opposition by the others. There are no fixed laws or principles of action among them, but when anything arises of sufficient general interest to require a concert of action it is met by a law made for the emergency by the soldiers and executed by them. Such laws are the expression of the prejudice, caprice, or outside influence upon the soldiers. Consequently the chiefs court the soldiers, and never act in opposition to their wishes. Some of the head soldiers, as they are called, have offered to count the lodges if I will grant them certain favors, but I find them unreliable, and if we have to have martial law, I would prefer that of our own soldiers. As far as I can learn, there is probably no actual head chief, unless it be Man-Afraid-of-his-Horse. He is the oldest chief, and by many members of all the bands is recognized as the head chief, though when these men are asked about it they always add cautiously, "the whites have made Red Cloud head chief, and of course we look upon him as our chief." This want of a recognized central authority is the initial difficulty in organizing them, and if one cannot be made so among themselves, the Government must supply it, and that will require force. These remarks I have thrown into this report as pertinent to the question now at issue of the course to be pursued with this people.

Very respectfully, your obedient servant,

J. J. SAVILLE,  
*United States Indian Agent.*

Hon. E. P. SMITH,  
*Commissioner Indian Affairs.*

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#### MONTHLY REPORT FOR JANUARY, 1874.

RED CLOUD AGENCY, *January 31, 1874.*

SIR: I have the honor respectfully to report that the temper of the Indians at this agency has undergone but little change during the month. I have steadily and firmly pressed upon them the demand to permit me to number them. This has tended to excite the more evil disposed, and they have consequently given me considerable annoyance. Every issue of beef several beeves have been shot down before entering the corral, and toward the last of the issue a number of Indians, usually those whose names were not on the list, would rush in and shoot six or eight beeves in the corral. Then those who were entitled to them would come to me and demand their beef. This keeps up a state of excitement and contention. I have also been annoyed by children

and boys from fifteen to twenty years of age about the agency stealing the carpenter's tools and other small articles and breaking the glass from the windows. I called the chiefs and headmen, and told them very positively, that I would not submit to this longer, and if they would not protect me and stop these proceedings I should call for troops to do it. They promised me that they would do so. Since that the annoyances from children and boys have in a great measure ceased, and Face, head soldier of the Omaha band, came to me and informed me to notify him when cattle were to be brought in and they would protect them.

The source of most of the difficulties at this agency is the system adopted at its first establishment of permitting Indians to report the number of their lodges and issuing to them on their word. They soon discovered the advantage it gave them to conceal the true number and make a false statement. This has now become an organized resistance to counting them, and no one, however well disposed, has the courage to tell the truth regarding his neighbor. In every instance where an Indian has told me of one who was drawing for more than the true number of lodges, on investigation I have found that he has told me a falsehood, and that he has been instigated to do so from revenge or malice. Could I once overcome this difficulty, I should be in a position to control all others.

Until this is done, I can have but little influence for good among them. I still think that if this can be done without a military force, it will be better for the Indians and for the Government. I have told them that their allowance of food for this year is nearly exhausted; that I will make no further effort to get anything more for them or do anything for them until they permit me to count them; I have also told them that the Government will certainly send a military force here to count them unless they do it voluntarily. They are now holding councils among themselves daily, and the prospect seems somewhat more favorable to accomplish this very desirable object. About the—of December ultimo, a party of Minneconjoux stole twenty-eight head of horses from Mr. Bosler. A party from this and Whetstone agencies pursued them as far as the mouth of Powder River, where the main body of the Minneconjoux are camped. No Flesh, leader of the pursuing party, reported to me that the Minneconjoux said that the horses had been taken farther north, but that they would recover them and return them as soon as they were done hunting buffalo for the season. They also sent word that they were all coming down to see me, and see what the Government would do for them.

Eight horses were stolen from Mr. Bosler's herd at the Platte River. Red Leaf brought in six of them, and said that the other two were in the possession of two young men, who refused to give them up, threatening to kill a white man if they were taken from them. He said that he did not take them for fear they would carry out their threat, but would try and get them if he could. A band of twenty-five lodges of Arapahoes, led by Spotted Wolf, has gone south. Sixty lodges have come to the agency. I went to their camp and counted them. There are nine hundred and sixty-three people, in ninety-six lodges. There are from two to four families in every lodge. A great many of those arriving have only their lodge-poles, the covering having been worn out. Black Coal, now camped near Fort Fetterman, has sent a runner to me to ask the terms that the Government offer for them to move. I have sent a small portion of ammunition as a present, and some sugar and coffee to him, and asked him to come down and see me. By putting the mill-hands into the woods to get out logs I have succeeded in getting lumber enough to inclose the buildings that have been commenced. The warehouse, barn, office, men's quarters, and mess-room are inclosed, and roofed with tarred paper, which will serve to keep the snow out, but they will have to be shingled before the spring-rains begin. The offices, quarters, and mess-room are lined with rough boards, but are comfortable. The stockade only requires battening to complete it. I have suspended building operations for the winter, but will require two carpenters for inside work for a few weeks yet. I shall set the mill-hands to getting out shingle-timber and make up shingles for the buildings as soon as a cut-off saw can be obtained.

Very respectfully, your obedient servant,

J. J. SAVILLE,  
*United States Indian Agent.*

Hon. E. P. SMITH,  
*Commissioner of Indian Affairs.*

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#### ANNUAL REPORT FOR 1874.

RED CLOUD AGENCY, DAKOTA, *August 31, 1874.*

SIR: In submitting this my first annual report, I labor under some embarrassment to avoid prolixity, the operations and changes at this agency having been so many and rapid.

On the 8th of August, 1873, I arrived at Cheyenne and assumed the duties of agent, relieving J. W. Daniels, United States Indian inspector. On my arrival at the agency I found Mr. Daniels with seven or eight thousand Indians just arrived on the banks of White River, having removed the agency from the Platte. The commissary-stores and building-material of the agency were piled upon the ground, covered with paulins, while the agent's quarters were in a tent. As soon as the transfer of property was completed, Mr. Daniels and his clerk left. Inexperienced in this business myself, and and having no one familiar with the forms of the business, and without papers, books, or instructions for guides, I was left in a sufficiently embarrassing position to undertake so complicated a business.

The Indians were much dissatisfied with the removal of the agency on account of an alleged promise of guns and horses made them on condition that they would remove the agency to its present location. They were disposed to be insolent and unreasonable, placing limits to the range of travel of the agent and employes. My situation was complicated by a difficulty between the trader and the Indians, they having destroyed a keg of whisky for the trader in front of the agent's office. This violation of Department regulations could not be overlooked, and, with the approval of the Department, I revoked his license.

The necessity for shelter for the winter was urgent. A contract to supply logs for sawing was let, and for a time building progressed favorably; but before the buildings were completed the contractor failed, and I was compelled to occupy buildings barely sufficient for protection during the winter.

Toward the last of September, when the annuity-goods were to be distributed, a large number of Indians from the northern tribes of Minneconjoux, San Ares, Oncepapas, and Onkapa band of Ogallallas, who have never acceded to the treaty of 1868, and therefore termed hostile, came into the agency, increasing the number to be fed to more than double that for whom supplies had been provided.

Many of these people had never been to an agency before, and were exceedingly vicious and insolent. They made unreasonable demands for food, and supplemented their demands with threats. They resisted every effort to count them, and as their statements of their numbers were frequently exaggerated, it became necessary to arbitrarily reduce their rations, forming my estimates of their numbers from the best information I could obtain. This caused a constant contention with them; and being unprotected, I was compelled to talk with them from morning till night. On one occasion, when attempting to count their lodges, I was arrested by some three hundred of these wild fellows and returned to the agency for trial; but of the older residents of the agency about seven hundred, armed and mounted, came to my relief and protected me.

While thus standing day after day with my life at stake, contending with these Indians for a just distribution of the food given them by the Government, serious charges were brought against me by parties who should have been my friends and supporters instead of persecutors. This greatly increased the difficulties under which I labored. But, thanks to the consideration of the Department, an investigation committee was ordered, which fully vindicated me.

The dissatisfaction of the hostile Indians became greater as winter advanced. Unable to induce them to comply with the orders of the Government for a census to be taken, I appealed to those who had lived long enough at the agency to understand the necessity of a compliance with these orders, and about the 1st of February they declared in favor of yielding to my direction in all matters pertaining to the business of the agency. This exasperated the hostiles, and immediately they broke up into small war-parties, going off in all directions, and attacking all parties who were not strong enough to oppose them. On the 8th of February I went to Whetstone agency, for the purpose of consulting Agent Howard in regard to the propriety of calling for troops. That night, about 2 o'clock, the watchman having fallen asleep, a Minneconjoux Indian, belonging to the band of "Lone Horn of the North," sealed the stockade, and calling my clerk, Frank D. Appleton, to the door, shot and killed him. The Indian escaped. Agent Howard called for the troops, and, as my employes were much alarmed, I joined in the request. On arrival of the troops there was much excitement. All of the hostile and many of the resident Indians left the agency for the north. The excitement, however, soon subsided, and I commenced a registration of the people, which they had previously consented to. Since this has been accomplished there has been little or no difficulty, as they readily comply with almost any request I make. During the summer those previously living at the agency have returned.

The agency-buildings erected are a stockade 10 feet high, inclosing a space 200 by 400 feet; a warehouse 100 by 30 feet, with an "L" 60 by 30; a barn 100 by 30 feet; three offices 16 feet square; 4 rooms 16 feet square for employes' quarters; a mess-house 16 by 30 feet; an agent's residence 25 by 30, two stories high.

The saw-mill was first placed in the timber about ten miles from the agency, but in consequence of the hostile attitude of the Indians, for greater security, I had it moved nearer the agency, on White River. It has been set for running with a temporary structure over it. I have also constructed a dam on White River, and have made

about one mile and a half of irrigation-ditch. This ditch can be extended to irrigate some 5,000 acres of lands.

On arrival at the agency, I found the Indians had a very exalted idea of their ability to resist the Government and compel a compliance with their wishes. I repeatedly called their attention to the fact that the buffalo were almost all destroyed, and as soon as they were gone the Indians would be helpless. Red Cloud sent messengers through the Powder River and Big Horn country, and convinced himself that there was not game enough to sustain them through a war; they now have a better understanding of their situation, and are making efforts to adapt themselves to the changed conditions. In the spring a general council of all the bands was held, at which they resolved to protect any one who wished to go to farming; whereupon twenty-five persons made application for assistance to commence. Not having procured any implements for this agency, I borrowed some plows of Agent Howard, and broke about 30 acres, in small patches, which were planted by the Indians; it, however, was too late in the season for crops to mature, yet it served to demonstrate the fertility of the soil wherever it can be irrigated. The demands for assistance to farm are greater than means at my disposal will supply. Within twenty miles of the agency there are about 50,000 acres of land which can be irrigated, yet agriculture cannot be depended upon as a means for support of these Indians. The valley of White River and adjacent hills produce a fine grass, and the country is well adapted to grazing; stock-raising must be the main pursuit in this country; especially is it adapted to sheep-culture. I believe the Indians would more readily learn to care for sheep than any other kind of stock. Next in importance is the breeding of horses and mules; they have over 10,000 horses, mostly of inferior size and quality, but by improving the stock with some good blooded horses, a hardy and valuable breed might be produced.

No missionary or educational work has yet been done among these Indians, but preparations are now making to build a school-house and establish a school. Not more than a dozen, perhaps, of these Indians have ever attempted manual labor, yet such is their eagerness to commence some industrial pursuit that I consider the prospect for their civilization very flattering.

Indians have great respect for authority, and strictly observe any law enacted by a recognized authority; they are easily governed when one has the power to enforce his orders; among themselves there is comparatively little disturbance or quarreling. I would respectfully suggest that it would greatly facilitate the administration of justice and promote order, if there was established a court for trial and means for punishment of criminals at the agencies. If there was a court at this agency for their trial, I have no doubt that the criminals whom the Indians now refuse to surrender would be delivered into my hands. They say it is simply sending them to their deaths to send them to Fort Laramie or Cheyenne for trial.

A strip of country along the valleys of the White River and Running Water, for a hundred miles east from the east line of Wyoming, and fifty miles wide, north and south, embraces all the land of any value for agriculture or grazing in the Southwest Dakota and Northwest Nebraska. This land is mostly in Nebraska, and therefore out of the Sioux reservation. If the Indians are removed to their reservation, all hope of civilizing them or making them self-supporting is gone, as there is no place on their reservation where any number of them could make a living. It is therefore the interest of both the Government and the Indians that the treaty of 1868 be revised, and the valleys set apart as a reservation for the Indians. In this connection, also, a release of the unceded portion of Wyoming and Nebraska could be obtained.

Very respectfully, your obedient servant,

J. J. SAVILLE,  
*United States Indian Agent.*

Hon. E. P. SMITH,  
*Commissioner of Indian Affairs, Washington, D. C.*

#### SPECIAL REPORT—ARRIVAL OF PROFESSOR MARSH.

RED CLOUD AGENCY, DAK., *November 30, 1874.*

SIR: At the close of my last report, the Indians were deliberating over the demand for them to submit to a count. Some idea of the agitation caused by this demand may be had from the fact that they were in consultation in the different camps almost constantly, day and night, for more than a week. Night councils are very unusual among these Indians, and are held only on occasions of importance.

On the night of the 4th instant, about 10 o'clock, I was sent for by Red Cloud. I found assembled the principal chiefs of the different bands. Red Cloud reproached me for the course I had pursued, and declared that they would not be counted. He was the only speaker, and, as far as I was able to judge, was expressing the decision of all

the bands. I replied that I could answer all that he had said in a few words; that he had heard the order of the Commissioner, and that I intended to carry it out.

There being no indications of the Indians yielding, on the morning of the fifth I addressed a note to the commanding officer at Camp Robinson requesting information as to the ability of the force at his command to defend the agency in case the Indians should unite in resisting the order.

This correspondence was transmitted to your Office November 9.

On the afternoon of the 5th instant, one of the interpreters was sent for by the Indians, and he was informed that part of them had consented to be counted and would move near the agency for that purpose. They immediately commenced moving. I subsequently learned that Sword, a nephew of Red Cloud's, and Young Man Afraid of his Horse, had called another council, and had taken a very firm stand against Red Cloud, and compelled him to yield.

Soon after the first parties began to move, the northern Indians, who refused to be counted, started off. Some ten lodges of Lone Horn of the North's moved in to be counted. All the rest, himself among them, started off for the Black Hills. He has since returned with three lodges, and is now here.

The actual count showed that the numbers given in by the Indians themselves were approximately correct. The number of Sioux counted is 9,339. Some eight or nine hundred of the Kioesie band were in Nebraska hunting, and were not counted.

In effecting this count I received valuable aid from the Indian soldiers whom I had armed, as well as the leading men. They kept guard over the agency day and night, and formed a guard to accompany those who took the census.

Threats of shooting those who were to count them were made by many of the more ill disposed before going to the camps, but the guard kept down all expressions of discontent when they were in the camps.

Annuit goods were distributed on the 10th instant. There were no expressions of dissatisfaction, although there was much disappointment at the small quantity given them. There were 3,700 blankets for 9,339 people. Were it not for the few skins they now get by hunting, half of them would be naked.

While we were counting the Indians, Professor Marsh arrived for the purpose of going to the Bad Lands, about ten miles north of this agency, for the purpose of making geological explorations. He proposed to take a party of soldiers with him. I advised him not to take soldiers, as it would certainly raise an excitement among the Indians. Besides, a party of citizens, with a few Indians, would be a better protection than the soldiers.

But he felt disposed to take the advice of his military friends rather than mine. On the morning of the 4th he came to the agency with a military escort. In a short time an intense excitement arose among the Indians, which I tried to allay, but finally insisted upon the party returning to the camp. I had a talk with the Indians in the evening, and they told me that if he would wait a few days until some of the most hostile of the northern Indians went away, he could go out there without danger; and if he would go without troops they would go with him.

He was detained two days and then went out, but as he insisted upon taking troops, the Indians refused to go with him.

The order for the Cheyennes and Arapahoes to sign a treaty consenting to go south when the Government should require it was refused by them until the 12th, when they signed it. I had counted both of these tribes, and, as business called me to Cheyenne, I issued rations to them, with the understanding that I should recount them on my return.

The estimate for provisions for them was based upon actual count. I shall, however, recount them, although some of these people are in Nebraska hunting. The older people were all in favor of signing the treaty, but the young soldiers of the Cheyennes threatened to kill any one who signed it. A young man called Medicine Wolf is the leader of the young soldiers, and is a bad man. He and several of his followers, I think, are determined to go upon the war-path as soon as spring opens, if a favorable opportunity offers. I think it would have a good effect to arrest this man and hold him until some of the war-spirit was taken out of him.

There are also some bad advisers of these Indians about Fort Fetterman. I have frequently been told by these Indians that the commanding officer at Fetterman wants them to come there to trade. I have no doubt that this has been told them by parties who are interested in trading with them. I would respectfully recommend that they be prohibited from going to or camping near any military post, and that post-traders or residents about a post be prohibited from trading with them.

Under the agreement with Mr. Appleton, the agency-buildings and issue-corral were fast approaching completion. On reception of your letter disapproving the contract, November 6, all work was immediately suspended, leaving the slaughter-house, issue-corral, and barn unfinished, and leaving unsawed 480 logs, measuring 42,976 feet. The mill being stopped, I discharged the engineer, his services being no longer required.



There being some work necessary in order to make our buildings habitable during the winter, I employed a carpenter temporarily, to continue the most necessary work.

Under approval of my requisition of April 1, 1874, for stock and agricultural implements for the use of Indians going to farming, I had promised those who were most active in the movement that they should have the wagons and oxen during the summer or fall. I had made every effort to obtain such cattle, as the treaty stipulates to give them, but found it very difficult to do. While at Cheyenne I went to see a lot of cattle for which Mr. McCann had bargained. They being such cattle as I wished I bargained with him for them, agreeing to give him the voucher for them on delivery at Cheyenne.

The vouchers were made out and sent to the store-keeper at Cheyenne, I thinking that the cattle were already there. I intended the Department of the purchase, and issue of the vouchers. But for some reason Mr. McCann failed to deliver the cattle, and the vouchers were returned to me.

I had intended not to purchase any this fall, but the Indians expressed so much disappointment and dissatisfaction at the failure to get them that I considered it a matter of importance to get them. I therefore sent out an agent and bought oxen, wagons, and plows. I have delivered to the Indians some wagons, eight yoke of oxen, and they are using them hauling wood and poles for fuel.

Since the loss of 278 head of cattle, September 7, I have had my herders searching for them. They have been unable to find any trace of them excepting the trails leading into Mr. Bosler's herd. It is difficult to prove positively that all the cattle went into the herd. But from the fact that no other trails could be found, and the cattle had just been driven from the herd a few days before, it is to be inferred that they all went back.

Very respectfully, your obedient servant,

J. J. SAVILLE,  
*United States Indian Agent.*

Hon. E. P. SMITH,  
*Commissioner of Indian Affairs.*

For Dr. Saville's letter of Nov. 12, 1875, with reference to agency buildings and Dr. Bevier's report, see documents relative to Appleton contract in appendix.

RED CLOUD AGENCY, NEBRASKA,  
*Thursday, August 12, 1875.*

Present: Hon. THOMAS C. FLETCHER, chairman; Prof. GEORGE W. ATHERTON, Hon. CHARLES J. FAULKNER, and Hon. B. W. HARRIS.

#### TESTIMONY OF LIEUT. J. McB. STEMBEL.

By the CHAIRMAN:

Question. What is your rank in the Army?

Answer. Second lieutenant Ninth Infantry, stationed at Camp Robinson.

Q. How long have you been stationed at Camp Robinson?

A. Since the 12th of July, 1874.

Q. Have you been there generally all the time?

Q. I have been there continually, with the exception of four days, when I was up at Spotted Tail agency.

Q. Have you had any acquaintance, association with, or other means of judging of the character, capability, and efficiency of Agent Saville as an Indian agent other than the circumstances attending the attempt to raise the flag-staff at the agency?

A. No. My acquaintance and association with the Indian agent here has been simply that I got introduced to him, and have always spoken to him when I met him. I have had no particular association with him. I am aware, however, of the circumstances connected with the attempt to raise the flag-staff.

Q. Besides that circumstance, are there any others known to you that would go to show his capability or efficiency?

A. Well, I don't exactly know what scope my answer should take in. I have seen Dr. Saville in contact with the Indians, and he never struck me as a man of any particular firmness, or a man calculated to control the Indians, or a man of vim and nerve enough to control them.

Q. Do you know anything of impropriety of conduct on the part of any of his employés about the agency?

A. No, sir.

Q. Did you ever see the beef-cattle that were delivered to the agency last fall or winter, or this spring?

A. No, sir. In the early part of the fall I had occasion to ride over to the beef herd; while riding in among it I spoke to the person with whom I was riding about the small size of the cattle.

Q. Had the cattle that you saw been turned over to the agent, or were they yet in the hands of the contractor?

A. That I do not know. The man who was the herder then is now issue-clerk at the agency, and the cattle were intended for the Indians. Since then I have seen Saville issue cattle, and have seen them in the possession of the Indians, and they always seemed to me to be small. The cattle that are issued at Army posts are about average size, but these agency-cattle are small as far as my observation goes.

Q. Have you observed other herds of cattle in this country that were neither Army nor Indian-agency cattle?

A. No, sir.

Q. Do you know anything of the suffering of the Indians in this vicinity last winter?

A. There was quite a long time here in which there was no issue of beef-cattle. I heard that the cause of there not being any beef-cattle issued was in one case that a herd stampeded, and in another case that the storms had been so violent that it was impossible to drive up beef-cattle, and during this period there was quite a long time in which the Indians got no beef, and they suffered considerably. They came around our post-kitchens begging for food. I have seen them put their hands into the offal-sinks and take out what had been thrown away there—the odds and ends and scraps of food. Friday, an Arapahoe Indian said the Arapahoes were killing their ponies to prevent starvation; and I heard from a white man who was living with the Arapahoes, (I don't know that he is good authority,) say that he had two small children—little girls—and the only meat they had tasted for some time was wolf-meat; that they hunted the wolves; and that this was general throughout the band.

Q. Have you ever seen the charges made by Professor Marsh against the management of the agency?

A. Yes, sir; I have read them.

Q. Is there any information that you can give us to enable us to ascertain the correctness of his charges other than that you have stated?

A. He speaks, I think, about the tobacco; that the tobacco was very poor. I have seen the tobacco that has been issued to the Indians here in several cases, and in my opinion it has been an exceedingly poor article. The Indians often try to trade it immediately after they receive it, or to give it away. I have had several offers of plug-tobacco as a present. It seemed to be very poor indeed. Then about the flour. I am post-treasurer, and as post-treasurer have charge of the baking of bread, and I know that the Indians, when we first came here, used to trade their flour for our hard bread; so the baker would trade bread for flour.

On one occasion, the baker of one of the companies put a little more than one quarter—I think it was that he told me—of Indian flour in the bread that he had baked, and this bread had to be thrown away, on account, as the baker said, of the poor quality of the Indian flour. He is a good baker, and I have every reason to believe that he spoke the truth.

By Mr. HARRIS :

Q. Is the baker still at this post ?

A. Yes, sir.

By the CHAIRMAN :

Q. Are there any other matters embraced in the charges about which you can give us any information ?

A. I can corroborate something that the Professor says. He says he saw a good deal of pork thrown away by the Indians. I have seen a good deal of the same thing.

Q. Did you ever examine the quality of any of that pork yourself ?

A. Not closely. I was riding past when I saw them throw it away.

By Mr. HARRIS :

Q. Did you observe that sufficiently to know whether the pork was damaged ?

A. No; I did not. The pork did not look very good or nice to me. When I read the Professor's charges, that he had seen pork thrown away, I remembered then that I had seen the same thing. That is about all that I would say in relation to those charges.

Q. Are there any other matters of irregularity or improper management, here that you either know of personally, or can refer us to persons who have any personal information of them ?

A. I know of nothing, personally, sir. In the matter of beef, I believe that Green, the butcher at the post, would give information as to the size of the beef. He has a practiced eye in matters of that sort. That is all I know of.

## TESTIMONY OF LIEUT. W. B. PEASE.

By the CHAIRMAN:

Question. What is your rank ?

Answer. First lieutenant of the Ninth Infantry, stationed at Camp Robinson.

Q. How long have you been at Camp Robinson ?

A. I have been there about a year—not quite a year—a year next October.

Q. When was that camp established ?

A. The post was laid out about August, 1873.

Q. Have you ever read the charges made by Professor Marsh against the management of the agency ?

A. I have read part of them. I have his pamphlet, and have looked it through, but not very carefully. I have been absent in the Black Hills, and only returned a day or two ago.

Q. Can you give us any information in regard to any of the matters that are stated in any of Professor Marsh's charges ?

A. As to any real information, I don't know that I can—nothing that I could swear to, or even affirm, of my own knowledge. There was one item I noticed particularly. The tobacco is certainly such as I would not like to use myself. I have seen it, and it is of a poor quality.

Q. Aside from any personal knowledge of your own, can you refer us to any persons who have any personal knowledge, and could give us any information in reference to any of these matters?

A. Well, sir, I suppose the employés at the agency would know about those things. Mr. Ecoffée, I believe, professes to have some knowledge of those things. We have not noticed them particularly, because they are not under our supervision; we would if they were under our supervision.

Q. I understand you to say that of your own knowledge you are not able to tell us of any irregularities or mismanagement of affairs at the agency?

A. No, sir.

Q. Do you know anything in reference to the number of Indians at this agency in October and November last?

A. No, sir; I do not know. The reports about the number of Indians are so very conflicting that it is impossible to tell except by actual count how many are about the agency or in the vicinity.

Q. Were you able in any manner to form an estimate of the number that were camped in this vicinity, and that drew rations and supplies from this agency?

A. Nothing at all that would be reliable; there might be many encamped in the vicinity which we could not know anything about, or there might not be. In making an estimate of the Indians I should go out to all their camps, and make an actual count; that is the only way it could be done accurately.

Q. And that you did not do?

A. No, sir.

Q. Do you know whether anybody did?

A. I don't know, unless it was the employés here.

By Mr. HARRIS:

Q. Have you any reason to suppose or believe that the agent has improperly used any supplies that came into his hands as agent?

A. I have no reason to say that Mr. Saville has been dishonest in the performance of his duties here. I have no opportunity of knowing anything about it or about his affairs.

Q. Has it been a matter talked about in the post?

A. No, sir; we don't talk about those things; we don't care anything about them, in fact; it is not a subject that we would dwell upon.

Q. So far as you know, you know nothing of any fraud committed by him upon the Indians or the Government?

A. No, sir.

Q. You have not such personal acquaintance with him?

A. I hardly know him; I haven't met him or spoken to him a dozen times in a year.

Q. Are the relations between the post and the agency of that friendly character which you think ought to exist between them?

A. Yes, sir; I think they are. Visits are exchanged occasionally between the gentlemen at the agency and the post. Mr. Yates and Dr. Saville have been there several times, but not at my own house. There has been no ill feeling between the post and the agency.

Q. Is it your opinion that there should be intimate and friendly rela-

tions between the head of the post and the head of the agency for the good of the Indians ?

A. There has been no unfriendly relations that I know of. I think they should work in unison. I think the interests of all parties would be better subserved by good feeling and co-operation. It is better, on general principles, that they should co-operate.

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### TESTIMONY OF DR. SPARROW A. SNOW.

By the CHAIRMAN :

Question. Doctor, you are physician at the agency, I believe ?

Answer. Yes, sir.

Q. Were you here last fall and winter ?

A. Yes, sir ; I came here a year ago last May. I have been here constantly, except for about two weeks in October, when I went to Cheyenne.

Q. Can you give us information in regard to any suffering here during last winter or early spring—suffering for the want of food and clothing ?

A. I have never known them to be suffering for the want of clothing. At one time I believe the provisions were short for a brief time, but not so as to cause any suffering, that I know of.

Q. Did you have occasion during the winter to visit the various Indian camps around here ?

A. Yes, sir ; I was out a little in the winter, but not very much.

Q. What is the course of your practice : are you sent for by the Indians as a physician, or are you sent out by the agent to see whether there is sickness in the camps ?

A. I am sent for by the Indians to tend them as I would white people—go to their camps, the same as I would if I were in private practice.

Q. Are you paid by the Government or by the individual Indians ?

A. By the Government.

Q. If the Indians were in a state of suffering and starvation, do you think it is likely they would have sent for you as a physician ?

A. They did at times when there was suffering in cases of sickness.

Q. Have you any recollection of being called upon in the winter of 1874-'75 by any of them on account of suffering for the want of food ?

A. No, sir.

Q. Or sickness induced by want of food ?

A. No, sir ; none that I have any knowledge of whatever.

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### TESTIMONY OF NICHOLAS JANIS.

By the CHAIRMAN :

Question. Mr. Janis, please state how long you have been among the Indians.

Answer. I have been in the Indian country since November, 1846. I speak and understand the Sioux language ; have been acquainted among the Indians ever since I have been here ; lived in lodges for nine years ; have a family of nine children among the Sioux. I was here last fall when

the annuity goods were issued. I helped them to issue the goods, and showed the goods to the Indians. They called the Indians in and showed them the goods, and counted thirty-six or thirty-seven bales. I am not positive whether it was thirty-six or thirty-seven. I counted them, but could not tell exactly about it now.

Q. Were those goods distributed in the manner they usually distribute them?

A. Yes, sir. They were distributed that day. The agent called me in to help him count the Indians and witness all the Indians that were getting blankets. I asked the Indians how they should be issued, and they said they had seventeen bands, I think—I don't recollect exactly though—and they asked that the goods be given them according to the bands, or the numbers of each band, and therefore we took the goods out of the commissary, after the Indians had seen them, and gave them to the Indians according to each band; so many blankets to each, according to the numbers. I asked the Indians how it was divided—that is, how they liked it—and they said all right, just as they wished it to be done, and they were satisfied.

Q. Previous to that time you had been sent for to help count them?

A. Yes, sir. Dr. Saville sent for me, and he told me he wanted me to help in counting the Indians. It was then difficult to count them; there were so many of them from the North that would not be counted. None of them were counted, because they wanted to bring the Indians over and collect them. I asked Doctor Saville to get my brother to assist me. I told the Doctor what the Indians said, and the Doctor told me to tell them that there was an order from their Great Father for them to be counted, and they could not get their goods until they were counted, and I explained that to the Indians, and then we began to count them, as they agreed to be counted. The first day there were counting Doctor Saville and another man and myself—three of us—in one party; the clerk and the interpreter were in another party; there were three or four parties out counting the Indians. The first day Doctor Saville got tired and said, "I would leave it to you, gentlemen, to count them," as we had been doing it; and we went on counting, and it took us four days to count them. There was an interpreter with each of the parties. Mr. Appleton was with my brother, and Mr. William Hunter was in another party. It would have taken three weeks for one party to count them all. I think there were nine thousand altogether of the Sioux only. The Cheyennes and Arapahoes were not here and were not counted at that time.

By Mr. FAULKNER:

Q. How many miles did you go out around the country?

A. I can't say, exactly; but we went above to the White River, and kept going around to every creek until we got about ten or twelve miles, and through the Indians on all the creeks, by bands, and each band had their own place to camp, and we had to go to each band; and we went around until we got away down on White River. It took us three or four days to do it in.

By the CHAIRMAN:

Q. Do you know something of the kind of supplies that were issued here last fall?

A. I knew the first supplies that were issued. They were brought up here the same time the goods were brought. The goods were not brought in one trip, but in different trips of the wagons. I got here about the last time they got goods. I believe there were seven bales of

blankets, and the balance was flour. Mr. McCann was then the contractor. I was standing out there with Red Cloud, and Blue Dog was there too. Mr. McCann stuck his knife into each sack to sample it, and they were weighed and put up, and he asked Red Cloud how he liked this flour, and also asked Red Dog, and Red Cloud said it was very good flour, better flour than he had gotten before; and I said it was very good flour. I had some of the flour at my ranch. There were some rations due me, and Dr. Saville gave me two sacks of flour. This was in November. I don't know the exact date, but it was four or five days before the annuity goods were issued. It was the first flour that came up last fall. They commenced the issue from that flour, because they all remarked that they had opened some of it. And they were wishing for flour, as they had been out for some time, and they all drew their rations the next day after the flour got in. I used the flour at my ranche, and there are a great many passengers or travelers there every day, and they ate it and did not complain.

Q. Do you remember anything about any pork they had here?

A. Yes, sir; I remember it, but I could not call it pork. It was shoulders and "jaw-bones," and everybody knows it; and I told Dr. Saville, and he said, "I could not help it. I have been working to get better, but they keep sending me that."

Q. Did he refuse to issue it?

A. Yes, sir; I heard him say it was a shame to issue that to the Indians, because it was not fit to issue.

Q. What did the Indians say or do?

A. The Indians took the fat and left the lean and the bones on the prairie.

Q. Do you remember anything of his issuing it afterward upon the demand of the Indians to have it?

A. No, sir; I do not. I don't know why they used it, but I heard them say there was some pork over there, and they had to eat it. I told them it was not fit to eat; that it was nothing but bones; but they said, "There is plenty there, and we have to have something to eat."

By Mr. FAULKNER:

Q. What would the Indians have said if he had refused to issue it?

A. I was present one day when the agent told the Indians, "This pork is nothing but bones, and you see how it is; I have to issue it to you," and the Indians said, "You have to issue it, because we have nothing to eat." There was about one hundred barrels there. I told them they were leaving it on the prairie, and they said, "If he don't give it to us, he will be trading it to somebody else;" and I can bring the Indians who said this. "He wants to keep it to trade it to somebody else." The Indians said this to the agent too.

By the CHAIRMAN:

Q. Did Dr. Saville say that he would send it back?

A. The Doctor said he could not send it back, because he would have to issue it to them, as they demanded it.

Q. Your large acquaintance among the Indians up in this country enables you to judge if there are Indians through here who have never been counted?

A. Yes, sir; I think there are from four to five thousand Sioux who have never come into the agency.

Q. Some of those Indians, however, I understood you to say awhile ago, had sent their families in here, or had otherwise drawn rations and goods here?

A. Yes, sir. I mean most of the lodges have come in here or have sent their families.

Q. Do you think there are Indians up there who have never drawn rations here?

A. Yes, sir; there are some Indians who have never drawn rations nor seen a white man, except in war, nor have been at an agency for ten or fifteen years. Some of them have not been here since the war with General Harney.

Q. As the game grows scarcer up in their country, and their means of subsistence becomes less, won't they be likely to come down here in greater numbers?

A. Yes, sir. The reason they do not come down is because they are wild Indians. The commissioners said to them, "We want you to come to the agency and we will give you all you want to eat." Now, since this agency has been built the rations have been cut down. These Indians, who saw that the rations were cut down, have reported it to the Northern Indians, and they say, "What is the use of us going down there?" This has been done since Daniels and Wharn were up there. Since Dr. Daniels was here as agent, the rations have been cut down, and the information went back to them up there that the Indians here were nearly starved; and therefore those Indians won't come in, and have not done so.

Q. Did you see the herd of beef-cattle that was driven in here day before yesterday?

A. No, sir, I did not.

Q. Have you seen beef-cattle that were driven in here last fall and spring?

A. I was here last fall, and Dr. Saville gave me a beeve, and it was the only issue I had since. It was the first issue to the Indians after the count of the Indians.

Q. What kind of beef was it?

A. The one I got was a tolerably good beeve; it was not of the best quality, but it was middling. The herd had some few cows in it, and there were a few steers, some from three to six and eight years old, and I thought it was a very fair average of cattle in those days, because they generally have good cattle here in the fall.

Q. Was that herd a fair average of Texas cattle in this country?

A. I think it was as fair as I have seen in general. It seemed equally as good as the general average. I saw this herd in November last. Last winter some time about two thousand of those cattle came into my herd, and I was about a month getting my cattle out of them. They were Mr. Bosler's cattle; and to this day I have not found my cattle. I had about two hundred. They would range from twenty-five miles below my place to thirty miles above it. Only two weeks ago I got my cattle back.

Q. Mr. Janis, what is the disposition of these Indians here in regard to engaging in farming, and cattle-raising, and sheep-raising; is there a pretty general desire among them to do so?

A. About sheep they know nothing, but about cattle, it was only three or four months that they have talked of raising cattle. I never heard of them raising stock of any kind except horses, with the exception of Red Cloud; he got some cattle, and put them into my herd, and they are there yet. They have been there for nearly three years—ever since Dr. Daniels was here. He has fourteen or fifteen head of horses.

Q. Have you had any opportunity of learning the weight of cattle on the hoof?



A. No, sir; I have not. I am not a judge. I never went to the herd but once, and then only drew one beeve. I am incorporated into the Sioux tribe of Indians. I am married to a niece of Red Cloud, and am entitled to receive rations. I have sixteen in my family. I was incorporated into the Indian nation prior to April, 1868. With my father, and mother, and children, altogether I have a family of sixteen.

By the CHAIRMAN:

Q. Your experience among the Indians, and among the Indian agents, enables you to judge of the competency of men to fill the position of Indian agent. Now, what is your opinion in reference to Dr. Saville in that respect?

A. Well, sir, as far as Dr. Saville is concerned, or any other Indian agent, I don't know; they have their orders and have to obey them; but I say that the Government sends Indian agents out here to attend to the affairs of the agency and the Indians without sufficient power. It ought to give him more power to do just what he sees fit, but the majority of agents come here with their hands tied. The Indians bother them every day for things they have not the power to give them.

Q. So far as you are personally concerned, and the Indians you have talked with, what is your opinion as to Dr. Saville as a man? Do you regard him as a good man, a correct man, and an honest man?

A. So far as I know Dr. Saville, and I have known him since 1859—he was a doctor in Denver, and was very well thought of there—I think he is a good man, but the Indians, find fault with him just as they would find fault with any man that would come here, unless it was a man like Major Twist or Major Patrick, who gave them all they wanted and everything they wanted, as they had such a supply that they could give the Indians everything they wanted. The Indians talk about them to this day with a good deal of pleasure and kindness, as they thought they were so good.

Q. You have the good of the Indian at heart, and so have we. At the same time, we have the good of our Government to look after, and we want to get your opinion on these subjects.

A. I am the friend of the Indian, and have been working for them ever since I have been here, and I feel for them. They want a man with them to show them how to manage their affairs; they want a man to show them how to take care of themselves. It requires for an Indian agent a man not only who is honest, but a man of mind, and firmness, and decision of character, and not only that, but a man with full power to do everything.

By Mr. HARRIS:

Q. Do you think Dr. Saville is a man of firmness and strength of character enough to be the Indian agent here?

A. The Indian agents they have sent here are sent merely as clerks, to carry out the orders that are given them, without any discretionary powers to do what they think best. Unless you have a man here to give them all they want, they do not consider him an agent at all, and they will complain for one hundred years to come. They are wild Indians yet, and you must not consider them civilized.

By the CHAIRMAN:

Q. Do you remember in September last, about the time of the issue of goods, that there were some wild Northern Indians camped over on White River?

A. Yes, sir. There were over two hundred lodges of those wild In-

dians, and we had great difficulty in counting them. I took pains to find this out, and there were two hundred families.

By Mr. HARRIS :

Q. Did they go away immediately after the issue of the annuity-goods ?

A. Yes, sir. They went away two or three days after the issue.

Q. Do you know anything of any Northern Indians being camped out beyond the Bad Lands from here about that time ?

A. In November last they were here when the goods were issued, below here six or seven miles, and then they moved out there on a little creek. I don't know whether it was on the other side or this side, but they camped out there just after the issue of annuity-goods. All these Indians who have any lodges are in the habit of moving. They move just as soon as the grass is eaten up from around their lodges. They sometimes stay a week, and sometimes two weeks and sometimes a month. The main body of the wild Indians were camped within six miles of here, on the White Clay Creek, when the goods were issued. There were the Uncapapas, Ogallalas, Sans Ares, Minneconjoux, and other tribes, mixed up, and after the issue of annuity-goods they all moved north, and I was told a portion of them were camped in the neighborhood of the Bad Lands, and a good many of them were visiting their relatives here, but the main body of them were camped up there. I think it was the second day after the issue that they were there.

Q. How long did they stay ?

A. They must have remained for five or six days, for it was snowing, and they could not go away.

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RED CLOUD AGENCY, NEBRASKA,  
*Friday, August 13, 1875.*

Present : Hon. THOMAS C. FLETCHER, chairman ; Hon. B. W. HARRIS, Prof. GEORGE W. ATHERTON, and Hon. CHARLES J. FAULKNER.

#### TESTIMONY OF MARK GIBBONS.

By the CHAIRMAN :

Question. What is your position here ?

Answer. I am clerk and book-keeper for the agent. Have been clerk since January 1, 1875. James Roberts was my predecessor. I found "Receipt-Books of Supplies," "Book of Stores Received," and "Book of Issue," when I came.

Q. In the beef-account up to the 1st of January, 1875, it appears that one hundred and twenty-three head of cattle more were issued than were received up to that time ; can you explain this error ?

A. I cannot. I have no other means of detecting an error except from these books.

[Mr. Gibbons produced his books, which were examined by Mr. Harris, who questioned him as to his system of book-keeping and his method of keeping his accounts.]

By Mr. HARRIS :

Q. Have you had experience in weighing cattle ?

A. I have weighed the cattle in the absence of Dr. Saville, and once or twice when he was here. I make the entry upon the beef-account book, in one item. I take a memorandum, on a piece of paper, of the issue, at the scale, and then enter it in the book afterward. We try to

weigh all the cattle of one issue, and sometimes they are all weighed, and sometimes five or six are not weighed. I have never known more than fifteen to go unweighed. This was in May, some time. We received six hundred and eight head, and out of those there were fifteen we could not weigh. The weights shown upon our books since I have been clerk here are as near correct as I could add them up. The weights were taken on a piece of paper, and then entered into the book. We don't keep the papers on which we make these memoranda of the weight. They are brought to the office and the entries made in the books and a receipt given to the contractor for that amount of beef; the contractor gets duplicate receipts. The weights which I took myself were taken correctly. I was here in May, when, it was said, some old cattle passed through. There were a few yearlings in the herd. The Indians got some of them before they were corraled; some run through the scales with the cattle and were weighed. I had the herders examine the herd and count how many calves there were after the whole herd was weighed, and they reported twenty, and I made a memorandum of it. The Doctor was away, and I deducted two thousand pounds for those yearlings that were weighed. They would not weigh more than one hundred pounds each; that was the opinion also of the herders. I asked them what they thought those calves would weigh, and they said they presumed one hundred pounds each.

Q. In weighing those cattle you have men to drive them in and a gate-keeper to let them out after they are weighed?

A. Yes, sir.

Q. Is it the practice to count them as they run through the scales?

A. Anything under two years is not counted.

Q. Is that the only deduction that is made, that they are not counted?

A. I don't understand you. They were weighed at the time they went in, and after the Doctor came we estimated that twenty went through, and we deducted two thousand pounds, but no memorandum was taken of it. The cattle are always weighed the same as they were the other day.

Q. Are those all the books you keep, sir?

A. Yes, sir.

Q. Don't you keep a stock-account, stock on hand in the warehouse?

A. Yes, sir; that is all kept in these books.

Q. Can you, any day, after an issue, determine the stock on hand in the warehouse?

A. Yes, sir.

Q. How?

A. By looking over the books to see what is issued. The store-keeper, after the issue, returns the amount issued of each article to me, and I enter it, as an issue, on the books.

Q. Can you tell how many beef-cattle you have on hand by your books, and who have the cattle?

A. Yes, sir; I can tell that without looking at the book—there are none.

Q. For instance: I find, you say July 25, W. A. Paxton, 446 head; July 15, received from Maybry, 810 head, and you also bring that into the next quarter; then, August 2, you received of Seth Maybry 394 cattle, and your account shows the issue of 463 cattle. Should not the entries all be there now?

A. I have not had time to make them up.

Q. This is a book of original entry, and why should not they be there?

A. I have not had time to post them up.

Q. Do you mean to say that you allow the memorandum of an issue of cattle like that of yesterday to lay around your office for weeks at a time?

A. It don't lay around the office, but I have not had time to enter them.

Q. These books don't balance, and I have been trying to see them balanced. Why can't you make them up?

A. I will go and do so.

Q. I wish you would give me the original memorandum from which you make up these accounts. Have you blanks?

A. No, sir; I make them on blank paper.

Q. If you issue, as you did the other day, 377 cattle, you drive off to the corral thirty (30) and you issue the balance; do you charge the whole number, and from day to day if you issue a cow to a separate Indian, you charge that separately?

A. I don't make separate entries of them; I keep them on separate memoranda, and at the end of the month I enter them on the book. My duties are, attending to almost everything, besides book-keeping. I have charge of everything during the absence of the agent, and since you gentlemen have been here I have not had an opportunity to do anything. The Doctor is employed all the time, and there are one thousand Indians here, and a man has to stop and talk to them or they will abuse him and drive him off and say he is of no account.

Mr. HARRIS. I would like to have your books brought down to this present time, so that we could understand how you stand before we leave.

The WITNESS. All right, sir; I will do it.

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RED CLOUD AGENCY, NEBRASKA,  
*Tuesday, August 17, 1875.*

Present: Hon. THOMAS C. FLETCHER, chairman; Hon. TIMOTHY O. HOWE, Hon. CHARLES J. FAULKNER, Hon. B. W. HARRIS, and Prof. GEORGE W. ATHERTON.

#### TESTIMONY OF LOUIS RESHAW.

By the CHAIRMAN:

Question. Mr. Reshaw, have you been in the vicinity of Red Cloud agency a good deal in the last two years?

Answer. I was here last fall.

Q. Where do you make your home?

A. At Fort Laramie; I have been stopping here ever since last spring, though.

Q. When you were here last fall had you any means of ascertaining with any certainty the number of Indians that were camped within a space near enough for them to draw rations from this agency?

A. I was here last fall when they registered the Indians, and the agent could not register them at all. He asked me to help him. I went into every lodge and counted the women and children; there were 9,000 and some odd—I don't know how many. Those were Sioux, and part

were Cheyennes, but I didn't count them. Bill Rowland, the Cheyenne interpreter, counted them.

Q. Do you know how many Cheyennes there were?

A. I do not.

Q. Do you know how many Arapahoes there were?

A. No, sir; I don't. I never inquired.

Q. Do you know how many Northern Indians there were there temporarily at that time?

A. There were not many northern Indians there at that time, because just before that they had the flag-staff cutting, and that stampeded all the northern Indians.

Q. Were you here at the issue of annuity-goods in November?

A. Yes, sir.

Q. Had you seen the issue of annuity-goods frequently before at the Red Cloud agency?

A. Yes, sir.

Q. Were these goods issued in the manner in which goods are usually issued by Indian agents?

A. Yes, sir; the same thing as they had always. The agent calls the different bands and divides the goods.

Q. Do you remember how many blankets were issued on that occasion?

A. There were 18 bales of blankets issued, 50 blankets in a bale—3,600 blankets.

Q. Mr. Reshaw, do you know the number of bales of blankets that were in the warehouse there?

Q. Yes, sir.

Q. How many were there there?

Q. That is what there were, 18, when I interpreted to the Indians; only 18 bales of blankets.

Q. Did you hear any complaint at that time on the part of the Indians as to the size or quality of the blankets?

A. Oh, yes, sir.

Q. What appeared to be their objection to them?

A. They said the blankets were small, and there was not enough of them, and they would not have taken the goods if I had not coaxed them into it.

Q. Was there any complaint on their part about the brand being on the blankets?

A. Yes, sir.

Q. What appeared to be their objection to the brand?

A. That it burned a hole right through. It is a kind of poison that burns a hole right through.

Q. But did they make any objection to the brand at the time the blankets were issued?

A. Yes, sir; they didn't like the brand at all. If they wore the blankets a day or two the hole wore right through, and after that they complained about them.

Q. Did you see any of those blankets that had holes in them where the brand was?

A. Yes, sir.

Q. About how many did you see?

A. I have seen a good many. I have several of them at home now, which have not been worn, but which you can stick your finger in and it will go right through. The brand had the effect of rotting the blanket,

so that you could put your finger through where the brand is. It is rotten so that you can easily break a hole.

By Mr. HARRIS:

Q. I understand you to say you have seen a good many of them that had holes in them where the brand was made ?

A. Yes, sir.

Q. It was cold weather at the time this issue of blankets was made ?

A. Yes, sir ; it was storming at the time.

Q. Had there been much cold weather before that time that you remember ?

A. Yes, sir ; we had one storm before that.

Q. Had the Indians been suffering for the want of those blankets ?

A. Yes, sir.

Q. You are very certain that there were only 18 bales of blankets received here and issued at that time ?

A. Yes, sir ; that is all I saw. I interpreted to the Indians and read the articles out to them. There were 3,600 blankets.

Q. You think there could not have been more than 18 bales of blankets issued here at that time without you knowing it ?

A. I could not tell. I was not here all the time. I was camped out.

Q. Was not this issue of annuity-goods all made in one day ?

A. It was made in two days.

Q. Were you there both days ?

A. Yes, sir.

Q. All the time of the issue ?

A. Yes, sir ; I helped to put them out, in the pile, myself.

Q. Did you count the number of bales of blankets before you began issuing them ?

A. I never went in the warehouse before the issuing began.

Q. When did you count the bales of blankets ?

A. When they rolled them outside.

Q. Did you count the blankets at all while they were all in the warehouse ?

A. No, sir ; I didn't see them at all when they were in the warehouse.

Q. Were you standing inside or outside the warehouse ?

A. I had to stand outside to show them what parties to put the pile to.

Q. Were those blankets brought outside in the bales, or were the bales opened inside the store-house ?

A. Brought them outside and cut them loose and divided them.

Q. Did you make any memorandum at the time of the number of bales ?

A. No, sir.

Q. Then, in stating the number of bales to be eighteen, you depend entirely upon your memory about it ?

A. Yes, sir.

Q. Have you seen any issue of beef-cattle made here to the Indians ?

A. Yes, sir ; I have seen some.

Q. When ?

A. I saw some there last fall and this spring.

Q. About what time last fall ?

A. I saw them in November.

Q. Did you see those cattle weighed ?

A. No, sir ; I did not see them weighed.

Q. Were you out at the corral ?

A. I was not at the scales ; they were weighed when I got there, I guess ; I guess they must have been, for they issued them right out.

Q. Mr. Reshaw, what kind of cattle were those that were issued on that occasion ?

A. They were small cattle ; the most of them were not fit for beef.

Q. Have you had experience in the weighing of cattle, so that you could give an estimate of the average weight of those cattle ?

A. I could not do it, because I have not been around when the cattle have been weighed.

Q. But have you seen other cattle weighed ?

A. I have seen big beef-cattle weighed.

Q. Well, has your observation among cattle been such that you could state something near what would be the probable average weight of those cattle ?

A. It would be pretty hard for me to say that ; I could not very well tell ; I would have to guess at it ; but they were mighty small cattle.

Q. And you are not sufficiently acquainted with the average weight of such cattle as to be able to say what those would probably weigh—to hazard an opinion on the subject ?

A. No, sir.

Q. Did you ever see a lot of seven or more cattle that were examined by General Bradley and Captain Mix ?

A. I had just left then ; they were examined about the time I left.

Q. Did you see those cattle ?

A. I saw the same lot that were issued ; and there were some left over, and they were taken up to the herd.

Q. Do you know that these cattle that were examined by General Bradley, Captain Mix, and Lieutenant Hay were a portion of those that were left over from the delivery of cattle that you saw in November ?

A. They must have been some of them, because it was the same issue, and they drove them up there, and I left then and started back to Fort Laramie, and I heard that General Bradley and Captain Mix went up there, and Professor Marsh, I believe, was with them, and saw the same cattle.

Q. That particular lot of some seven head, perhaps you did not see those ?

A. No, sir ; I did not see them.

Q. Did you see the cattle that were left over from the other issue ?

A. Yes, sir.

Q. Then they were driven to the herd ?

A. Yes, sir.

Q. Did you notice those particularly ?

A. Yes, sir.

Q. About how many were there, do you recollect ?

A. Yes ; about enough for another issue ; about 300 head, or a little more.

Q. What kind of cattle were they ?

A. They were the same as the rest of them that they had issued—small and poor.

Q. Were they in good order ?

A. No, sir.

Q. Is it usual for cattle in that season of the year to be poor in this section of country ?

A. No, sir ; cattle that have been out and stopped out for a while, would be good beef-cattle.

Q. Do you mean by that that they are Texas cattle that have been on the range in this section of country? Would they be in good order?

A. Yes; but these were cattle that must have been driven right through.

Q. That is what you term through-cattle in this country?

A. Yes, sir.

Q. Have you seen other issues of cattle besides that one in November?

A. I saw them last spring.

Q. About what time? Do you recollect?

A. In April; I could not tell what part of April.

Q. What kind of cattle were those?

A. They were all cows, most of them; some of them were very old cows, and some of them were a little over a year old.

Q. What you call yearlings?

A. Yes, sir.

Q. Were they in good order?

A. No, sir.

Q. Were they very poor?

A. Yes, sir; they were poor; one of them fell down here and the Indians butchered him; he could not run to the herd—could not travel to the herd.

Q. Were there any steers among that issue at all?

A. Very few steers in that issue.

Q. Do you remember any issue of cattle that you saw beside those two—one in November and one in April?

A. I never went round to the issues after that. I was around all the time, but I never went to the corrals where they issued them—yes, I was at one issue.

Q. But I understand you saw another herd that was being driven to the agency herd?

A. Yes, sir.

Q. That is the last one you speak of?

A. Yes, sir.

Q. In that one about how many yearlings do you suppose there were?

A. I saw them weighing that last lot of cattle; that was in the spring, after I got back from Washington. It was in the last part of June, I believe it was.

Q. I mean before that, before June; the one you saw in April?

A. I could not tell how many there were.

Q. Do you think half of them were yearlings?

A. No, sir.

Q. Do you think one-fourth of them were yearlings?

A. Not quite that many; but they were all sizes; two-year olds, three-year olds—

Q. Have you been trading with the Indians some heretofore?

A. I traded during the winter.

Q. Did you buy beef-hides from them?

A. Yes, sir; early last spring, when I went down to the Republican with them and came back here.

Q. Did you buy the hides on the Republican or here?

A. I bought the hides here.

Q. Have you any recollection of about how many hides you bought?

A. I think it was 145; I think something like that.

Q. Have you dealt a good deal in beef-hides in your life?



A. No, sir; that was the first time I ever bought any.

Q. Do you remember about the average weight of those hides?

A. No, sir; I have not got the receipt of them yet; I sent them to Omaha, and have not got the return yet.

Q. Did you weigh them when you bought them?

A. No, sir.

Q. Were they green hides or dry?

A. I bought them green, just as they came off the cattle; they had not been dried.

Q. How did the Indians have as many as 145 green hides at once?

A. They issued out as high as 300 head at the time of that issue, and they traded just as soon as they skinned them off; they don't dry them at all.

By Mr. ATHERTON:

Q. Did you sell them for green or dry?

A. Dry.

Q. You dried them?

A. Yes, sir.

Q. Did you ever weigh any of them?

A. No, sir; I weighed one of an American steer, and it weighed 44 pounds. It was an awful big steer; netted 1,600 pounds. That was at Fort Laramie.

Q. Those hides you bought of the Indians, were they large or small hides?

A. They were different sizes; some were small, and some were pretty good size. They are of different sizes.

Q. Were there any very small ones?

A. Yes, sir.

Q. About how many do you think?

A. About half were small; very small.

Q. Do you know the mode of the Indians, skinning a beeve, as to whether he takes off the whole of the hide.

A. He takes off all except the neck from the joint of the head.

Q. Does he skin the legs as Americans do?

A. He don't skin it clean down, only about half way; about to the knee-joint.

Q. Is it a pretty general custom among the Indians to take off a lariat from the outside of a beef-hide before they sell it?

A. Some of them do. They take it around the leg more than from anywhere else, and some of them will take half of it to make soles of moccasins, and try to trade the other half for a whole hide.

Q. Do you know whether there had been any lariats or soles taken off from those hides you bought?

A. The ones I bought had half of their legs off—the way they skin them.

Q. Do you know anything, Mr. Reshaw, of any stampedes of the Indian cattle here?

A. I heard of one.

Q. Do you know anything about it of your own personal knowledge?

A. Well, the Boslers' herder told me he wanted to sell me some of the cattle. I don't know his name.

Q. How did he come to tell you that?

A. He drove the cattle here, and I had my teams on the road freighting.

Q. But where did you see him?

A. On the Platte where the herd was.

Q. Were the stampeded cattle then in the herd?

A. Yes, sir; they had been brought here and stampeded and were back in the herd then; and this herder told me they were there, and offered to sell me some.

Q. Do you know anything about how many cattle were stampeded?

A. No, sir. I didn't ask how many, but he told me he would pick me out two yoke of steers. He told me they were cattle which had been received and stampeded back to the herd.

Q. Do you know whether the agent here ever got those cattle back or not?

A. No, sir; I do not.

Q. Is that the only stampede you know about?

A. That is all I know about.

Q. Do you know whether those stampeded cattle were afterward driven back here to the agency?

A. I don't know. They were back in the herd, and must have been driven back here again.

Q. Do you know, if they were driven back again, whether the agent accepted for them a second time?

A. Of course, if nobody told him about it he would receive them a second time.

Q. Do you know whether he did or not?

A. No, sir; I do not.

Q. Did you see rations that were being issued to the Indians last November?

A. Yes, sir.

Q. Did you see the flour?

A. Yes, sir.

Q. What kind of flour was it?

A. Well, there was some good flour among it, and some flour they could not use.

Q. Did you examine a good deal of it—a good many sacks?

A. I drew some here and got some from the Indians; but the most of it I had to feed the cows with; I could not use it.

Q. What is the reason you could not use it—was it spoiled?

A. Yes, sir; it made awful black bread; you could not raise it at all.

Q. Was it otherwise damaged so that it was unwholesome or bad food?

A. Its natural look was black; it looked black.

Q. Did you ever use any of it at all?

A. I tried to cook it, but could not do it; as soon as you would cook it, it would not raise at all; it would be the same as when you put it in; it would be black as could be, and you leave it out in the cold a little while it would be just as hard as hard-tack.

Q. Did it taste bad, or smell bad?

A. It smelled bad, but it did not have any taste at all.

Q. Did it smell bad before it was cooked?

A. Yes, sir.

Q. Well, if it smelled bad before it was cooked, how did you come to cook it?

A. It was the women who cooked it, trying every sack; what was bad we fed to the cows, and what was good we kept for ourselves.

Q. Could not you tell what was good and what was bad by looking at it, without having to cook it?

A. Yes, sir ; but I was not at home all the time. I was all the time running round.

Q. Did you see the coffee that they were issuing at that time ?

A. Yes, sir.

Q. What kind of coffee was that ?

A. There was a good deal of black coffee in it—these black grains ; pretty nearly half of it was black.

Q. Did you draw some of it ?

A. Yes, sir.

Q. Did you use it ?

A. Yes, sir ; but I took the black grains out.

Q. Did it make good coffee ?

A. Yes, sir.

Q. Did you get any of the sugar ?

A. Yes, sir.

Q. What kind of sugar was it ?

A. It was this A yellow sugar ; it was right yellow sugar.

Q. Was it good ?

A. Yes, sir ; the sugar was good enough, but it had an awful smell when you opened the barrel ; it smelled awful.

Q. Did it smell bad ?

A. Yes, sir.

Q. Did it taste bad ?

A. No, sir.

Q. Was there any dirt in it ?

A. No, sir ; there was no dirt in it ; it was clear sugar.

Q. Did you ever examine any of the tobacco they were issuing at that time ?

A. Yes, sir ; I have seen it.

Q. What kind of tobacco was that ?

A. It was this plug-tobacco ; there was more molasses in it than anything else. I know when you put it out in the sun and tried to dry it it would be worse—it gets more damp ; when you put it close to the fire or in the sun to dry a plug it would swell up so thick (indicating about four inches.) They hardly ever use the tobacco ; they throw it away ; it burns their tongues to smoke it.

Q. Do you know anything of the suffering among the Indians last winter and spring for the want of food and clothing ?

A. Yes, sir ; last spring when I got back here.

Q. Were they suffering for something to eat ?

A. Yes, sir.

Q. Did the agent have no rations to give them ?

A. No, sir ; he did not have any.

Q. No beef ?

A. No, sir.

Q. Or flour ?

A. No flour ; sometimes only flour straight would come ; I mean a wagon-load exclusively of flour.

Q. Do you know the extent of their suffering ? Will you describe it to us in some way so that we would understand what the extent of their starvation was ?

A. When I got here, in April, they did not have any beef, any sugar, or coffee ; all they had was pork—straight pork.

Q. Now, do you know how long they had been out of these things when you came back ?

A. I could not tell ; only I heard, when I came to Sidney, that they

were out; that was in the first part of March. I had been down on the Republican with the Indians.

Q. Do you know how long they continued out of those things after you came back?

A. It was a month. It was a month before they got any issue of beef. There was one whole month after I got back here that they did not get any beef.

Q. Do you know anything of the reason why they did not get any beef?

A. No, sir; I do not.

Q. Did you ever see the samples of supplies that were given to Professor Marsh by Red Cloud?

A. No, sir; I did not see them; that was done after I left.

Q. Did you sign, in Washington, on the 4th of June last, a statement in writing that you were present at the whole issue of annuity-goods, and saw all the annuity-goods delivered, and that there were only eighteen bales of blankets?

A. Yes, sir.

Q. And I understand you to say now that that is the truth?

A. Yes, sir; 18 bales of blankets; that is, 3,600 blankets.

Q. I understand you to say now that that is a fact; that there were only 18 bales issued?

A. Yes, sir.

Q. You don't think there could have been any more issued without your knowing it?

A. I could not tell. I lived away about a mile. I didn't come here until about eight or nine o'clock.

Q. Might there have been twice as many blankets, and you not know it?

A. Yes, sir.

Q. Do you know Little Wound?

A. Yes, sir.

Q. Do you know whether Little Wound examined the blankets any or not?

A. I don't know; the agent wanted to take him in, but they refused to go in.

Q. Who refused?

A. Red Cloud and Little Wound refused to go in and see.

Q. They did not go into the warehouse?

A. No, sir.

Q. Do you know who rolled the bales of blankets out of the warehouse when they were issued?

A. A good many men were rolling them out.

Q. You don't know who they were?

A. No, sir.

Q. Did you state in Washington, on the 5th of June, 1875, that of the cattle issued here in May, 1875, more than one-third of them were yearlings?

A. That is the one I just now told you of; that was in May.

Q. Did you state then that more than one-third of them were yearlings?

A. I stated just what I said—not that there was one-fourth yearlings; they were two-year-olds and three-year-olds.

Q. You did not say in Washington that there was more than one-third of them yearlings?

A. No, sir, I did not.

Q. Did you say in Washington, at the same time, that the number of hides you had bought was 60 ?

A. Yes, sir ; I had only bought that much at that time.

Q. Have you since bought the remainder of 145 ?

A. Yes, sir.

Q. Did you sign a certificate in Washington, on the 5th of June, 1875, stating " that in the summer of 1874 the herd of cattle at the Red Cloud agency which had been received by the agent from the contractor, stampeded, and most of them, over 100 in number, went back to the contractor's herd on the Platte ? "

A. Yes, sir.

Q. You signed that certificate, that there were more than 100 ?

A. Yes, sir.

Q. How did you know that there were over a hundred ?

A. That is what the herder told me.

Q. Did you know anything at all except what the herder told you ?

A. That is all.

Q. How could you state that it was so in your certificate ?

A. That is the way I told him, and he wrote it down, and he has got it different now. I told him just as I have told you.

Q. Did you say there that these same cattle were afterward driven to the agency and were receipted for a second time by the agent ? Your certificate says that you stated that of your own knowledge.

A. No, sir ; I stated it just the way I told you. I did not know whether they were driven back or not. All I know is from the herder, and he (Professor Marsh) wrote it down the same way ; and that is the reason I signed it.

Q. Did you tell him to write this down : " These same cattle were afterwards driven to the agency, and were receipted for a second time by the agent. "

A. No, sir.

Q. Who wrote this thing down for you in Washington ?

A. Mr. Marsh.

Q. Is that Professor Marsh, who was out here hunting bones ?

A. Yes, sir. I didn't tell him to write it down, anything of the kind. He kept after me asking me questions about it.

Q. After he had written it down, did you read it over ?

A. No, sir ; he read it to me, and just the way I told him.

Q. Then you had not told him that you knew there were over one hundred cattle that stampeded back to the contractor's herd ?

A. No, sir.

Q. You did not tell him you knew these cattle had been driven back to the agency and receipted for a second time ?

A. No, sir.

By Mr. HARRIS :

Q. Did you tell him that anybody told you so ?

A. No, sir.

Q. Are you a married man ?

A. Yes, sir.

Q. Are you married to a member of the tribe ?

A. Yes.

Q. Have you children ?

A. Yes, sir.

Q. Do you draw rations from the agency ?

A. Yes, sir.

Q. For how many persons ?

A. Nine.

Q. You are a half-breed ?

A. Yes, sir.

Q. Son of a Sioux mother ?

A. Yes.

Q. And have always lived here ?

A. Yes, sir.

Q. At whose request did you make a statement concerning the number of blankets ?

A. He asked me about it when I was in Washington—Professor Marsh.

Q. Had you been at work about the agency before that time ?

A. No, sir; I had just come in, and the Doctor asked me to use my influence to count the Indians.

Q. You had been discharged from that service on the 13th of September—the day before the issue ?

A. I was discharged after the issue.

Q. Do you remember particularly about that ?

A. I could not remember what time it was.

Q. Will you say now that you had not been discharged on the 13th, the day before the issue ?

A. I was paid off at the issue.

Q. Were you not discharged on the 13th and paid off at the end of the month ?

A. I could not tell.

Q. Now, were you at work for the agent on the day of the issue ?

A. Yes, sir; before the issue.

Q. I mean on the day the goods were being issued ?

A. Yes, sir.

Q. What were you doing ?

A. I was interpreting, standing out at the pile.

Q. Where was the agent at that time ?

A. He was standing outside, reading over the list of goods for each Indian.

Q. What tribe or what chief did you interpret to ?

A. To Red Cloud and Little Wound, and all these Sioux here.

Q. Now, do you know how many blankets Red Cloud had for his band ?

A. Well, sir, I could not tell; the bales were cut open and divided out; the agent or his men cut the bales.

Q. How many bales did Red Cloud have for his band ?

A. He did not have any whole bale.

Q. Did any Indian have a whole bale ?

A. No, sir.

Q. Do you know how many of those eighteen bales belonged to the Sioux ?

A. They all belonged to the Sioux.

Q. The Arapahoes and Cheyennes did not have any ?

A. No, sir; there were no goods for them.

Q. What time in the morning did you get here ?

A. On the first day of the issue ?

Q. Yes ?

A. Just before they commenced to issue, because we could not get the Indians to sign the papers for a long time, and we did not start until 11 o'clock, I guess; the agent was right by me.

Q. Did any Indian ask you to count them ?

A. Yes, sir.

Q. Who ?

A. Red Cloud and Little Wound.

Q. Did you tell them ?

A. Yes.

Q. On that day ?

A. Yes.

Q. At that time ?

A. Yes, sir.

Q. That there were 3,600 blankets ?

A. Yes, sir.

Q. And you say 3,500 blankets were counted out to the Indians ?

A. That is all there was.

Q. Which did you take the most pains to do—to count the blankets as they came out of the bales, or the bales themselves ?

A. I counted just the bales.

Q. You say there may have been blankets issued which you did not see. Explain to the commission how that could be.

A. That I could not tell ; there may have been some more issued, but I don't know anything about it ; and I could not tell next morning ; I was here late. It stormed all the first day ; and the second day I got here about 10 o'clock. They were not issuing blankets on the second day ; they issued all the blankets I saw, on the first day.

Q. I ask you whether you know that no blankets were issued on the second day ?

A. No, sir.

Q. And yet you were not here ?

A. In the morning—

Q. I ask you whether you say to this commission that no blankets could have been issued which you did not see ?

A. If there were any blankets issued that morning, I would see it, because when I came there was only a few boxes of axes at the pile. They would have been in the pile, and I would have seen them.

Q. Whom did you first tell the number of bales you saw ?

A. Red Cloud.

Q. Whom next ?

A. I don't remember anybody else.

Q. Until when ?

A. Until I went to Washington, and Mr. Marsh got after me.

Q. Didn't he tell you he thought there were twenty-five bales ?

A. I don't know whether he asked me that or not.

Q. You then, for the first time, told him that there were only eighteen bales ?

A. Yes, sir.

Q. What white man did you first tell that there were only eighteen bales ?

A. I don't think I spoke to any one about it.

Q. Do you know how many bales ought to come to these Indians ?

A. No, sir.

Q. Do you know how many pairs of blankets these people ought to have ?

A. I know they used to have double that amount of them.

Q. How many did they ever have at any one time ?

A. I have seen as high as forty bales.

Q. How many blankets would you call that ?

A. There would be fifty pairs in a bale.

Q. How many Indians were there here to receive blankets, do you think, last November ?

A. Just what I registered, about 9,000 and over.

Q. What part of the people got blankets ?

A. There was Red Leaf, of the Washashaws. He had the biggest band. The Indians borrowed wagons and came here with the wagons and loaded them up and took them to their camp.

Q. Did you ever see the blankets there as they were rolled out ?

A. Yes, sir.

Q. Did you notice the stamp on these blankets, as they were being distributed ?

A. Yes, sir.

Q. Did you see, then, that the stamp was bad ? Did you see any holes in the blankets ?

A. Not at that time. It didn't hurt the red blankets. There were red and black and white and green blankets. The black ones were the only ones I saw injured.

Q. Now, after the issue on the 14th or 15th, or either of those days, did you go into the warehouse ?

A. I went in on the second day.

Q. You did not go in before the issue commenced ?

A. No, sir.

Q. You don't know anything about how many bales of blankets were in the building ?

A. No, sir. On the second day after the issue I went in again, and I saw no blankets there.

Q. Did you ever see any blankets of that kind after that time in the possession of Dr. Saville ?

A. No, sir.

Q. Or any one of his employés ?

A. No, sir.

Q. Did you ever see any blankets that you had reason to suppose were delivered to him by other persons ?

A. No, sir.

Q. Have you any reason to suppose he issued all the blankets he received ?

A. I think he did.

Q. Have you any reason to suppose that any blankets he received were not delivered to the Indians ?

A. If he did I did not see it.

Q. Have you any reason to believe that there were any blankets which came to him that he did not deliver to the Indians ?

A. No, sir.

Q. Have you ever had any trouble with the agent ?

A. No ; only once, here, at the time I helped him to register the Indians.

Q. What trouble did you have with the agent at that time ?

A. He asked me to use my influence to get the Indians to consent to be registered, and he promised to give me a license to go and trade with the Indians.

Q. What sort of trade did he mean ?

A. To buy their robes when they went out on a buffalo-hunt. After I got the Indians registered he wanted me to take in Mr. Brown and Mr. Appleton, and I wouldn't do it, and he would not give me the license. He then brought in George Breckenridge, the corral boss at Fort Lara-



mie. Mr. Brown and Mr. Breckenridge came in while I was waiting for the license, and wanted him to give them a license to trade. I spoke to him about it. I told him I was waiting for the license he promised me, and he said to me that Brown and Appleton had told him I did not want any license; that I was going on my own hook anyhow. I told him I never said any such thing to either one of them. That is all I said to him, and he told me to go ahead and trade without a license, and so he told Breckenridge. Brown got in with Breckenridge.

Q. Did you go ?

A. Yes, sir.

Q. Did Breckenridge go ?

A. No, sir.

Q. Did you have a trade upon that hunt ?

A. Yes, sir. The Indians were starving out there, and did not have any buffaloes all that winter. They did not get but 100.

Q. Was that the only difficulty you had with Dr. Saville ?

A. That is all.

Q. Did he refuse to give a license to anybody ?

A. I don't know, sir.

Q. That is the only difficulty you have had with him ?

A. That is all.

Q. Was that about the time of this issue in November ?

A. Yes, sir; that was after the issue.

Q. Had Dr. Saville promised to give you a written license ?

A. Yes, sir.

Q. Where was that promise made ?

A. Right here in the office.

Q. Who was present ?

A. Me and him was all alone; there was no other person present.

Q. Did he and you talk about it together afterward ?

A. Yes, sir; he even offered me to be sheriff here to catch the Indians' stolen stock.

Q. Did he and you talk about the license afterward ?

A. Not until after I registered the Indians and the goods were issued.

Q. Did you before the time of which you speak, when Brown and Breckenridge came in ?

A. Before the goods were issued, Brown came and asked me if I was going trading; that he heard the Doctor had offered to let me trade. I told him yes; and Brown says, "I am sub-agent, the pay is mighty small, and I would like to get in with you;" and he said he would help me to get all of the other trade, and stop all the other people from trading, if I went in with him.

Q. Did you refuse that ?

A. Yes, sir.

Q. Did you talk to any other person except Dr. Saville and Mr. Brown about that ?

A. That is all.

Q. No other person ?

A. No other person. After that it was all over. The chief clerk heard it, and he made it out; and the officers asked me about it, and I told them.

Q. Were you the only person that went from here ?

A. Yes, sir.

Q. Have you seen the cattle that have been issued during this month at the agency ?

A. No, sir. I just got back yesterday.

Q. How much do you suppose the largest cattle which came here in November would weigh?

A. In November they had nice cattle; good beef-cattle.

Q. At the time Professor Marsh was here?

A. No; before that; the first of the issue. The last part, the time Marsh was here, they were pretty poor cattle.

Q. How much would they weigh?

A. Not very much.

Q. Have you ever had any experience that would enable you to judge of the weight of cattle?

A. It is pretty hard for me to tell. I have never dealt in cattle, or weighed beef after it was slaughtered.

Q. Can you read?

A. Yes, sir.

Q. And write?

A. Yes, sir.

Q. But have had no experience in weighing cattle, or judging of the weight of cattle?

A. No, sir.

Q. Can you give any opinion as to what those cattle issued in November would average on the hoof?

A. I do not think they would average over seven or eight hundred pounds on the hoof.

Q. You speak of the sugar as being very bad. It was dark-brown sugar—yellow sugar?

A. Yes, sir.

Q. Rather moist?

A. Very wet; kind of damp.

Q. You say it smelled bad?

A. It smelled as soon as you opened the barrel.

Q. What did it smell like?

A. I could not tell you.

Q. It did not taste bad?

A. No.

Q. And it was clean?

A. Yes.

Q. How does that sugar look compared with the sugar you had at that time? [Sample of sugar shown.]

A. That is pretty near the same kind.

Q. Does this smell as that did?

A. No, sir.

Q. Does it not smell as strong?

A. No, sir.

Q. Did that smell as if it was foul or dirty, or did it smell strong of molasses?

A. Strong of molasses. The sugar they are having now is all right. That sugar was only dark and smelled strong of molasses. That is what I mean when I say it smelled strong and bad.

Q. Do you think it was wholesome—fit sugar to eat?

A. The sugar was good enough to use in coffee, only when you opened the barrel it had a strong smell.

Q. You had never seen anything like it before since you have been here?

A. No, sir.

By Mr. ATHERTON :

Q. With regard to the count of the Indians, did the Indians seriously object to being counted ?

A. Yes, sir.

Q. For what reason, as you understood ?

A. They were afraid they would get rations just the same as troops—every family draw separately for itself. That is what they were afraid of; that is, draw by families instead of by bands.

Q. Was there any other objection ?

A. That is all the objection I heard.

Q. Did they make or threaten any serious resistance to the counting ?

A. They said the agent told them that if they would not be registered he could not issue the goods or the rations to them. Red Cloud answered him to take his goods and rations back where he got them; that he did not want to be counted.

Q. Did you consider that there was actual danger connected with the attempt to count them ?

A. Well, yes; there was a little.

Q. Did your count of nine thousand and upward include all of them ?

A. Yes, sir.

Q. You have stated already that it did not include any of the Cheyennes and Arapahoes. Did it include any of the northern Indians ?

A. No, sir; there were very few of them here. The last day of the counting I would not let the agent come around with us, because they had threatened him down here at one village; and I took his chief clerk and several other men down to register the Indians.

Q. Did this count take place before or after the affair of the flag-staff.

A. After.

Q. And you said before, as I understood you, that it was for that reason there was so few northern Indians encamped here; that they had gone off ?

A. Yes, sir.

Q. How many of the northern Indians had been here, according to your best information, at any one time ?

A. I think there were over two thousand went back at that time.

Q. Before any of them went back ?

A. Last summer, at the issue previous to the count, there was the largest number that was here at any one time. They were coming in daily in considerable numbers until the affair of the flag-staff.

Q. Do you remember when the difficulty about the flag-staff occurred ?

A. Yes; I was here.

Q. What time was it—what part of the month ?

A. I could not tell you. I do not remember the day of the month.

Q. In what month, do you remember ?

A. A little before they were registered.

Q. Do you remember what month it was in ?

A. The issue was in November.

Q. How soon after the difficulty about the flag-staff did the Indians begin to leave ?

A. They left that same day and all that night.

Q. How many do you estimate remained ?

A. It is pretty hard to tell. They went into different bands.

Q. So that it was not possible to estimate their precise number ?

A. Yes, sir.

Q. Those that remained in camp by themselves, where were they encamped?

A. They were scattered among their relations. Some who had relations here went to them and joined their bands.

Q. For how long a time do you think that process of distribution was going on?

A. That day and night. After next morning the excitement quieted down, and they stopped going.

Q. Did any of those who went away north return to their old encampments, as far as you know?

A. No, sir; I do not know. I left then, and did not get back here till April.

Q. Do you know whether those who were scattered among the various bands afterward went out and encamped by themselves?

A. No, sir, I do not.

Q. Did you go north with Professor Marsh?

A. No, sir; I did not.

Q. In what direction did these northern Indians go? Where were they supposed to go?

A. Their route is right straight through the Black Hills; just a little west of the Black Hills.

Q. Did they remain in the Black Hills?

A. No, sir; they went up the Tongue River to the Yellowstone.

Q. Do you know where Professor Marsh went?

A. No, sir; I do not know what place he went to.

Q. Do you say that the return you made of nine thousand and upward was a correct count of the Indians who were here at that time, except the Cheyennes and Arapahoes?

A. Yes, sir.

By Mr. HARRIS:

Q. Now, can you give us an opinion as to how many Cheyennes and Arapahoes there were here at that time that you did not count?

A. No, sir; I have never went around to their villages, and could not say.

Q. How do you come to state that thirty-six hundred blankets were issued? Where did you get that information?

A. I got that from the Doctor. He got a paper and read it out, and told me there were thirty-six hundred blankets.

Q. Are you sure that he did not say there were thirty-six bales?

A. I ain't sure of that. He may have said there were thirty-six bales, not thirty-six hundred blankets, and I may have misunderstood him.

Q. You say there were eighteen bales, and fifty pairs in a bale. That would figure up eighteen hundred blankets. You say you may have misunderstood him; that he may have said thirty-six bales instead of thirty-six hundred blankets. Now, in view of all this, are you sure that the Doctor said anything about thirty-six hundred blankets?

A. I may have misunderstood him.

Q. You are aware that there would be thirty-six hundred blankets in thirty-six bales, are you not?

A. Yes, sir; now.

Q. Having that fact in view, are you sure that the Doctor told you there were thirty-six bales, or that he told you there were thirty-six hundred blankets? Are you sure which it was that he told you?

A. I could not tell you which he told me, but he told me thirty-six hundred. I think that is what he told me.

Q. When you made your statement to Professor Marsh, were you relying more upon your own count or upon what the Doctor told you?

A. All I counted was the bales of blankets when they were rolled out, and I went back to get Red Cloud to sign the receipt. The Doctor asked me to go and get him to sign it; and he had the other interpreter, Billy, to show them the piles, and when I went in to get Red Cloud to sign I had only seen eighteen bales. That is, eighteen bales had been rolled out when I was asked by the Doctor to go and get Red Cloud to sign. And that is all I saw; and when I came back they began to cut open the bales.

Q. But you got the figures thirty-six hundred from the Doctor's statement?

A. Yes; or the thirty-six bales, whichever it was.

Q. I understood you to say you told Red Cloud that there were only eighteen bales of blankets rolled out at that time.

A. That is all I saw before I went to Red Cloud to have him sign the receipt for the goods.

Q. Where was Red Cloud?

A. He was here in this corner room; but I had not gone in the warehouse then.

By Mr. ATHERTON:

Q. Had you reason to suppose that Red Cloud received information as to the number of bales of blankets from any one except yourself? That is, did he rely on your count?

A. I do not know. Red Cloud and Little Wound asked me to count the bales that were rolled out, and when eighteen bales had been rolled out Dr. Saville asked me to go and call Red Cloud to have him sign the receipt. All the chiefs had signed except him. When I came back I did not count them again. They were cutting the bales and issuing the blankets out. I could not count them then. There were eighteen bands of Indians to whom goods were then being issued.

By the CHAIRMAN:

Q. Do you know whether any one of those bands received as much as a whole bale of blankets without being opened?

A. None of them had a whole bale. There were different colors of blankets, and they all got some of each kind.

By Mr. ATHERTON:

Q. Did you tell Red Cloud the number of bales before or after they began opening them?

A. I told him after the bales were opened.

Q. Was there any chance for any further count of the bales, then, after you had told Red Cloud?

A. No, sir. There are more Sioux Indians in the North who never have come here than there are at the agency.

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#### TESTIMONY OF WILLIAM H. BROWN.

I was last year appointed by Dr. Saville as sub-agent to go down with the Indians on their hunting expedition on the Republican Fork. It was, I believe, with the approval of the Department. I did not at any time say to Louis Reshaw that the salary of sub-agent was small, and

that I wanted an interest in his trade. I had considered the question whether I would go there as trader. Two or three months prior to accepting the appointment of sub-agent Dr. Saville had offered me an appointment as trader. I asked whether the trader could have an exclusive right to trade, and he said he thought not. He said there were parties already settled there, and he did not think they could be excluded from trading with the Indians. He seemed to doubt whether he had authority to grant a license to trade off from the reservation. Mr. Breckenridge came over from Fort Laramie with Professor Marsh about the time I did; and after he found out that I was going South he came to me and asked me if I had any objection to his going South as trader if I went as sub-agent. I told him that I should be glad to have him along. He wanted to know whether it would be necessary to have a license, and I told him to go and see Dr. Saville. On second consideration I told him I did not think it would be necessary for him to have a license, but to go and ask Dr. Saville his opinion in regard to it. He afterwards came back with Louis Reshaw, and each wanted to go as trader. I told them that I did not think it would be worth their while to get a license, but told them both to go to Dr. Saville and ask him about it. They went to Dr. Saville, and he in my presence told them that he did not think it would be of any advantage to them to have a license. The Doctor said he would be willing to grant either of them a license on the approval of the Department, but he did not think a licensed trader would have any advantage over any one without a license. I do not know that any conclusion was reached at that time, but I did all I could to dissuade Breckenridge from going, as I did not see how he could make any money. Louis afterwards went; but whether the Doctor told him he could go on his own responsibility I do not know. On further consideration he concluded that a license would be of no benefit, and decided to do without it. I never heard him complain that the Doctor had violated his promise in not giving him a license. I did not seek or obtain in any respect whatever any advantage from the trade on that expedition.

Q. State the facts respecting a delivery of about 130 head of cattle last fall.

A. When we were going south in the fall, the Doctor had told me to give the Indians some beef. Mr. Bosler gave me a note to his herders, and they said, "All right; take whatever you want." I took about 130 head, and distributed them to the Indians. They made very serious complaint because I did not give them about 200 head. I had no count of the Indians, but took an estimate of them as well as I could by counting lodges, and distributed the cattle to the several bands. There was no estimate made of the weight of the cattle, but I sent the number to Dr. Saville. I formed an estimate in my own mind of the weight, but made no return to the Doctor. The cattle were of good quality, and there were about half a dozen calves, which we did not count. I gave a pencil-memorandum of the number of head to the herder, and as soon as I arrived at the railroad I wrote to Dr. Saville a full statement. They were an average of the herd, as we went into the herd and took out a bunch. I passed through a good part of the herd, looking for some Indians, and so saw their general size and condition. In cutting out a bunch it is not easy to select sizes, and I aimed to take an average of the whole herd. The memorandum given to the herder was not given in form of a voucher. The weather was extremely cold; I entered my memorandum in a little book belonging to the herder. I afterward received orders from the agent not to deliver any more cattle without further orders from this office, and he complained that I had given them too many.

## TESTIMONY OF LIEUT. E. B. ROBERTSON.

By the CHAIRMAN :

Question. What is your rank ?

Answer. Second lieutenant, Ninth Infantry.

Q. Have you read Professor Marsh's charges against the management of affairs at Red Cloud agency ?

A. Yes, sir. I saw an issue of beef-cattle on the 3d of August, this year, at the issue before that of yesterday, and a portion of the cattle were very small in proportion to the others. I could not say what weight they would average. I don't know anything about the weights of cattle. I don't think they would average as much as the cattle we received at the posts. I saw the pork, tobacco, and sugar issued last fall and winter. I saw the Indians throw a good deal of the pork away. I don't think it was very good quality ; it was not such as I would want to eat. The tobacco was black in appearance, and of a very poor quality. The sugar, at the time I noticed it, had a sandy appearance, but I did not taste or examine it very closely. In appearance it was not as good as the brown sugar that is issued to the soldiers. A few days ago I noticed the sugar that was being used, and it was of a better quality than I had seen them get last fall.

Q. How does the sugar that you saw issued the other day compare with what is now being issued to the Army ?

A. I think it would compare very favorably.

By Mr. FAULKNER :

Q. Lieutenant, are you a fair judge of the weight of beef ?

A. No, sir ; I know nothing about it at all.

## TESTIMONY OF JULIAS M. GREEN.

By the CHAIRMAN :

Question. What is the nature of your employment ?

Answer. Butcher ; I am butcher at Camp Robinson.

Q. How long have you been there ?

A. Since the 8th day of March, 1874.

Q. About what is the average weight of cattle received at the post ?

A. My beef averaged 405 pounds net weight last year, excluding kidney, tallow, shanks, and brisket.

Q. Are those Texas cattle that you get there ?

A. Yes, sir ; most all of them.

Q. Are they generally steers ?

A. No, sir ; cows.

Q. Have you seen the herds of cattle that were issued to the Indians here ?

A. I have seen a great many, but I paid no particular attention to them.

Q. How would they generally compare in size with the beef you used at the post ?

A. Well, I could not very well say ; because you take a large drove of cattle and the small ones are crowded on the outside, and a man can't form his opinion unless he goes through them. Most of the cattle furnished for the Indians I have seen were steers ; there were but few cows among them ; I never observed any yearlings among them.

By Mr. HARRIS :

Q. Would, in your judgment, a herd of cattle composed mostly of steers be likely to weigh more than a herd composed mostly of cows ?

A. Oh, yes.

Q. Have you or have you not any opinion to express as to whether the cattle furnished to the Indian agency here, take them all through, weigh on the hoof more or less than the cattle you received at the post ?

A. I think they weighed a little more, because I killed a good many two-year-old cows.

Q. You say yours weighed four hundred and five pounds net, excluding shanks, tallow, and brisket. What do you mean by "shanks;" all below the knee ?

A. All below four inches above the front knee; and the hind shank is cut from six to eight inches above the gamble-joint.

Q. In a fair-size cow, what would be the weight of the rough tallow on the kidney ?

A. Nor more than ten pounds.

Q. What do you mean by the term "brisket," as you use it ?

A. It is nothing more than a strip taken down off the neck; it is a piece of the bloody end of the neck, cut off at the fourth joint.

Q. How much would they weigh, generally ?

A. The kidneys, tallow, shank, and neck would weigh from 40 to 50 pounds.

Q. So that if they were left on, the average of the cattle would be from 40 to 50 pounds higher ?

A. Yes, sir.

Q. Those cattle that you saw for the agency, what was their quality as beef ?

A. I got some very good beef out of them.

Q. Then you have exchanged beef sometimes with the agent when he got out of cattle ?

A. Yes, sir.

Q. That beef you got by exchange was good beef ?

A. Yes, sir.

Q. As you saw the herds coming to the agency, how did they compare as merchantable beeves with those that you have killed ?

A. Last winter the cattle in this country, the Texas cattle fell away a great deal; last spring they got thin. I only saw one herd here that was thin—that was last spring; the rest was all good.

Q. How long have you been a butcher ?

A. I have been around butcher-shops for ten years.

Q. Has your butchering all been done at the military posts ?

A. No, sir. I worked two years at Omaha, and also in Hamilton, Ohio.

By Mr. ATHERTON :

Q. You remember an occasion when eleven cattle were killed by the Chyennes ?

A. Yes, sir.

Q. In what herd were they killed ?

A. In the post-herd; they were taken from the post-herd and dressed at the Cheyenne camp. Dr. Saville made them good afterward, and allowed me to select eleven from the agency-herd. I selected eleven of the fattest, but not the largest, which netted 450 pounds each without the shanks, tallow, kidney, or brisket; but with those they would net about 500.



CAMP ON THE NIOBRARA, NEBRASKA,  
(THIRTY MILES BELOW RED CLOUD AGENCY,)

*Saturday, August 14, 1875.*

After leaving Red Cloud agency the commissioners proceeded to a point on the Niobrara River to inspect a large herd of cattle owned by J. W. Bosler, and intended for delivery at the Red Cloud and Spotted Tail agencies under the existing contract. The commissioners examined the herd, which numbered 5,500 head. J. W. and J. H. Bosler accompanied the commissioners to the camp, where George M. Bosler was found in charge of the herd.

TESTIMONY OF GEORGE M. BOSLER.

By Mr. ATHERTON :

Question. Mr. Bosler, were you present at the delivery of cattle at Red Cloud agency, November 14, 1874 ?

Answer. Yes, sir.

Q. Did you see Professor Marsh at or about that time ?

A. I did not see the Professor at the delivery of the cattle. I saw him afterward at the agency.

Q. Did you have any conversation with him about the cattle ?

A. No, sir.

By the CHAIRMAN :

Q. Was it on the same day as the delivery of the cattle that you saw him at the agency ?

A. I could not say.

By Mr. ATHERTON :

Q. Did he make any remark to you or in your hearing as to the condition of the cattle ?

A. No, sir.

Q. Were you the only person named Bosler who was present at this delivery ?

A. Yes, sir.

Q. I call your attention to the statement, on page 25, of Professor Marsh's pamphlet: "The cattle of this herd were so wretchedly poor that even the contractor, Mr. Bosler, deemed it necessary to apologize for them." I want to ask you, did you, to any person, make any statement respecting the condition of the cattle in the nature of an apology, or explanation, or excuse ?

A. Major Burt came to me and asked me what made the cattle look so gaunt. I told him we had driven the cattle in a storm for two days and one night; that they had neither grass nor water during that time.

Q. Was that statement to Major Burt a correct statement of the fact in the case ?

A. Yes, sir; I was merely answering the question.

By Mr. HARRIS :

Q. What was in other respects the condition of those cattle ?

A. They were good cattle out of a herd of 3,000 head like those you have seen this morning.

Q. Were they as good as those we have seen this morning ?

A. Yes, sir; they were fatter cattle, only we had driven them for two days and a night in a storm, and of course snowing all the time as it

was, it made them look rough; they had no food or water during the time.

Q. How far had you driven them?

A. I had started them from about five miles below here, where we now are on the Niobrara; that is about thirty-five miles from the agency.

Q. How happened you to be so long driving them thirty miles?

A. It commenced snowing on the morning we started driving the cattle, and kept snowing all that day and all that night, and the next morning we got lost, and did not get in to the agency until night.

By Mr. ATHERTON:

Q. How far do you ordinarily drive cattle in a day?

A. From fifteen to twenty-five miles.

By Mr. HARRIS:

Q. You say they could not get water during that time?

A. No, sir; they could not.

Q. Were the streams frozen?

A. Yes, sir.

By Mr. ATHERTON:

Q. Are you a contractor for the delivery of cattle at the agency?

A. No, sir.

Q. Have you any interest in any contract for that purpose?

A. No, sir.

Q. Had you at that time?

A. No, sir.

Q. What is your relation to the contractor?

A. I am working here for J. W. Bosler.

Q. I mean your blood relation; is he your brother?

A. Yes, sir.

By Mr. HARRIS:

Q. Have you the care of the cattle?

A. Yes, sir.

CHEYENNE, W. T.,  
Tuesday, August 24, 1875.

Present: Hon. THOMAS C. FLETCHER, chairman; Hon. B. W. HARRIS, Prof. GEORGE W. ATHERTON, Hon. CHARLES J. FAULKNER, and Hon. TIMOTHY O. HOWE.

GEORGE M. BOSLER was recalled.

By the CHAIRMAN:

Question. Mr. Bosler, were you in charge of the herd of cattle in 1873?

Answer. Yes, sir.

Q. Do you remember having a conversation with Mr. Samuel Walker at any time? He came out to investigate some Indian frauds.

A. Yes, sir.

Q. Where was the conversation which you had with him?

A. At Red Cloud agency.

Q. Did you have more than one conversation?

A. I had but one conversation with Mr. Walker.

Q. Please give, in your own way, the substance of the conversation, as near as you can recollect.

A. Mr. Walker was present at the delivery of cattle. The first evening I came with the cattle myself. I don't remember the date, but if I recollect, it was in October. We went down, and the cattle were turned over, weighed, and delivered. Mr. Walker asked me whether those were such cattle as I had been delivering. I told him that our cattle were all in the country, and that he could go down and judge for himself, and I would be very glad to take him down when he wished to go.

Q. Where were the cattle?

A. Part of them were on Running Water, where our men were, and part of them were on the Platte. Well, he said he could not go, as he had no time, or something to that effect. I don't remember his remark. That is all that I recollect now. He did not go to see the cattle.

By Mr. HARRIS :

Q. Did he object to the cattle, or say they were not good?

A. No, sir; I heard him make no remark of that kind.

Q. Did you go to the herd after you saw him for the purpose of ascertaining the number of cattle which had been receipted for?

A. No, sir.

Q. Did you not come back and state to him, after being at the herd, the number of cattle which had been receipted for?

A. Mr. Walker asked me whether I knew how many cattle were not receipted for. I told him I did not know, as I did not take up any receipts myself. I took a memorandum-receipt when I delivered the cattle.

Q. Did you return to the agency after he left, and say that the Government owed your brother for 798, and maybe more?

A. I told him that I knew which were not receipted for at the last delivery, but I could not give him the exact number, as I did not take a receipt for them.

Q. The question between you, then, was not how many cattle were receipted for, but how many were not receipted for?

A. Yes, sir.

Q. Do you remember his asking you this question?

A. He asked me how many cattle were not receipted for. I handed him the memorandum-receipt, which, I think, stated the amount stated there in his report, 798. This I told him was all I knew, as I gave the memorandum-receipt to my brother when he came along. I mean the memorandum-receipt which I receive from the agent when I turn over the cattle to him. I mean by not receipted for, cattle which I take to the agency and only take a memorandum-receipt from the agent for.

Q. What do you do with the memorandum-receipt which you take at the time the cattle are delivered?

A. I turn that over to my brother, and upon that he obtains the voucher from the agent.

Q. Did you hear any conversation between Mr. Walker and the agent or Mr. Appleton, the agent's clerk, as to whether there was any account kept at the agency of the cattle kept?

A. No, sir; I did not.

Q. Did you say to Mr. Walker at any time that receipts were written by your brother for the agent's signature?

A. No, sir; I don't recollect of Mr. Walker asking me that question. I have never said to Mr. Walker that my brother made out receipts for Doctor Saville's signature, and I have so stated in a former examination.

Q. Have you any knowledge of the stampede of cattle which occurred in October, 1873, when the stampeded cattle were driven back to your herd—when some five or six hundred cattle were stampeded?

A. I don't remember but one stampede, and that took place last fall.

Q. Do you remember that the agent lost a large number of cattle which were afterward turned into the herd as they were gathered up?

A. I remember the circumstance, but not the number of cattle. That was last fall a year ago.

Q. Do you know how they were turned into your herd?

A. No, sir; I know that the agent's men brought some cattle back there, and my men received them. I was not there. I don't know how many were put in the herd.

Q. Do you know personally of those cattle being turned back to the agent?

A. Yes, sir; I do. I was ordered to return the cattle that the agent had turned back into my herd. An equal number was given him, as it would be a very hard matter to turn back the same cattle.

Q. Did you keep a record of the number of cattle received?

A. My man who was in charge of the camp kept an account of the number. It was either Porter or Roudon. They are not now in my employ. I don't know where they now are. They did not give me any account of the numbers. My brother, J. H. Bosler, was at the agency at the time.

Q. Personally you don't know that any cattle were ever turned over to the agent to make up for the cattle which were turned into your herd?

A. Yes, sir; I do. I know that at the next delivery an equal number of cattle were taken off to make up the number, but I was not present, and know it only from my account. I keep a record of the number of cattle I have in my herd, and when I deliver some cattle I take that from the whole number, which leaves so many in my herd; and if the agent turned over any cattle to my herd, I would know it by the whole number. And when I came up, my brother gave me the account of the number of cattle which had been delivered to the agent, and he gave me the numbers less the amount of those stampeded cattle. I don't remember the number. I could not say whether it was three, four, or five hundred. I could not say how many. I have no book with me that would enable me to be accurate on that subject.

Q. Did you testify fully on this subject before?

A. Some of these questions were put to me. I did not then give any statement from my book. I have not examined my book since that time. I don't keep any regular books, only an account of the cattle I have in my herd, and at every delivery I know how many I have left, or should have.

Q. Did you add to them the number of cattle which returned to your herd from the agency?

A. I did not do it. My brother did it. I was not present when the cattle were turned back. I was not present when the cattle were turned into the herd. My brother, J. H. Bosler, was. I don't know that he was at the herd, but he was in the country. I don't know whether the herder gave him any account for the cattle which were returned to the herd.

By Mr. ATHERTON:

Q. Is this book which you speak of in such shape as you can show it now?

A. I don't keep any book myself. I know how many cattle I have in my herd, and all I take when I deliver any cattle is a memorandum-receipt, and when my brother comes along I turn it over to him. All the

accounts are turned over to J. W. Bosler. All I have to do in this business is to take charge of the cattle and deliver them to the agent.

By Mr. HARRIS :

Q. Suppose you were to have six thousand given you to-day to keep as a herder, would you charge yourself on any book with such cattle ?

A. No, sir. Every man I have in my employ is supposed to know how many cattle he has in his herd, and keeps account of them. If I have five thousand cattle in my herd, after I deliver one thousand, I have four thousand left. I do it from memory.

Q. Then you do not claim that yourself, or J. H. Bosler, or J. W. Bosler, or any of your herders have kept any account, in writing, of those cattle which were turned over to you by Agent Saville ?

A. J. H. Bosler did. No one else had any account. If I had been there myself, I would have kept a memorandum of that occurrence.

By the CHAIRMAN :

Q. Don't you keep a memorandum of the number of cattle you have in your herd ?

A. No, sir; it is a very easy matter. If I had twenty thousand cattle in my herd, it is a very easy matter to recollect it; and, of course, my men know how many cattle there are there. My brother buys all the cattle, and turns them over to me.

Q. If your brother would buy five thousand cattle and turn them over to you, he makes a memorandum that he has turned over that number to you, does he not ?

A. I suppose so.

Q. Then, if you turn over to the agency one thousand cattle, you take a memorandum-receipt for those cattle, and turn it over to your brother ?

A. Yes, sir.

Q. And for that your brother credits you with that number of cattle ?

A. I presume so. I deliver cattle as long as I have any, always deducting the number delivered, to determine the number left in the herd; and as this is all I have to do about it, it is an easy matter to recollect how many are left.

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SPOTTED TAIL AGENCY, NEBRASKA,  
*Monday, August 16, 1875.*

Present: Hon. THOMAS C. FLETCHER, chairman; Hon. B. W. HARRIS, Hon. CHARLES J. FAULKNER, and Prof. GEORGE W. ATHERTON.

#### EXAMINATION OF SUPPLIES.

The commissioners, in company with the agent, Major E. A. Howard and his clerk, E. D. McEvena, visited the store-houses at the agency, and examined the supplies on hand. One of the barrels of pork, marked on one end "Booge, Ware & Co., packers, mess-pork, Sioux City, Iowa, 200 pounds," and on the other end, "T. S. Clarkson, inspector," was opened, every piece of pork taken out and examined, and the whole contents of the barrel pronounced by the commissioners to be "good, nice, sweet pork."

A sack of flour was then opened and examined. The agent said: "This flour is some of the same that you have been eating here. It was received on the 31st July, 1875, (last month,) and is the balance of the contract-supply for last year. There has been no complaint from the Indians of the quality of the flour. The flour we are now using is of the same general character that we have had during the whole of last year. The name of the contractor for furnishing the flour is J. L. Merriam, Saint Paul; the contractors for transportation overland from Fort Randall are Pratt & Ferris."

A sack containing three pieces or sides of bacon was opened, one of the pieces was cut, and pronounced to be "good bacon."

A sack of corn of last year's supply was opened and examined, and found to be "of excellent quality and in good condition."

The commissioners then examined the sugar and coffee, both articles being of this year's supply. In this connection the agent said: "The coffee of last year was not quite so good as this. The sugar is about the same quality as that of last year. There has been no complaint about the sugar."

The commissioners then adjourned to the office and proceeded to examine witnesses.

#### TESTIMONY OF E. WILLARD.

I have been clerk at the agency here until the last of June, 1875. Mr. McEvena has taken my place. The following is a transcript from the records of receipts of beef at this agency from June 21, 1873, to June 30, 1875:

##### *Beef-cattle received at Spotted Tail agency.*

Date.	No. of head.	Gross weight in pounds.
1873.		
June 21.....	535	440, 305
July 12.....	322	303, 324
July 23.....	725	759, 800
August 15.....	444	467, 088
September 1.....	460	483, 000
September 15.....	530	532, 650
October 15.....	1, 056	1, 105, 632
November 25.....	655	622, 250
December 12.....	355	324, 835
1874.		
January 20.....	401	377, 092
February 4.....	198	189, 878
February 13.....	251	254, 207
March 18.....	270	277, 749
April 24.....	528	487, 344
May 19.....	410	394, 972
June 9.....	102	108, 864

(All the above are on the contract for the fiscal year beginning July 1, 1873, and ending June 30, 1874.)

Date.	No. of head.	Gross weight in pounds.
1874.		
July 2.....	560	578,480
August 10.....	401	438,126
August 27.....	401	424,152
September 11.....	572	584,012
October 3.....	823	862,504
November 21.....	597	610,134
December 7.....	497	477,120
1875.		
January 1.....	447	433,590
February 17.....	803	811,833
March 6.....	575	595,800
April 5.....	558	550,746
April 26.....	497	487,060
May 23.....	386	349,330
June 1.....	199	180,294
June 15.....	376	372,240
June 20.....	528	518,021
June 28.....	529	518,102

By Mr. HARRIS :

Question. I notice the weights are less from December to April ; that is, they will average less than at other seasons of the year ; what is the reason of that ? Is it a fact that the cattle will weigh less from December to April than from April to December ?

Answer. Yes, I have noticed it ; I judge that to be the fact.

Q. Take the cattle that are delivered to you in February, March, and April ; what has been their condition ?

A. They are rather poor, quite a number of them, compared with what they are in the summer and fall.

Q. Have you weighed any of these cattle ?

A. Yes, sir.

Q. Do you say that all the weights which are borne on your book are correct weights ?

A. So far as I weighed them, the weights are correctly stated on the book.

Q. Have you noticed yearlings, calves, and "scalawag" cattle among the cattle received here ?

A. There are very few yearlings, sometimes one, two, or three, in a delivery, but they have not been counted ; we allowed for their weight when they went over the scales ; we made some allowance for their supposed weight.

Q. How much allowance for yearlings and calves ?

A. I hardly know ; we killed them and issued them to the whites and half-breeds on the block.

Q. Have you seen the deliveries of cattle during July and August of this year ?

A. No, sir.

Q. Have you seen the cattle ?

A. No, sir.

Q. What do you say of the beef that has generally been delivered here, as to its character and quality ?

A. It has been very good.

By Mr. ATHERTON :

Q. Has it been such as you have used in the white families here ?

A. Yes, sir ; no other beef comes here.

By Mr. HARRIS :

Q. Do you keep an account of the receipt and the distribution of annuity goods ?

A. Yes, sir.

Q. Can you show us just how that is done ?

A. Yes, sir, [referring to the book :] There were fourteen bales of blue 3-point blankets received and distributed, eight bales to Spotted Tail, five bales to the Corn and Loafer band, one bale opened and distributed at the warehouse to the whites and half-breeds ; ten bales of blue 2½-points, six bales to Spotted Tail's band, three bales to the Corn and Loafer band, one bale to the whites and half-breeds ; ten bales of blue 2-points, six to Spotted Tail, three to the Corn and Loafer band, one to the whites and half-breeds ; fourteen bales of green 3-points, eight to Spotted Tail, five to the Corn and Loafer band, one opened at the warehouse ; ten bales of green 2½-points, six to Spotted Tail, three to the Corn and Loafer band, one opened at the warehouse ; ten bales of green 2-points, six to Spotted Tail, three to the Corn and Loafer band, one opened at the warehouse. All other annuity goods were distributed in the same proportion, and in all cases where it could be done the goods were distributed to the chiefs in the unopened packages. There has never been complaint that the goods fell short of the invoice quantity. I have been told that the brand on the blankets injured them, but have seen no instance. The Indians prefer and insist upon the distribution in this form. I have no knowledge that any trader, at this agency, is in any way connected with the agent in the way of business, or that the agent in any way, directly or indirectly, derives profit from the business of the trader. I have no information or belief that the agent has any interest in any contract or business connected with the agency. Our estimates of the number of the Indians is based upon a census actually taken. We have, on the average, about 8,000 Indians here to feed. Year before last about 800 lodges of northern Indians, seven to a lodge, came in, but no more than 500 to 600 lodges at one time. Last year about as many came in.

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#### TESTIMONY OF MAJOR E. A. HOWARD.

Our beef-cattle on being received are herded, and on each issue-day we make a list of those who are to draw, with the amount for each. That list is taken by the clerk and interpreter to the corral. The interpreter calls the names with the number to be issued, and the chief herder enters them out and delivers them to the person entitled to them, who then drives them away. The whole number issued is then entered on the book. There have been several stampedes of cattle since I have been here, but only three, as I remember, when any were lost. In these cases we have the affidavits of the numbers on file, showing all the circumstances. Lately I have instructed the herders that they should be held responsible for losses of this kind. I have never known a single herd of cattle to get back to the contractor's herd. We have recently an order from the Department directing us to put our brand on every herd of cattle. It is impossible for us to comply with the order now, as our corral has been lately set on fire and destroyed. But we shall have



the corral rebuilt as early as possible, and shall then comply strictly with the order. I have no interest, direct or indirect, expressed or implied, in the profits of any contract for providing goods or supplies to this agency, or in the business of any trader. I have never received, nor do I expect to receive, any compensation for the appointment of a trader at the agency. The cattle received here have always been of a fair average quality. One or two lots in the dead of winter have contained a few poor animals. The weights entered on the book I know to be correct, as I have generally weighed them myself. In one instance I objected to a very few cattle that were sent here by the contractor, but was obliged to receive them, as we had no meat and there had been considerable delay in getting them here, on account of severe winter-storms. I notified the contractor, however, that I would receive no more of that kind. I deemed it no more than fair to him to receive that lot, considering the difficulty he had experienced in getting them here. There was a period of thirty or forty days last winter when we were short of rations. Teams left here in December for Fort Randall to bring supplies, and did not get back until the following April. But during that period I know of no instance of serious suffering for want of food. We always had on hand flour, or corn, and beef. There was some complaint of the shortness of supplies. On account of the lateness of the appropriation by Congress, the supplies were received much later than usual. The annuity-goods did not reach here until December. It requires about fifteen days with a mule-train and about twenty-five days with an ox-train to bring supplies from Fort Randall. The coloring-matter used in stamping the blankets did injure them, as I saw in many instances. The supplies of food provided are not sufficient for the reasonable wants of the Indians. As the game diminishes, the demand for food increases. There is need of a larger supply of coffee and sugar, and a greater variety of food. We especially need rice and dried apples. The Indians are very fond of these articles, and understand how to cook them. It would be economy to issue soda instead of baking-powders. The Indians ought to have full soldiers' rations with an additional half pound of beef. They require much more food than the whites. All my Indians are very loyal. I do not believe they could (with very few exceptions) be driven into hostility. They regard the President as their best friend. It would be good economy, and an important step toward locating and civilizing the Indians, to furnish them with houses as far they will occupy them. Many of them would do so at once—probably one-half of all connected with this agency. It is my opinion that all who would occupy houses should receive suits of clothes instead of blankets. My relations with the military are exceedingly friendly and pleasant. We have never had any clashing. The Indian females are, as a community, the most virtuous I have ever seen. The Indians here are very desirous to obtain the means of education for their children. A school will be opened about the middle of September, and we anticipate an attendance of about fifty scholars to begin with. This number will vary, but we shall probably have an average attendance of sixty scholars the year round.

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#### TESTIMONY OF LIEUT. A. C. PAUL.

By the CHAIRMAN:

Question. What is your rank?

Answer. First lieutenant of the Third Cavalry, stationed at Camp Sheridan, near this agency.

Q. How long have you been stationed at this post ?

A. I have been here only since last April.

Q. Before that where were you stationed ?

A. At North Platte, on the Union Pacific Railroad.

Q. Have you been to the Red Cloud agency ?

A. I only passed through coming here. I passed through there last June ; I had a detachment of recruits along, and some horses.

Q. Do you know Agent Saville ?

A. Only from introduction ; I met him on the train.

Q. Did you see any of the herd of beef-cattle that were issued at Red Cloud agency ?

A. I saw a number of head there as I passed through, but did not know who they belonged to ; in fact, I paid no attention to them at all.

Q. Could you say anything as to the particular kind of cattle ?

A. No, sir, I could not. If my attention had been called to them, I might have stopped to look at them.

Q. Do you know anything of the character of the supplies issued last fall and winter and last spring at Red Cloud or at this agency ?

A. I do not, only from rumors ; nothing from my own knowledge. We have been completing the new post here, and we have not had much opportunity to look into those matters.

Q. Do you know anything of the suffering of any of the Indians last winter ?

A. When I came here it was the general opinion that the Indians were starving, and had to kill their ponies. It was the prevailing opinion among the officers stationed here ; but I don't know anything about it of my own knowledge. The first day we arrived here, that was one of the first things that was told us.

Q. That referred to Indians who got their supplies at this agency ?

A. Yes, sir ; that is what I understood.

By Mr. FAULKNER :

Q. Did any of them come round the military post begging ?

A. Yes, sir ; they will do that anyhow. If the agent issued them half a dozen sacks of flour, they would still come and beg. They are natural beggars.

By the CHAIRMAN :

Q. Do you know anything of mismanagement or incompetency on the part of either the agent at Red Cloud or at this agency ?

A. Not from my own personal knowledge ; all I know is merely from hearsay.

Q. Do you know or have you heard of any frauds being perpetrated upon the Indians or upon the Government by those agents ?

A. Not of my own personal knowledge. If I had, I would have reported it.

Q. Then you have never had any information on that subject in such an authentic shape as to make you feel justified in reporting it ?

A. No, sir ; I have not. I have been at the agency very little. This is the first time I have been inside this agency buildings. I have noticed the beef-cattle. They did not look to me to be very fat ; but as to suspecting anything wrong, I did not pay any attention to it. They might have been fair cattle and have come up to the standard ; but I did not pay enough attention to give information that would be of any benefit. I think that Colonel Mills, who has been here a great deal more than I have, would be better able to give you information than I would. I have

never called on Major Howard, the agent. I have only met him two or three times since I met him here; but I have heard lots of people talk, and I never paid any attention to what they said.

Q. Are the class of white men who are round about these agencies, or any in the employment of the agency, generally a very reliable class of men?

A. I am inclined to think you could not trust them very far. I would not place much confidence in what they said, unless they could substantiate it with proof. I mean the squaw-men and half-breeds.

Q. Have you ever read Professor Marsh's charges?

A. Yes, sir; he sent me his pamphlet, and I have read it very carefully.

Q. Are there any of those charges, or any one of them, about which you can give us any information that would go to substantiate them?

A. Not from my own personal knowledge.

Q. Can you give us the names of any persons who would probably be able to give us information about that?

A. I think I can, provided my name is not mentioned in the matter.

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#### TESTIMONY OF COL. ANSON MILLS.

By the CHAIRMAN :

Question. What is your rank and position here?

Answer. Captain of the Third Cavalry, temporarily commanding Camp Sheridan.

Q. How long have you been here?

A. I came here last April.

Q. Were you ever here before that?

A. No, sir; not in this immediate vicinity. This camp was only located last September, nearly a year ago.

Q. Have you ever been to Red Cloud agency?

A. No, sir; I never was there. I came through from the Union Pacific Railroad, on the North Platte, direct, without going to Red Cloud. I came directly across the country.

Q. Have you ever read Professor Marsh's charges in reference to the management of the Indian agencies out here?

A. Yes, sir. The Professor and I are pretty well acquainted. We were together one summer on his bone-expedition, and I read in the general newspapers extracts from his charges; and he sent me copies of the New York Tribune, and also a pamphlet which he has published, all of which I have read.

Q. Are you able to give us any information in reference to any of those charges which would go to substantiate them?

A. No, sir; not of my own knowledge. I am not supposed to know anything that is going on in the Indian Department; it is not my business to inquire into it, and I suppose I know as little of the business of the Indian agency here as Major Howard does of the post. I have found him a very affable, agreeable gentleman, and our relations are agreeable in every respect, and I know nothing, so far as he is concerned, (and of course not of the other agencies, because I have not been there,) to go to substantiate them.

Q. Do you know anything of the sufferings of the Indians last winter?

A. Yes, sir. When I came here in April the winter was tolerably well past, but the Indians were destitute, and came to me with constant complaints, and said that they were suffering; and it was very evident that they had been suffering; but whose fault it was I could not say.

Q. Have you ever observed the herds of beef-cattle turned over to the agency for issue to the Indians?

A. No, sir; I don't think I have. I have seen cattle that the Indians were killing. They received them, and they were driven out, and the Indians shot them; that is all I have seen.

Q. Could you say anything in reference to the quality, the general quality, of the cattle that have been issued to them here?

A. Those that I have seen, I think, are generally such cattle as we would not receive in the Army—Texas cattle, pretty rough; and at the time I noticed them, some months ago, they were necessarily poor, having been driven here some distance. They were not such as we would have received for Army issues.

Q. Have you sufficient experience in the matter to be able to tell anything about the probable average weight of the cattle that have been turned over here?

A. Well, no; I say I only saw a few, and I did not pay much attention to those. They seemed to be thin. They were below middle class, I should judge. Still I may have seen the poorest, or I may have seen the best.

Q. You could not tell how those you did see would average with the herd?

A. No, sir.

Q. Do you know whether the cattle that you receive at the post for the use of the Army are the same class of cattle—Texas cattle?

A. They are not the same class. They may be Texas cattle sometimes, but the beef we receive is pretty fair beef. If it is not, we do not receive it. We have rejected some since we have been here. Shortly after I came here the contractor was attempting to furnish some that did not come up to the standard, and I ordered the commissary to purchase some in open market, and he was about to do so when the contractor discovered that he could do better. He got a new herd, and furnished beef that was very fair. The contractor for the Army and the contractor for the Indians not the same person.

By Mr. FAULKNER:

Q. Having had such opportunity to observe the Indian population about here, have you formed any opinion whether they are adapting themselves to the habits of our people?

A. Yes, sir; I think they are manifesting quite a disposition to acquire our habits; they seem to take pride in it. They have planted some gardens, and they are doing very well; they seem to realize that they have to do it. When they first came here they were in great distress; they are just like other people; they come to me with tales on the Indian agents, and I suppose they go to the Indian agents with tales against us. They want sympathy. I believe the majority of the older people among them want to adapt themselves to the habits of the whites, but the younger ones do not. I will relate a circumstance: About the time the Indians went to Washington they had their annual "sundance," half-way between here and Red Cloud agency. On such an occasion all the Sioux Nation is supposed to meet and have a famous dance, and they revive their old traditions and customs. At that dance, their chiefs being absent, a war-party was organized, composed of the young

men of all the different nations. The Ogallallas, the Brules, the Minneconjous came down from the north. There were probably six or eight hundred warriors. Their ostensible purpose was to go against the Pawnees, the Poncas, and the Omahas, but I have no doubt they intended to pick up any straggling white men they could find in the settlements. They proceeded on their way as far as the Niobrara, thirty miles south of here, before anybody here was aware of it. The chiefs then came in from Washington. When Spotted Tail heard of it he was very angry, and sent a message for those belonging to his band in the party to return. This I am relating mostly from hearsay, but I know the principal facts to be true, as you will learn by the result. They sent him a defiant answer that they would not return, and he then sent some of his soldiers with a pipe, which meant to say, if they did not return, he would compel them to. On the receipt of the pipe a great portion of his men returned, but the remaining portion went on. The military here knew nothing about it, (it was either accidentally or intentionally kept from them,) and the first we knew of it was a telegram from General Crook, stating that a war-party had appeared near the Pawnee reservation, dressed as Sioux Indians, and directing us to send out scouts to intercept them and punish them. A detachment was sent out from Red Cloud, and I sent out a party from here; and I forwarded the dispatch by courier to Captain McDougall, of the Seventh Cavalry, who was encamped about one hundred miles east of us, on White River. We used the best endeavors to find them, but unfortunately they came too far north, and only Captain McDougall's party discovered them. He had himself given up the chase, but very unexpectedly came across them one evening, and killed one of them and captured fifteen ponies. He would have punished them very severely, but they had picked up a white man—a straggling miner—who was hungry and sore-footed, and they gave him a horse and something to eat, and were bringing him in. That moved the captain to deal gently with them and let them alone. They protested that they had not done white men any harm; that they were after the Poncas. There were about five hundred of them came in here, and they were bent on organizing another party to go back and whip the soldiers of McDougall's party, but the better counsel prevailed. I mention this to show that the preponderance of feeling is in favor of peace, except among some of the young men.

There is no doubt but Spotted Tail was very much chagrined and disappointed at the performance. Some of the Indians about here are adapting themselves to our ways, and disposed to engage in farming. I think the influence of the half-breeds among them is not good. I think there was great suffering among them last year; but this year they are satisfied, and they do not beg. The fact that they do not beg now shows that they are not suffering at present.

Q. Does your experience enable you to suggest any plan by which we can get rid of these squaw-men?

A. Yes, sir. I think a great deal of trouble arises from the fact that the power of Indian agents is too temporary. I think their commission should be during good behavior, and they should have salary large enough to make them independent. An Army officer does not allow any one around the post whom he does not want; but an Indian agent is too tender, sometimes, of those around the agency, and has to act politic with them, and keep them on his side; otherwise they would trump up lies and get him removed, whether he is good or bad. I think the greatest benefit to be derived would be from a commission for Indian agents like Army officers—for life.

Q. Your opinion, then, is that most of the agents are fully impressed with the fact of the injurious effect resulting from those squaw-men being about the agencies, but are not clothed with the authority or tenure of office to enable them to get rid of them?

A. Yes, sir. Another thing I might state. Of course, in their dealings with the Indians, the object of the Indian Department and the War Department is the same, that is, to civilize the Indians; but, as the matter now stands, there is too much jealousy and suspicion between the temporary officers acting as agents and the Army officers. Army officers act more authoritatively, and would like to see more authority exercised at the agency. There is the best of feeling existing here, but I have seen other places where the commanding officer and the agent suspected each other, and they did not work in harmony. If this other plan were adopted, there would be a unity of feeling that cannot exist under the present *regimé*. A great many think that the management of Indian affairs ought to be in the hands of the Army, but I think the same result that those people anticipate would be obtained if the Indian agent, a civilian, were appointed for life. Army officers are tried by their peers; an Indian agent should be in the same position.

Q. Are there any persons that you know of who have information of their own knowledge of any incompetency or frauds on the part of the agent here?

A. I have heard a great many people say things were wrong, and all that, but I don't know whether they knew or not. Several persons, squaw-men, came to me and said they knew of frauds and would substantiate their statements as soon as this commission came, but some of them had not the intelligence to know.

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#### TESTIMONY OF LIEUT. CHARLES M. ROCKEFELLER.

By the CHAIRMAN:

Question. What is your rank?

Answer. I am lieutenant in the Ninth Infantry—quartermaster and commissary at Camp Sheridan.

Q. How long have you been at Camp Sheridan?

A. Since it was established.

Q. That was in August or September?

A. On the 12th of September of last year. On the 9th of September, 1874, the first troops were stationed here; we came here before the agency-buildings were put up.

Q. During the time that you have been here have you had occasion to observe the herds of cattle that were turned over to the agency for issue to the Indians?

A. I have seen some of them; I have seen several of the herds.

Q. What was the general appearance and character of them?

A. Texan cattle, all of them; I do not think there was any exception. I think they were poor specimens of Texas cattle; probably the poorest Texan cattle; that is, the lowest grade. There are some grades of Texan cattle that are as good in the spring of the year as American cattle. I had both American and Texan cattle in Arizona, and in the spring-time the officers preferred the Texan cattle.

Q. Do you know anything of the suffering of the Indians here last winter and this spring?

A. Only what I saw and heard of, that they suffered. I never had any doubt that they suffered a great deal more than white men could have suffered and lived under it.

Q. Are you able to state anything as to the causes of the suffering; who was to blame for it?

A. I am not; of my personal knowledge I am not able to tell who was to blame; but that some one was to blame I have no doubt, and never had any doubt.

Q. Have you had occasion since you have been here, since the agency has been established, to examine at any time the supplies issued here?

A. I have never had any occasion to do so. I have been here on issue-days at times and seen the quality of the provisions. I have seen them issue pork of the poorest quality, something that the Subsistence Department of the Army would condemn.

Q. Have you ever noticed the sugar and coffee?

A. I have never noticed the coffee, except at one time the contractor for hauling Government supplies from Sidney here was short one sack of coffee, and he wanted to transfer to me a sack that he purchased of one of these squaw-men, and he brought it to my commissary and I refused to receive it, and the board of survey refused it, and it was returned to the men; it was Indian coffee, and it was not such as we would issue to the troops.

Q. Have you ever examined the flour?

A. I have had no occasion to examine the flour, but company commanders have reported to me concerning the quality of the Indian flour. When we first arrived we had more hard-bread than flour; the Indians preferred hard-bread to flour, and they were giving two sacks of flour for one box of hard-bread, (a box of hard-bread will weigh from forty to sixty pounds net;) they were giving two sacks of flour for one box of hard-bread. As commissary I made no such exchange, but company commanders would allow their men to do it; then they would take one sack of commissary flour and two sacks of Indian flour and make bread for their companies; but they soon stopped that and it is not done now. That was something that the agent himself probably had no knowledge of. The Indians, or the white men around here, would trade it for hard bread, but if he knew of any such case he objected to it. The soldiers found that the Indian flour was not as good as the commissary flour and they concluded that they would rather eat hard-bread. It was not spoiled, but it was a poor grade. The flour we got for the Army would average \$2.25 per hundred pounds without transportation; with transportation added, from Omaha here, the price would be increased to about \$6.25 per hundred pounds.

Q. Have you any means of stating, approximately at least, the average weight of cattle that you received at the post?

A. By contract the cattle must be steers of good quality; must net five hundred pounds, but they don't always do it.

Q. Are the cattle you get Texas cattle?

A. Sometimes Texas cattle, but most generally half-breeds. If they are in good order they are good beef. We are not getting for the Army, now, the best quality of beef, by any means. The contractor gets eight cents per pound on the block; he cannot furnish the best beef for that price. He gets six cents net on the hoof, by the contract, when we require them on the hoof. In cattle weighing thirteen hundred pounds and over they allow 55 per cent. for the net weight; in cattle under thirteen hundred 50 per cent. for the net weight.

Q. Have you no recollection or means of telling about the average weight of any cattle that you may have received on foot?

A. I have received but two cattle on foot; I never weigh any on foot.

Q. Now, the cattle that you have seen at various times, herds of cattle that were turned over to the Indian agency, how would they compare in size and weight with those you receive?

A. Some of the cattle received here for the Indian Department would net over five hundred pounds; some of them, in my opinion, would net less. I have seen heavy steers here; I have seen old cattle in their herds that might have been worked; they would net over five hundred pounds; their bones alone would net pretty near that—heavy-framed steers. Then my answer to that question would be, I believe some of them would net over five hundred, and that some of them would net less.

By Mr. HARRIS:

Q. Do the military use more cows than steers, or more steers than cows? Which do they prefer—good fat cows or steers for beef?

A. The contract says nothing about cows; it don't allow cows; it says steers; but they do send me cows, and I use them, but I would prefer not to have them. Sometimes the contractor here would send us beef that we would not take, if we were where we could purchase in open market. I have tried several times to purchase beef in open market, but could not do so. Sometimes I have received cows and yearlings that I should not receive if I were where I could purchase in open market.

Q. Did you ever notice any yearlings among the Indian cattle?

A. No, sir; not to my recollection.

By the CHAIRMAN:

Q. Have you read the pamphlet of Professor Marsh containing his charges with reference to the mismanagement of the Indian agencies out here?

A. I recollect reading a letter, or synopsis of one, in the New York Tribune, which embodied some charges of Professor Marsh against the Interior Department, but I do not recollect to-day what Professor Marsh charges the Interior Department with doing or with not doing. I recollect reading of Professor Marsh going to the President with samples of coffee, sugar, tobacco, &c., but I have never seen the pamphlet which Colonel Mills spoke to you about.

Q. Do you know, then, of any mismanagement or fraud on the part of the Indian agent or any person connected with the management of Indian affairs of which you could give us information, or of any persons to whom you could refer us that would be likely to give us such information?

A. Of my own personal knowledge, Governor, I could say nothing that would implicate any particular person. I was with the agent, Mr. Howard, a good deal last winter, and he seemed to be right worried that his supplies did not get here. I told him I had no doubt his Indians were hungry; that they were coming to us and troubling us a great deal, and I was afraid the War Department would object to the issue of stores to them. There is an order from the War Department which allows a post commander to issue provisions in small quantities to the Indians. That was done in one or two instances to some of these Indians—a box of hard-bread, a little bacon or coffee was given them; but when they got so hungry on account of the non-arrival of their supplies, they came to us for food, and we helped them all we could;



but we could not help them much. I had to attend to the troops first, and I did attend to the Indians so much that I received a circular from the War Department saying that it was not the duty of the Subsistence Department of the Army to furnish supplies to the Indians, the Interior Department having notified the War Department that there was no provision in the Indian bill for reimbursing the Subsistence Department of the Army for supplies issued by the Army. Perhaps, Governor, our having issued here did not call forth this circular, because we never issued any great number of pounds of bacon or hard-bread—perhaps five hundred pounds per month.

By Mr. FAULKNER :

Q. Upon what facts do you base the conclusion that the Indians suffered materially during last winter; upon the mere fact that they were here begging for food, or upon what other facts do you base the conclusion?

A. Well, from the fact that the Indian agent came to me and said that he had (these things I have on record) no pork for them, and that the beef-cattle were not here; that he had worried and written and written the contractor for the beef-cattle, and he was hurrying them forward as fast as possible; because I was here and knew that that was the case; that they had no meat for the Indians; that they had some flour, (no sugar,) but that the meat—the beef—was what the Indians wanted. If you give an Indian all the beef he wants he is satisfied. Meat is what they live on. They estimate the number of Indians at this agency at something like six thousand; but six thousand white men would never have lived as these Indians did. But I don't blame the agent here. As Colonel Mills has said, our intercourse has been quite friendly; but some one must have been to blame that they had not sufficient supplies here. I don't see why, on a line two hundred and sixty-three miles long, from here to Fort Randall, on the Missouri River, where the supplies, except the beef, came from last winter, that they should wait until winter before having them shipped. If the Subsistence Department of the Army did that the men who are liable would have to quit.

Q. Do you know any reason why the beef-cattle did not arrive here in time?

A. On the 2d of January last there set in a very severe snow-storm, and it lasted, with exceedingly cold weather, from nineteen to twenty-five days, when the thermometer did not pretend to run above zero; during that time those Indians were trying to get beef until February. I made inquiries—I took no date; I have no recollection of dates—but it was during January and February that the Indians suffered the most, and the agent told me that the contractors were getting their cattle up as fast as possible. I think they stampeded two or three times, and they were pushing them from the Platte through the snow as fast as they could—as rapidly as possible. I think they were thirty-odd days without their usual issue of beef to the Indians. The Indians killed their dogs, but they will kill one of their dogs as the white man will kill a turkey—a dog is a luxury. I understand that some of them killed their ponies, but I never saw them do it, because their old traditions and everything of that kind would keep the Indian from killing his pony until he was compelled to do it.

Q. If there had been supplied at the proper time and on hand here sufficient pork and bacon, then the failure to get the beef-cattle here would not have caused any suffering among the people?

A. Would not have caused any privation particularly.

Q. If there are any suggestions you can make that would be of any advantage to the Government or the Indians, we would be glad if you would give them to us.

A. I believe that a store-house, large enough for storing all necessary solid meats, could be erected here, and the stores got in here before the severe storms commence. Beef-cattle it would be right difficult to herd and hold here, as much as would supply the Indians for three months at one time; it would be hard work to subsist such a herd of cattle. With reference to agriculture, as to the Indians raising much, I believe they may do so; there is a band among them known as the "Corn" band, that started to raise corn, and the other Indians made a great deal of fun of them. My experience in Arizona with the Pimos is that they raised a great deal of corn; that would pay the Indian for his labor. I think they might have good herds; the country is adapted to grazing, but, as to farming, I think it is improbable that you will ever get the regular full-blooded Indian to engage in it to any considerable extent. The best prospect for them is to encourage them in herding cattle and raising stock. These Indians here, I think, are as lazy as any I ever saw.

Q. Taking everything into consideration, and the short time that these Indians have had to acquire any civilization, the progress among them is encouraging, is it?

A. Yes, sir; I think those that are here are the most peaceably inclined Indians I have seen in this section of the country; I think it is the most peaceable band of the Sioux Nation—I mean the whole of the Brulé band at this agency.

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### COUNCIL WITH THE BRULÉ SIOUX.

In the afternoon, (Monday, August 16,) an interview was held with the Brulé Sioux, in the open space in front of the agent's office. The Indians sat on the ground in the form of a semicircle, Spotted Tail and Swift Bear, the two principal chiefs, occupying chairs nearest the commissioners. Among the other Brulés present were Looking Horse, He Dog, Tall Bull, Two Strike, Kill on Horseback, White Wash, Baptiste Good, and Good Hawk. There is some question about the high standing of some of these, however, as Spotted Tail and Swift Bear explained to the commissioners afterward. At the outset some question arose among the discontented head-men as to interpreters. They objected to Louis Bordeaux, an intelligent half-breed, on the ground that he was kindly disposed toward Spotted Tail, and might not do them justice. The agent asked them who they wanted, and they said Geru, who is a white man. That individual was sent for, but he refused to come. Then the agent told them that here were the Rev. Mr. Cleveland and Mr. Alston, both of whom understood their language, and they could correct any mistake that might be made. The disaffected faction finally agreed to this arrangement, and the talk began, Mr. Quigley, another white man, subsequently taking the place of Mr. Alston.

The CHAIRMAN. My friends, we come here to see you, and to talk with you as good friends. We want you to tell us how you have been treated by the agent and by everybody else who has had anything to do with you. We want you to tell us if the sugar, coffee, flour, beef, and tobacco that you have been getting have been good, and if there has been enough of

them. If you have not had what the Great Father intended you should have, we want you to tell us whose fault it is, if you know. If we find that anybody has wronged you or cheated you, we will have them punished for it. We want you to speak freely about it, and what you say will be put down, every word of it, and the gentlemen here (Messrs. Faulkner and Harris) will tell it in the great council of the white men. We are glad to see you all, and we are glad to learn that you have been trying to be like the white man, so that after a while we hope we will all be like one people. If we can help you in any way we will try to do so. All that we came here for was to learn if you had been treated well, and, if you had not, to punish the men who treated you badly. We want to talk to you like brothers. We don't come to promise you anything, and we don't want you to promise us anything. Now, when you talk to us we will take all your words and tell them to the Great Father. That is all.

GOOD HAWK. You have come here to visit us, and we are very much pleased; indeed, at that. At the old agency we know that our agent did treat us well and gave us provisions, but, from that time on, our provisions have decreased regularly, until now there is a great deficiency. The sugar we received here was just as yellow as the sun-flower, and it was so bad that it killed some of our people, and you can see the graves of those on the hills yonder, who died from eating the sugar. The beef we are getting here is very small, and they issue one head of beef to every five or six lodges, and the beef is so small that it does not go around, and the old women and children starve to death because they do not get enough beef. Whenever we receive beef-cattle, if they are big, they are too old; they are so old they have not got any teeth. And also the pork we received was of no account. It was soaked in water, and we could not eat it, and if we do eat it, it kills our children. Look around and see me and my people. We have not got good blankets. The blankets we have are so small, we have to take two blankets to make one, and the brand on the blankets spoils them. We received the annuity goods in the middle of the winter, and we had a hard time because they were not received sooner. If you had not come by this time, I would have been without anything to eat. We would like to have the beef issued to us on the hoof all the time. There are three agencies, all close together, just like one people, and when one or two lodges come here from other places and ask for rations, the agent refuses to give to them, and that does not please us. The young men know we were born in this country, that this is our country, and in this country we have a great many beautiful creeks. The timber along these creeks we can never exhaust, and the pine through this country we can never exhaust; so I wish you to do well by us. As yet I do not know of anything by which I can teach myself to learn white men's ways. The wagons which they brought here for us were brought in a broken condition. That I might have firm possession of the country this side of the Platte I wish you to help me. I have one last thing which I desire to say very much—one thing which I wish you to take hold of for me; that is, the matter of my food. For more than a month I have been without food—a thing which has used up and done for many of my children.

BAPTISTE GOOD. You gentlemen have come here from the Great Father, and these people all know you have come from the Great Father, and so we are all glad at heart to see you. We Indians who are away off back here, as for us, the Great Father sends out you to us, and wishes us to counsel, and wishes to know our thoughts and opinions. In council I gave the ideas of the people. They were sent to the Great Father, and they were all lost. They never got there. You have come, and if

you hear us well and assist us I think we will dwell here permanently. The Great Father sent you out here and instructed you to inquire of me particularly with regard to all matters; instructed you to inquire of all the people with regard to their affairs, and I now tell you of these things for this people. I heard that the Great Father was to give this people something; that he was to give them work, cattle, and cows that would produce young, and also nice wagons to which we could hitch up two horses. They brought the wagons here and put them out there, and how many winters they stayed there I don't know. The men who have charge of hauling freight across broke them all to pieces. As for the working-cattle which they were to bring me, some of them died and were choked by the bow before they got here. My father (the agent) said he would give me these wagons and cattle, but the wagons were broken and some of the cattle were choked to death by the contractor. So I give them back—I want to give them back to the contractor and get others for them. The Great Father commanded you to inquire into everything. He has the oversight of all these things, and he commanded you to inquire into them all. Recently a fine young man was killed right off here by the soldiers. The soldiers also took their horses from those Indians, and I supposed the man whom I have for father (the agent) would attend to getting them back for me, but he has not done it. Nothing has been done about it. The Great Spirit gave us many kinds of game to live upon. The whites try to take that game away from us. General Harney, and Sanborn, and myself went to Fort Laramie and fixed it there, [the treaty of 1868,] so that the whites could not take our game away from us. After we fixed the papers there the Indians went south on a hunt, and one got killed by the whites. His name was Whistler. The Indians used to go buffalo-hunting in the south, but the Government asked them to give up the hunting-grounds for \$25,000. But that is not enough. It is pretty hard for us to give up the hunting-ground for that amount of money, because the money is so small that it don't go around among our people. The Brulés are camped above here and the Loafers below, and we received but ten thousand dollars here, and that was very small. The horses they bring us to pay for giving up the hunting-grounds cost \$120.38 a head, but some of them are only one year old, and some only two years old, and some so old they have no teeth. The Brulés received fifty-five head of horses, and the cows we received here were thirty-nine head, and some of them were only one year old, and some two years old, and some so old they had no teeth. The Loafers received twenty-five head of horses and thirty-nine head of cows. Some of the cows that we ought to have had were gone, and they replaced them with Texas cows that the Great Father had given us to eat. The Great Father says there are plenty of good white people in the States. The Great Father sent a man here as an agent and told him he must pity us. They scared me on one thing; that was, they tried to count me. Four lodges got beef once in thirty days, five lodges got beef once in twenty days, but they got very poor and very little, and the beef is very bad. Six lodges got beef once in every ten days, but it is also very small and very poor. Seven lodges got beef once in ten days; it was very small and very poor too, and they had a hard time of it. My Great Father gives me food for one year, and although I don't know how, very well, I endeavored to take account of what they did give me, and I endeavored to take account of the cattle that they already issued me, not including the cows. The issue that they gave me for ten days' supply, the flour is about so, [indicating,] and the sugar is about so, and the coffee is about so, and as for pork, they gave me a piece about so long, [indicating,] and

it is very thin, and in two days I used all that up. One month they gave me sixty pounds of flour, and I was not able to get a sack for a month. I could not get a sack of flour a month.

These people around here all think alike, and I tell you what they think. When you came here to see us we were delighted. I am no friend of those that lie, and I am pitiful, and I want you to take pity on me, and this man that the Great Father sent here for agent we wish you to have him taken back to the Great Father. I would not have you think by this that I want a soldier to be my agent. I am in a hard case. What I want is some good white man to be appointed my agent, who will look after me well. As regards the flour, they don't give me any bags. They pour out the flour for me and I have to make a bundle of it, whereas those flour-sacks I would use for a shirt, or to make dresses for my women and children. So long as I am here I desire the cattle to be given to me on the hoof, that I may kill the cattle myself as I see fit. The Great Father told me to give up this buffalo-hunt, and he told me he would give me as many buffaloes (cattle) as I gave up. I want the cattle delivered to me on foot as long as the agency lasts. The Great Father gave me food for one year, and when the year was up the agent told me to sign the papers for the rations. So I signed the paper, and at the same time I did not know how to read or write; I was afraid I did not receive them all, but still I signed it. There are plenty of white men around here, and I wish to have one of them selected to look over those papers and read the ration-returns before I sign them; also the annuity-goods the same. I want to have a man to examine them, and when the papers are all right, we will sign them and send them back to the Great Father. Also the provisions they send here, I want them put in the papers and sent them to me, and I will look them over, and sign them, and send them back to the Great Father. As for plows and other things by which you are anxious to make these people white men, if you desire to make white men of them, hurry up and give them farming implements to work with. In this Loafer band there are white men living among us that we have for relatives. In this Brulé camp it is the same way. We have those men for relations, and if you give us these implements they will instruct us to make use of them. So hurry up and give them to us. When these people come to council they come out openly, and that is what we call truth. When the council is in the night, it is evident or probable that there is something underhand going on; but this council in the night is something that this people don't desire. The wood they are getting for the houses here, that is money, and there is nobody to look after it, and I want you to look after it for me. The white man is in the Black Hills just like maggots, and I want you to get them out just as quick as you can. The chief of all thieves (General Custer) made a road into the Black Hills last summer, and I want the Great Father to pay the damages for what Custer done. As for cutting the hay about here, no one attends to that for me, and of you good men who are here, I hope some of you will attend to it for me. The traders' stores are connected with the agency, close together, and I do not like it that way; I do not want to have it that way. If I go to sell a beef-hide I value it at \$3, but when I come to get anything for that money I get very little for it. I take the \$3 out in trade, and get very little over a dollar's worth of actual value for it. If I got a buffalo-robe, a long haired robe, from any where, I would like to wear it around me; but if I get one I take it and trade it, and I get only three or four dollars for it in trade, and that is very hard. If I get a beaver-skin, or wolf-skin, or bear-skin, when I go to trade them off I get about what they call a dollar for it, but it is not

more than ten cents, and I cannot consent to that. The time they made the treaty at Fort Laramie General Harney and Sanborn made a landmark, having the Platte River for one and the Missouri River for another line for our reservation, and we gave up the country south of the Platte for a hunting-ground, and we wish to have the country from the North Platte, and I want you to help me.

**TWO STRIKE.** If you come here by order of the Great Father to council with us, we want you to tell us so honestly and straightforwardly. You good men and good young men because you have come here to-day you make my heart exceedingly glad. Men have been sent here before as commissioners, and I know that the Great Father told them to do right; but it seems that when they got here to my land they changed and did some meanness from what I know the Great Father told me. This land belongs to me. I have been born and raised here, and am fifty-four years of age. This land is good, and I have been born and raised here, and I know it is good, and that is the reason I am on it. All around here I do not know of any land as good as this. This land is good land, and half of it belongs to the Indians, and they are living on it. I cannot leave this land. The young men among the Indians living along this creek have had very few implements or ways of doing anything, but they have done the best they could with their hands, and have done something and do not want to leave.

**The CHAIRMAN.** We do not want you to leave; we want you to stay here always.

**TWO STRIKE.** So that you will help us strong is the reason I am telling you this. The old white men have been a long time with us—Mr. Bissonet, Louis Bordeaux's father, Frank Marshall, Charley Geru, Todd Randall, Reshaw, Boucher, Quigley, Moran, and Clermont. Some of the white men that live with us do not use me right. They steal from me, and I take pity on them. There are men here who have got no right here. They are not married to Indian women, and they eat the rations, and I would like to have them removed. I know well how to live. What would be the means to live with I know very well. It is the thing that a man eats that makes him live, and I would like you to tell the Great Father to give me more grub. Since I have been born I have been used to eat well, not to rations for ten days. I kill buffalo every day and eat it; but my Father (the agent) cuts me short, and wants to give me meat on the block, and that would be very hard; I want it on the hoof. I want you to fix these things for us as soon as you can, and the Indians will all thank you. I know the Great Father wants to buy our land from us, but men have gone in there and stolen it, and I don't think the Great Father knows it.

**The CHAIRMAN.** There is another commission here to talk about the Black Hills. We have nothing to do about that. You will have to talk with them about it. What we are here to talk about is whether the rations have been good enough, and whether your people have suffered; and if they have we want to know it.

**TWO STRIKE.** There has been sometimes for a month that we have not had bacon at all. There were several months too that we had no sugar. When you take this to the President you will see some sense in it, and I would like you to look into it, and the President will know if there is sense in it. There have been things said here which were taken away in writing, but that is the last we heard of it. That is all I have to say. You good white men who have come here our young men will be glad to see; and even if what you have told us don't last

long, it will make them feel good for a time. When are you going home?

The CHAIRMAN. We are going to Red Clond, Fort Laramie, Cheyenne, and then to Washington.

TWO STRIKE. I want to find out who received that money for the horses. They came here small and wild, and I have been told they cost over \$100. I don't believe the kind of horses that came here cost that much, and I want to find out about it. I want you to find out that. I think we have been cheated out of a great deal of money on them.

The CHAIRMAN. We will try and find out about that for you.

TWO STRIKE. At the store here they trade goods very high; they charge \$15 for shawls; that is pretty hard on us, but no one looks to it. I would like you to look to that for us. That is all.

CHARLES ELLISTON, (a white man.) I would like permission to say a few things. I have been here twenty-six years last July; have been about Spotted Tail ever since it first started. I know what has been done here at the agency pretty well.

The CHAIRMAN. Do you know of any sufferings among the Indians for want of food?

Mr. ELLISTON. I do not, sir.

The CHAIRMAN. Has the quality of rations that have been furnished here been pretty good?

Mr. ELLISTON. The quality of rations that have been furnished here has been good. My family have drawn rations, and they have been of a good quality. The general complaint of the Indians is that there is not enough rations. There was a time last winter that they suffered for want of rations. I was absent and did not know it. The reason for this suffering was that the snow was so deep that the supplies could not be gotten here. I left here, going to Fort Randall, on the first of January, and was delayed until the 20th of April in getting back; some wagons got in ahead of me. The wagons that were with me hauled out sugar, coffee, and flour and corn. When this Treaty of 1868 was first made at Fort Laramie, there were a great many white men living there, myself among the rest. We all had good homes there. The Peace Commission, General Sanborn and General Harney, (it was called there a Peace Commission,) persuaded us to leave our homes and go with the Indians to the Missouri River, to the old Whetstone agency. They made us great promises that they would give us cattle and horses and farming utensils, and fix us up so that we could go to farming in good style, provided we would use our influence in getting the Indians to leave the North Platte country and go to the Missouri River. We did so. Since that time not one of us has ever received a hoof of cattle, nor a horse, nor a wagon of any kind which was promised us by that commission. There have been brought here wagons, horses, and cattle, which have been given to the Indians, but there has never anything been given to any white man on the reservation to my knowledge. Now, we would like to know what is to be done about this.

Mr. FAULKNER. Was this promise made by the treaty itself?

Mr. ELLISTON. Yes, sir. It was promised us in the treaty, as we understood it, either by General Sanborn or General Harney. They sent for us to Colorado, and they promised us that if we would use our influence to induce the Indians to go to the Missouri River, at what is called the Old Whetstone agency, they would give us these things. Now it seems as though we had no rights on this agency. We are hardly allowed rations even.

Mr. FAULKNER. Have you not been receiving your rations regularly ?

Mr. ELLISTON. Yes, sir ; but there is talk of having them stopped.

Mr. FAULKNER. Well, when they are stopped it will be time enough to complain.

Mr. ELLISTON. But about the cattle ; how are we going to live without these things ?

Mr. HARRIS. There are no such provisions made in the treaty.

The CHAIRMAN. Mr. Elliston, that is a thing we have nothing to do with ; but we have taken your statement and will inquire into it when we go back.

YELLOW BREAST, [to the Indians who had been speaking.] You people here have been talking like fools. Your talk has been like that of children. You have been abusing your agent here when you know that he holds us very dear and treats us very well. Your talk has been very foolish and like children. You want to throw away the chiefs and the agent. We can never get a better man than Major Howard. If you were to get an agent every day you would not get one to satisfy all the Indians. You are all for the agent one day and next day you are down upon him. You will never get a better man than he is to deal with the Indians. He has a strong heart, and if there had been any other man in his place, there would have been trouble several times.

This closed the council. Spotted Tail held his peace. Afterwards, however, Sitting Bull came forward and said to the commissioners that Spotted Tail had told him to tell them that he did not want to throw his agent away ; he wanted to have him because he had worked very hard for the Indians at his agency, and they did not want to make any change at all.

Upon Sitting Bull being asked by the chairman why Spotted Tail had not himself told the commissioners of this, he replied that Spotted Tail was afraid to talk ; that his people would not let him say these things. Sitting Bull said "These men who have talked here to-day, and want to throw their agent and beef-contractor away, are all fools. The men who have sense are well satisfied with their agent and their beef-contractor, and they want no other." He had asked Spotted Tail to come over and talk with the commissioners and Spotted Tail had said he would come, but his heart was very bad ; yet, as soon as he got his dinner, he would come over.

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#### TALK WITH SPOTTED TAIL.

Accordingly, soon after the foregoing conversation in the court-yard the commissioners had a private interview with Spotted Tail and Swift Bear, in the presence of Agent Howard, Rev. Mr. Cleveland, and Louis Bordeaux, the latter acting as interpreter.

SPOTTED TAIL. What the Indians said to-day was not my wish at all. As far as I am concerned I want to do what is right and live well. Whatever they say about wrong-doing I do not know anything about. If I saw anything of that kind myself I would say so, but I do not know anything about it. The only complaint I make is that Congress has appropriated too small an amount of money for us, and everything we get is very small. Whenever Congress makes an appropriation, then Congress notifies the Great Father how much they have appropriated for the Indians, and the Great Father notifies the men who are under him. Then the amount that is appropriated is given to the men in charge of



the Indians at Washington to buy the goods with. The next thing is to select the man to buy the grub and haul the freights on a steamboat or the railroad to a certain place; then the contractors bring the freight to the agency and deliver it to the agent. The next is that the Great Father has selected you, my friends, to come here to look into the management of the agency. I suppose you heard something about the stealing that goes on, and that is the reason you have come out here. If there was any stealing done it must have been done in the States, the things come through so many hands. The blankets we received here, some of them were very bad, especially the green ones, and they put brands on them. That shows that there are some white men doing all these things in the States. Also the bacon, sugar, and coffee were very bad, but whoever buys those things, he is to blame for it, and not the men living at the agency. My own agent did not go down to buy those things. The people in the States buy them and send them out here to him. I want you to tell the Great Father and also to tell Congress to increase my rations from this time forward. If they do that I will be very thankful for it. A great many of the words that were uttered to-day were very bad. I do not call them words at all. To-day they said they had dismissed me and Swift Bear, who is one of the principal men. They said we do not amount to anything. Well, if so, who is going to do the business for them? That is only their jealous talk.

Mr. FAULKNER. Have you any reason to believe that your agent withholds from you any of those supplies that are sent by the Government to you?

SPOTTED TAIL. I believe this: The Great Father told me that he will feed me with a certain amount of rations. I know my time has passed over a year now, that he has given us rations two years for nothing; that Congress has made appropriations to give rations for two years for nothing now. That is as the Great Father told me when I was there. The reason why I did not receive the rations in time last winter was on account of the storm when they had to haul them from Fort Randall, and it was impossible to haul the freight in time on account of the weather.

The CHAIRMAN. Did the agent steal any of your rations?

SPOTTED TAIL. I do not know anything about it, and if I knew he stole anything I would tell of it. The rations were looked after down at the Missouri River, and if I knew anything had been taken I would tell you so. When they were delivered here the agent did not have a chance to steal any of them, because the Indians took them so quickly. If the freight from this time on is delivered in time we won't be out of rations in the winter.

The CHAIRMAN. Were the beef-cattle you got small and poor?

SPOTTED TAIL. Of course we received the cattle the year round, and some of the cows are bound to make a calf; there are some calves among them.

Mr. FAULKNER. Did Good Hawk, in the statements that he made to the commission, speak the views and sentiments of your tribe?

SPOTTED TAIL. I told you before, and you have got it down, that he did not.

Mr. FAULKNER. Did he speak true or false?

SPOTTED TAIL. You heard his speech, and any man who has his senses about him can judge for himself.

SWIFT BEAR. That fellow [Good Hawk] never made a speech to the whites before, and what he says is a lie.

Mr. FAULKNER. When false statements or lies of that kind are openly

proclaimed before the whole body of chiefs, is it not your duty to have them corrected before the same persons to whom they were addressed ?

SPOTTED TAIL. The Indians won't allow me to speak, and if you were in my place you would not speak if they did not want you to. I understood you called me here to talk, and I was very much disappointed to see that there were so many Indians here. It was not intended, and I looked at it with my eyes shut. I did not pay any attention to what they said.

The CHAIRMAN. Are Good Hawk and Baptiste Good chiefs or headmen among the tribe ?

SPOTTED TAIL. Baptiste and the other one used to be chiefs of the Brulés, but they are not now.

The CHAIRMAN. Do all the Brulés listen to what Good Hawk and Baptiste Good say ?

SPOTTED TAIL. Of course they hear it because they are men who have ears to hear. I think the other people advise them to talk that way.

SWIFT BEAR. I thought the white men had good sense and were shrewd to understand. They ought to judge for themselves from those men's speeches to-day what they were trying to get at. Like all other persons, they sometimes talk jealously.

The CHAIRMAN. We think we understand it well, but we only wanted to be sure that we understood it right. [To Spotted Tail.] When the Brulés get in big trouble, then who do they want to speak for them ?

Spotted Tail smiled, making no reply ; but Swift Bear, speaking for him, said : " It is not Baptiste Good nor Good Hawk."

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FORT LARAMIE, W. T.,

*Friday, August 20, 1875.*

Present: Hon. THOMAS C. FLETCHER, chairman; Hon. B. W. HARRIS, Prof. GEORGE W. ATHERTON, and Hon. CHARLES J. FAULKNER.

### TESTIMONY OF CAPT. JOHN MIX.

By the CHAIRMAN:

Question. What is your rank and position in the Army ?

Answer. I am captain in the Second Cavalry.

Q. I wish you to state if you recollect of Red Cloud and Red Dog giving some samples of rations to Professor Marsh some time last November ?

A. Yes, sir. On the morning of the 10th of November Red Cloud and Red Dog, in company with some other Indians, came to our camp, and gave Professor Marsh some samples of sugar, coffee, and tobacco. These samples were given to the Professor in consequence of a suggestion of mine made the previous day.

Q. Did you at that time, or at any other time, see the rations that were issued to the Indians ?

A. I went into quite a number of lodges, certainly over a dozen, probably twenty, and examined the rations that had been issued to the Indians. I did not go to Red Cloud's at that time. It was too far off.

Q. Did you examine the samples ?

A. I examined the rations they then had on hand, and which were issued to them two or three days before.

Q. Did you examine the samples which were given to Professor Marsh by Red Cloud?

A. Yes, sir; I examined those very carefully.

Q. Were they fair samples of the rations you saw in the tepees of the Indians?

A. I could see no difference between them, sir. In one tepee I found a very fair article of sugar, which the Indian told me he had bought from the trader, Mr. Deer. He also had some poor sugar which he said he had got from the agent.

Q. The sugar which they had received as rations, was it unfit for use?

A. Well, I should call it the very lowest grade that could be purchased in the market. I have never seen as poor sugar in the market, and I should certainly consider it the very poorest that could be purchased in the market.

Q. Could you say that the quality was such that it was unfit for any use, and unwholesome?

A. Well, I hardly believe that the adulteration that is put into sugar would make it unfit. This was dark, dirty, and damp. I would not say it was unwholesome, but I would think that no civilized being would want to use it. I could not say there was any sand in it. I felt it, but could detect no sand in it.

Q. What about the coffee?

A. I am satisfied, sir, that the coffee cannot be purchased in any market. I remarked at the time, and it is still my opinion, that it is the screenings of Rio coffee; and I think it was purchased specially for this market. The samples I saw in the lodges were composed of imperfect grains and wilted grains and dark-colored grains. In the coffee which we get here for the Army there are some imperfect grains, but there seemed to be no perfect grains in all the coffee I examined.

Q. Can you form any estimate of the quantity you examined?

A. I suppose it was at least from 50 to 75 pounds the total of the different packages.

Q. About how much should you suppose was the greatest quantity you saw in any one package?

A. About four pounds, in a squaw-man's lodge. He told me there were about four pounds when he received it, but he had used it once or twice.

Q. Did you ever examine any of the flour which was issued?

A. No, sir; I did not.

Q. Did you hear any complaints about the flour there at that time?

A. I did, at my tent, where the first interview with Professor Marsh was held. The Indians were complaining in a general way of the flour. I asked Red Dog why he did not bring us a sample, but I have forgotten what his reply was.

Q. Did you examine the tobacco they were issuing?

A. Yes, sir.

Q. What was the appearance of that?

A. My remark about the coffee will also apply to the tobacco. My opinion is that it was put up expressly for that market. It was full of stems and coarse leaves, and manufactured with molasses or some other sticky substance, which made it so moist that you could not smoke it, which is the only way that the Indians use tobacco.

Q. Did you examine any other sample of tobacco, besides that which was given to Professor Marsh?

A. I did, sir.

Q. Did it appear to be about the same quality ?

A. Yes, sir.

Q. You consider that tobacco utterly unfit for smoking ?

A. Yes, sir, or for any other use.

Q. You saw, on one occasion, some seven head of cattle, which you state was the remnant of a herd that was shown you by Red Cloud, as having been issued to his people by the agent. Did you mean by that that those seven cattle had been issued to the Indians by the agent, or that they were the remains of a herd which had been issued ?

A. Well, our understanding was that they were the cattle which had been received by the agent, but were in excess of the issue, and remained with the agent to be issued with the next issue. I was so informed.

Q. Then they had not been issued to the Indians by the agent when you saw them ?

A. No, sir ; but they were issued as we returned from Spotted Tail. I was there when they were issued. I recognized three or four of them, but in the hurry and confusion of the issue I could not see them all. I recognized three for certain, but am not certain of four. I saw other cattle issued to the Indians also.

Q. How did they compare with the seven head ?

A. I think the seven head were fully up to the average of the herd which I saw issued. I should explain to the commission that the estimate which we made there of the weight of the cattle was an estimate of their net weight. But Mr. Hay thought we were estimating on the gross weight, and his figures were not changed, because we thought the matter might be inquired into and it would not look well to change the figures. For this reason the average net weight was increased about 30 pounds, I think ; and, therefore, this average we made of 358 pounds was the net weight, and not the gross weight.

Q. How many cattle did you see issued ?

A. I could not give the number, but an employé told me that they were issuing 255, but they were driven out so rapidly I could not see them issued. I did not wish to appear to be interested much in Dr. Saville's affairs. I just happened to come along, and saw them. I thought the Doctor did not like to have Army officers around. The issue was on the 14th of November.

Q. The cattle that you saw issued that day, I understand you to say that these seven head of cattle would be a fair average of the whole of them ?

A. Yes, sir ; I should consider them so. They were very poor.

Q. Were they chiefly steers or cows ?

A. I should think that they were evenly mixed, heifers and steers, but that is a matter of guess-work. Some of the cattle were exceedingly young ; many of them one year old, and I did not think any of the heifers I noticed were over two years old.

Q. Did there remain some cattle that were not issued with the herd ?

A. Yes, sir ; very few ; eight or ten head, probably.

Q. Of those seven head of cattle which you noticed particularly, and which you mention in this certificate, do you remember what kind of cattle they were ; steers, cows, or yearlings ?

A. There were two yearlings, that is, they were then about one and one-half years old, and there was one two and a half years old, and the rest were from four to five years old.

Q. How long have you been here ?

A. I have been here since the war about one year. Before the war

I served some time here. Before the war there were but very few cattle grazed here, and that was only a few for the use of emigrants.

Q. Then I understand that you have been up in this country north of the Union Pacific Railroad, this last time, about a year?

A. Yes, sir; at this post. All my service since 1866 has been along the line of the road.

Q. Then of your observation of the cattle in this section of the country, are they not usually in good order at this time of the year?

A. Yes, sir; except those which are driven from Texas that year; but cattle that have remained here over the season are generally in good order in November. Of course some of them are poor, but the great bulk of them are in good order.

Q. Did you ever see the herds of cattle designed for the Indian agencies, before or after they were driven to the agencies, except those which you have mentioned?

A. No, sir; I have not.

Q. Have you had experience which would enable you to judge of the average weight of Texas cattle?

A. Yes, sir; I have dealt in them, and in my official position have had occasion to weigh them, and I could form a pretty good idea of their weight.

Q. I wish you would give us your general average of these Texas cattle?

A. Well, without knowing the ages of the cattle which these people are required to furnish I could not give the average; but if you will give me the age of the cattle they are required to furnish, I could give a pretty good estimate.

Q. Well, say they were steers four years old and upward?

A. In November, cattle which have not been driven that year should weigh about 1,100 pounds gross, and should dress about 675 pounds. We allow in the service, on cattle that weigh 1,000 pounds 50 per cent., (that is, they will net one-half) and cattle over 1,400 pounds we allow 60 per cent.

Q. What is the average weight of Texas cows?

A. A cow four years old and upward would not average, perhaps, over 850 pounds.

Q. Now, captain, you have seen a good many herds of Texas cattle in this country as they come from Texas?

A. Yes, sir.

Q. Well, take these herds generally, and what will they average all round, grown cattle?

A. Well, when they reach here they are poor, but cattle brought here in the spring would average in the fall about 15 per cent. below the other average. They are not fit for use when they first come, but they would average from 850 to 1,100 pounds.

Q. In the herds that you have seen in this country, did you notice that there were many yearlings and two-year-old heifers among them?

A. No, sir; it is not customary to bring that class of animals.

Q. What is the character of the majority of the cattle which compose the herds they bring from Texas?

A. I think they are about half steers and half cows; by steers, I mean three years old and upward.

Q. About what proportion of three-year-old steers are there in the herds?

A. About 15 or 20 per cent. of the whole herd, as they come along. Some drive entirely cows for stock-raising purposes, and some drive en-

tirely steers for work-cattle and for beef. There are three objects for bringing cattle here: one is for stock-raising, one is for beef, and one is for work-cattle.

Q. What about the herds that are brought especially for beef?

A. They are principally steers, four years old and upward, with some cows mixed up with them. Drovers have three objects in purchasing Texas cattle: 1st, for stock-raising, and for which they purchase principally cows; 2d, for work-cattle, principally steers, three years old and upward; 3d, for beef, which are steers, four years old and upward.

Q. What would be your average of the four-year-old steers sent here for beef?

A. Well, when they are sent for beef, they should weigh 1,100 pounds and upward.

Q. Now, captain, do they drive herds of Texas cattle up here in the fall?

A. No, sir, seldom in the fall; they generally bring them up here in the spring; they generally get here about the 1st of August.

Q. Do you know whether the men who breed cattle in Texas for sale, or who drive them up into this country for sale, desire to dispose of yearlings and two-year-olds?

A. I do not, sir; my experience is that they do not wish to sell one and two year olds, but they prefer to keep them, because it costs nothing to keep them until they are four years old. There are a great many of that class of cattle in this country, which are raised here, and my observation is, that you can buy a three-year-old as cheap as you can a two-year-old, the reason being that they can keep it another year at no expense.

Q. You have read this pamphlet of Professor Marsh?

A. Yes, sir.

Q. Is there any other information that you can give us in reference to any other matters contained in these charges of Professor Marsh's, about which we have not inquired?

A. No, sir, I think not. In regard to that issue of annuity-goods, I was not present. I believe you have covered everything in your questions.

Q. Are there any other frauds or instances of mismanagement on the part of any Indian agent, or contractor for supplies or transportation, about which you can give us any information, or are there any other persons to whom you can refer us for information?

A. I visited Red Cloud agency, at the request of some Indians with whom I was acquainted, on the 16th of July, 1874, and at that time no sugar or coffee had been issued for forty days, and there had not been an issue of beef for some time before, until the date of my arrival there.

Q. Did you learn anything of the cause of the failure to issue the supplies?

A. They had no supplies on hand, I was informed. As I returned here, I met a train with sugar and coffee on it for the agency.

By Mr. FAULKNER:

Q. Lieutenant, I would like to inquire of you, what caused you to make that suggestion to Professor Marsh which you did, in getting Red Cloud to procure for the Professor those samples of coffee, sugar, and tobacco?

A. It was in consequence of the Indians' complaint of the quality of those articles which they were using. The complaint, as

made by the Indians, was that the supplies issued were insufficient in quantity and of an inferior quality. Red Cloud told me that he believed his people were dying from eating the pork; but that I did not see, and consequently I knew nothing of the quantity or quality of the pork issued.

Q. Are you satisfied that in the examination of those samples which you made in the tepees, that they were presented to you under circumstances that satisfied your mind, at least, that they were fair samples of the rations which had been issued to them by the agent?

A. Yes, sir; I am satisfied that they were presented under such circumstances. I went to tepees, where I was not expected, and got those samples from the sacks as they were delivered from the agency. This was in November, at the time Professor Marsh was up there with General Bradley.

Q. You said that upon your return from Spotted Tail agency, there was an issue of beef?

A. Yes, sir; it was on the 14th of November, I think. I am not quite certain of the date, because we spent one or two days there.

Q. Was Professor Marsh there at the time?

A. I think he was there, but I did not meet him.

Q. Are you satisfied that these seven cattle which have been the subject of inquiry were included in the general issue of cattle that took place on the 14th of November, 1874?

A. I know that three or four of them were, but the others I know nothing about.

By the CHAIRMAN:

Q. These three or four cattle that you speak of, did you see them turned out to the Indians and killed?

A. I did not see them killed, but recognized them in the general herd.

By Mr. HARRIS:

Q. Where were they when you saw them?

A. They were at the herder's camp, a few miles above the agency.

Q. Do you feel willing to swear that you saw three or four cattle issued from the corral which you had seen at the herd?

A. I could swear that three or four that I had seen at the herd were the same that were issued from the corral.

Q. What kind of weather was it when they were issued?

A. It was snowing, and very cold.

Q. Were the cattle you speak of being weighed on the day you saw them?

A. Red Cloud asked us to go and see the cattle, and report to the Great Father about them. It would be too troublesome for us to go to the scales that day. The cattle were lost on the prairie, and they were driven up by the herders for us to examine.

Q. I want to know—this is but simple justice to everybody—what means of judging you had that the seven head would average 350 pounds. How far did you examine the herd, and how well qualified are you to venture that opinion?

A. Well, it was a casual observation.

Q. Did you know that the cattle had been driven up from the Niobrara through a very severe snow-storm?

A. I knew nothing about the cattle being driven from the Niobrara, and did not judge of them in that respect.

Q. You say all the coffee was of shriveled, and broken, and unsound kernels?

A. No, sir. I say in all, 75 pounds; I examined between 12 and 20 pounds. I did not see any sound or good coffee. Professor Marsh did not take over two or three tablespoonsful.

Q. Did you examine the other samples which you speak of?

A. No, sir.

Q. In the cattle driven here to the military post, which do you have the most of, cows or steers?

A. Wholly steers. The contract compels them to be all steers. I do not know the average weight of the steers driven here.

Q. You suggest that sand is the means of adulterating sugar. Should you judge that it would pay any one to adulterate that quality of sugar?

A. I don't know, sir.

Q. Do you mean to go on record as saying that the sugar was filthy and unfit for use?

A. Yes, sir, I do. I did not taste the sugar; I felt it with my hand, and know that there was sand in it.

Q. What was the inducement offered by Professor Marsh, or rather what inducement led Professor Marsh to hear this story concerning these things?

A. Well, he told me that he was a friend of Commissioner Smith, and the Commissioner told him to notice anything while he was out among the Indians, and to inform him if anything was wrong. I think Professor Marsh's idea was, that by showing an interest in these things, it would facilitate his work up in the bone-field. That is, however, a matter of opinion with me only. Red Cloud came to me first and wanted to see General Bradley, but General Bradley said it was none of his business, and he would not see him. Red Cloud brought a small quantity of sugar and one plug of tobacco. I saw samples like those which Red Cloud had, in the hands of other Indians, and they appeared to be of the same quality of rations.

By Mr. ATHERON:

Q. You spoke of the Indians not having sugar and coffee for forty days. How did you ascertain that?

A. I was told so by thirty or forty Indians. I was also told by officers at the post that unless supplies were brought soon they were afraid of trouble. I employed no means of verifying it, except by different ones whom I met during the day, and they all made the same answer. I think that some officers at the post told me that it was forty days. I did not visit the agency, and did not get this information from any of the employés at the agency, for I was not there.

By Mr. HARRIS:

Q. You said that you did not go there, or did not feel willing, because you thought that Dr. Saville did not like to have Army officers around. How did you obtain this information?

A. It was from the officers and my own supposition. I have had no altercation with Dr. Saville. I have been introduced to him once or twice.

Q. Is it the general impression at the post that Dr. Saville is not friendly to the Army officers?

A. Yes, sir; that is my opinion, and the opinion of others I have conversed with.



## TESTIMONY OF MAJOR A. S. BURT.

By the CHAIRMAN :

Question. You belong to the Ninth Infantry, I believe ?

Answer. Yes, sir.

Q. Major, were you present at the issue of cattle by the Indian agent at Red Cloud agency on the 14th of November last ?

A. I don't know the date, sir ; but I was present at an issue of cattle by Dr. Saville in November last. Professor Marsh was with me. He rode down there with me.

Q. There is a certificate made by you, in which you state that the cattle you saw at that time were Texas cattle, miserably poor, some of them so weak the Indians could not goad them out of a walk, and the cattle were, as a rule, small in size.

A. Yes, sir ; I remember such a certificate as that.

Q. Can you form any estimate of the number of cattle in the herd ?

A. No, sir. The corral was full ; there was barely room for a man to go round and drive them out when they issued them. I don't know how many, but enough to make an issue at that agency. I don't know anything about the number so as to fix my mind. I was not there as an investigating committee, but simply went with Professor Marsh to see the issue, as to how it was done. I did not fix in my mind any number, but remember the condition of the cattle was poor.

Q. What do you mean by saying that they were in miserable condition ?

A. I mean that they were walking skin and bones. This observation applies to them generally. I could not say that every one was skin and bones ; but my general observation of the cattle was that they were mere skin and bones ; that is, very poor.

Q. Do you remember whether the majority were steers, or cows ?

A. No, sir ; I could not tell whether they were or not.

Q. You spoke of some of them being so weak that the Indians could not run them. About how many did you observe in that condition ?

A. I could not say ; but that fact impressed itself upon my mind, because, as you remember, the Indians slaughter most of their cattle on the ground, and they drive them out ; and in order to get them to run they would start them with their goads ; and in several cases they could not make the cattle go out of a walk, and the impression on my mind was that it was because they were so poor. I could not say how many cases of this kind there were. I could not fix any number.

Q. Do you know how far these cattle had been driven the day before the issue ?

A. No, sir ; I don't know anything about these cattle, except that I went there with Professor Marsh, simply to see them. I did not know how long they had been without food and water. The weather was not very severe ; that is, if you mean for the cattle. There was no snow on the ground that day. There might have been snow in the gullies.

Q. Had it not been snowing or raining for one or two days before ?

A. It could not have been bad weather, or I would have noticed it, as I was in tents. I did not see these cattle weighed ; I don't know whether they were weighed ; I noticed no scales at the corral for weighing cattle.

Q. Are you able to form any estimate of the average weight of the cattle you saw there that day ?

A. No, sir ; I cannot. Nobody can do that unless he weighed the

cattle; I did not do that. I might make a guess like anybody else would do if they did not weigh them, but it would be only an approximation.

Q. Were those cattle, or any number of them, smaller than Texas cattle usually are?

A. Yes, sir; they were small-sized Texas cattle.

Q. Did you notice many yearlings among them?

A. I am not able to tell that, sir.

Q. Did you hear any conversation between Mr. Bosler and Professor Marsh in reference to the condition of the cattle?

WITNESS. Who is Mr. Bosler?

The CHAIRMAN. Mr. Bosler is the contractor for furnishing beef.

WITNESS. No, sir; not that I remember. A Mr. Bosler, a young fellow, came to me one day after General Bradley and Professor Marsh had been to see some cattle which had been complained about, and said that he knew all about this thing of cattle, and said if he had known about it he would have had some better cattle for them to inspect.

Q. Is that the only herd of cattle which you ever saw issued to the Indians at Red Cloud agency?

A. Yes, sir.

Q. Have you ever seen the herd of cattle held by the agent for issue to the Indians?

A. No, sir; I have not.

Q. Have you ever seen the herds that the contractor had for delivery to the Indian agent?

A. No, sir; I have never had occasion to inspect or look at them. I have never come in contact with the agent or contractor.

Q. Have you observed frequent herds of Texas cattle in this country?

A. Yes, sir; I have seen a good deal of Texas cattle.

Q. How did the cattle that you saw issued on that occasion compare with the ordinary herds of Texas cattle in this country?

A. Oh, very inferior; they were simply a bad lot of cattle, poor and unfit for use. If they were given to me to issue to my company, I would not accept such cattle. They were not beef at all.

Q. Then do you say that among all the herds of Texas cattle that you have seen in this country this was the poorest lot that you ever saw?

A. Well, it was certainly as poor a lot as I ever saw.

Q. Major, have you read these charges of Professor Marsh's pamphlet?

A. Portions of it only. I glanced over it last night.

Q. You know the object of the inquiries of this commission. Are there any other matters about which you can give us information besides these about which I have inquired of you?

A. Well, I have heard complaints by Indians. That is about all. When I was at Red Cloud agency with Professor Marsh, I was not there to inquire into irregularities, or I might have inquired more into these things. The complaints of the Indians were about the quantity and quality of their rations and about their agent. Rib, an Indian, spoke about the personal character of their agent.

Q. What did he say about his agent?

A. He complained, in the first place, of the want of brains on the part of the agent, or, to use his own meaning, he said his forehead was small, and that he was not an honest man, because he would not look right at you in the eye. And he went on to say in regard to the issue of annuity-goods to the Indians—I don't remember what he said now. Sometimes Indians are not reliable. I have known a few whose word was as good as any white man's, but Rib I did not know, and would not vouch for

his reliability. White Tail complained to me out in the Bad Lands, after we got there with the Professor, about the issue, in a manner that I should judge to be true. He was sitting in my tent, and I gave him some crackers, and he gave them to his children; he had two or three with him. I sent and got some more, and he put them into his blanket. I asked him why he did not eat them himself, and he said that he wanted to take them to his squaw as she was hungry, and was not getting sufficient rations. I noticed his blanket as being an old one. I asked him the reason why he was wearing an old blanket right after the issue, and he said that he had given all that had been given him to his young men and people; that there was not enough to go around. He spoke in a manner which impressed me that he was telling the truth. That is about in substance all that I know. The Indians' complaints were so many, that I do not remember half of them. These things are not my business, and I did not pay much attention to them. Professor Marsh at that time was hunting these things out, so that he could do the Indians some good through his acquaintance with Commissioner Smith. What he was doing was for the benefit of the Indians; and he wanted to advise the Interior Department of irregularities of which they were not aware. That is my impression, from the general remarks of the Professor.

By Mr. HARRIS :

Q. You inferred that, if it were true that there were not enough goods to go around, as the Indians said, there was fraud or some wrong done the Indians ?

A. That was not exactly my inference. My conversation with Professor Marsh was general, and I didn't know his opinions.

Q. When White Tail told you he was hungry, and there were not enough goods to go around, what were your inferences ?

A. Well, the inference that I drew was, that there had been enough goods to go around, but as to whose fault it was I had no inference.

Q. The question was not raised as to whether the Government furnished enough or whether the deficiency was merely a wrong on the part of the agent ?

A. Not as I remember, sir. I was paying more attention to the bones than to the irregularities at Red Cloud. I have never seen any other herds of cattle than those issued at the Red Cloud agency. I have had no other experience than that which an Army officer can have at a military post. I must say that I could not tell a yearling from a two-year-old steer or cow, as a cattle-man can do. These cattle were small in size, but I could not say how old they were.

By Mr. FAULKNER :

Q. Could you venture upon some approximation as to what you regarded the weight of those cattle you saw ?

A. Well, it would be merely an approximation, as any one would say.

Q. The expression, to say that they were small cattle, is a very indefinite one, and I should desire you to give some estimate of what is your judgment ?

A. They would probably average seven or eight hundred pounds all around. I have never weighed cattle, and have only an idea from the general conversation among the people here.

By Mr. HARRIS :

Q. Take a good four-year-old Texas steer, which has been here since July or August, and what should it weigh, in ordinary flesh and size ?

A. Well, it ought to net from 550 to 600 pounds, if it was in good order.

Q. Then you say those that you saw were so inferior that they would not go more than 400 pounds net?

A. About that; from three to four hundred pounds.

Q. Now, suppose it was given you as a fact that those cattle had been for three days on the road without food or water, through two nights of storm, what would you say would be the result with such cattle?

A. No, sir; I could not answer that at all. I should not judge that their condition was caused by two days' storm or wet weather.

Q. Then you say of those cattle which the Indians could not drive out of a walk that it was because they were poor in flesh and weak?

A. Yes, sir.

By Mr. ATHERTON:

Q. Did you have any conversation with Mr. Bosler respecting the cattle you saw issued?

A. No, sir; a Mr. Bosler spoke to me in regard to some cattle which General Bradley looked at at the investigation of Red Cloud, but not in regard to the herd which was in the corral.

Q. Do you remember what you said to Bosler that day?

A. I don't remember any conversation about cattle. There was a Mr. French who spoke to me about cattle, but Mr. Bosler did not.

Q. Did you recognize this young man, Bosler, or know him as being in charge of the herd?

A. He gave me to understand that he was the beef-contractor, and that was his general repute. I supposed that he was the contractor. I did not know that any other person was interested until a conversation with Captain Spaulding, coming down from the Black Hills, and he spoke of this young Bosler being the brother of a Mr. Bosler living in Carlisle, Pa.; but, if I recollect this young man, he was, as I thought, the contractor. I recollect having no conversation in regard to the condition of the herd of cattle which had attracted my attention. If I had expected to come before the investigating committee I would have tried to recollect these things.

Q. Have you any recollection of any one making a faulty excuse about the condition of the herd to any body; before you inquired of any one?

A. Well, I cannot remember any particular conversation. It is very likely that a conversation could occur and I would not recollect it. I remember Bosler complaining to me in an excited tone of voice that he knew all about this thing; referring to General Bradley and other officers going off to look at the herd. And he spoke in general terms about sick cattle and others, and said why did they not come to him, and not go to the Indians.

By Mr. HARRIS:

Q. What did occur, exactly, between you and that Mr. Bosler?

A. He said that if he had known that they were coming to inspect the cattle he would have had some better cattle for them to see, and he complained in an excited manner about those who had been examining the cattle. What his exact words were I cannot say. I am as anxious as you are to tell what I know, but I cannot remember what his exact words were.

Q. Did he complain that those cattle were not fair samples of the cattle which were delivered; that it was not fair to go and examine sick cattle; and if he had known that they were to examine the cattle he

would have driven up some cattle for them to examine, such cattle as they were issuing?

A. He might have said that; according to my recollection he said that it was not fair to go and see sick, and lame cattle, and make them stand as an average of the whole herd. I do not remember exactly; he may have said that.

Q. Did he give you to understand that those were not such cattle as they were issuing to the Indians?

A. He may have said so, but I do not know that he did. I suppose that he thought they were making an investigation of his cattle, and he was excited because they did not let him know about it. I can only infer that such was his remark. I have only an inference that he might have charged that; I should think it very likely that he would. I was there simply to write up the bone-field, and paid little attention to Mr. Bosler or to Mr. Saville.

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CHEYENNE, W. T., *Monday, August 23, 1875.*

Present: Hon. THOMAS C. FLETCHER, chairman; Hon. B. W. HARRIS, Hon. CHARLES J. FAULKNER, Prof. GEORGE W. ATHERTON, and Hon. TIMOTHY O. HOWE.

#### TESTIMONY OF JAMES F. ELLISON.

By the CHAIRMAN:

Question. Mr. Ellison, please state your place of residence and business.

Answer. My residence is Marcus, Texas. I am engaged in the stock business and farming.

Q. How long have you been engaged in driving cattle up to this market?

A. I have been engaged every year since 1869.

Q. Did you drive cattle up here this season?

A. Yes, sir.

Q. About how many?

A. Well, sir, there was a combination this year. Four of us drove sixty thousand. There were two firms in this combination—Mabry & Millett, and Ellison & Dewese. The two firms drove up about sixty thousand.

Q. Did you drive cattle last year?

A. Yes, sir; I drove cattle last year.

Q. Did you sell Mr. Bosler cattle last year?

A. Yes, sir; I sold cattle to Mr. Bosler last year. I sold him about seven thousand head last year. They were for the Indian contract. I delivered part of them on the Platte and part of them on the Missouri River for the Indian contract. They were Texas cattle—cows and beeves, mostly beeves. By beeves I mean four years old and upward. Anything under that would be considered stock-cattle in the beef-market.

Q. About what time in the season was it that you delivered those cattle?

A. Well, sir, as well as I can remember, we delivered the cattle on the Platte about the 17th of August, and the others a few days later.

Q. Were those cattle in usually good order—good order as cattle generally are at that season on this range?

A. Yes, sir. They were good cattle and in good flesh for the time of the year.

Q. Between that time and the middle of November would those cattle increase in flesh or fall away ?

A. They would increase. They were put upon as fine a range as one could look at. They would improve until the storms commenced in the winter.

Q. Do you recollect the proportion you delivered on the Platte ?

A. I delivered about eighteen hundred beeves on the Missouri River. I delivered no cows. I delivered fifty-two hundred on the Platte, twelve hundred of which were cows, and the others were four-year-old steers, and upward.

Q. Have you had such experience in the weighing of beef-cattle on the hoof as to be able to tell, with something like accuracy, what would be about the average weight of cattle ?

A. When a man gives the weight of cattle it is guess-work. I have seen a good many cattle weighed, and I would estimate those cattle which I delivered to Mr. Bosler last year from 950 to 1,050 pounds, making a full average of 1,000 pounds.

Q. Are you interested in the contract which Mr. Mabry took for supplying the Government with beef-cattle at this agency ?

A. Well, if we had retained the contract, I guess I would have been, but the contract was not retained, and I don't know anything about it. I have no interest in it. The cattle which we turn in for Mr. Bosler he pays us for, and we have no interest in the contract whatever. The firm has no interest whatever.

Q. About what did you get, on an average, for the cattle which you sold this year ?

A. Well, I can answer that question very easily. We got \$12 for cows and \$20 for beeves. When I say "we," I mean the firms of Mabry and Dewese.

By Mr. FAULKNER :

Q. What would those cows average do you suppose ?

A. Well, sir, I don't know how they weigh them there. There is a difference in weighing cattle. Some men lot cattle before they weigh them, but I understand these are turned in off the grass, and they will weigh 900 pounds ; that is, the cows would weigh that much.

Q. That must make the purchase of cows very valuable to a contractor ?

A. Yes, sir ; but I consider cows as good beef as steers. I guess that is where the money comes from, but the cows generally get fatter than the steers when they are brought up here in the spring.

Q. Have you any idea of the proportion of cows and steers there is in an ordinary herd ?

A. There is about one-fourth cows. We don't want to drive that many, but we frequently have to do it. They will not average more than one-fourth. Mabry and myself, and the other firms, have sold to Bosler twenty-four thousand cattle this year.

Q. What did you receive last year for your cattle ?

A. We received last year eleven dollars for cows and eighteen dollars for steers, and twelve and twenty dollars this year.

By Mr. ATHERTON :

Q. Were twelve and twenty the prevailing market-rates when you made the contract with Mr. Bosler ?

A. There were no prevailing rates ; no sales had been made.

By Mr. HARRIS :

Q. You made an advance on last year's prices ?

A. Yes, sir; we got better prices this year. The price of cattle has advanced in Texas, and has advanced wonderfully here. We have lost money by contracting in cattle here.

By Mr. ATHERTON :

Q. What is the present market-price for different grades ?

A. Well, I don't know hardly what we could sell them for. We could sell young cattle for \$15 a head more than we contracted for. Recently there has been a sale of several thousand on the Platte at an advance.

By the CHAIRMAN :

Q. These cattle you delivered to Bosler were contracted for in New York ?

A. Yes, sir. Mr. Bosler advanced us \$30,000 on that contract. When we made the contract I did not know anything about it. Mabry said he had, and we got \$30,000; he advanced that on account of the cattle. We got nothing as a bonus on the contract.

By Mr. HARRIS :

Q. Was there any agreement that you should have a part of the profits ?

A. No, sir; none at all. Nothing only pay for our cattle.

By Mr. ATHERTON :

Q. At the time the contract was made was there any indication that cattle would advance beyond that of last year's prices ?

A. Yes, sir; it was known that there was a scarcity of cattle on the way to this country. The cattle were generally on the way at that time, and we knew how many there were; we could count up to five thousand how many there were at that time.

By Mr. FAULKNER :

Q. Can you assign any reason for this growing scarcity of cattle ?

A. Well, it is owing to the driving to this country, and the growing scarcity of cattle in Texas. The production is not equal to the demand.

By Mr. ATHERTON :

Q. Was not Mr. Bosler's offer of the advance over last year's prices understood to be as a consideration for your turning the contract over to him ?

A. I don't know that it was, because we had instructed Mabry not to take less than \$12 and \$20. We did not know who was going to get the contract. That was the lowest price we were willing to take when he started off for New York.

By Mr. HARRIS :

Q. In the cattle you sold Mr. Bosler, were there not some two-year-olds ?

A. They were cows and beeves. I never sold any young cattle to him, because I had contracts for young cattle with other parties, and I never delivered him anything but cows and beeves.

Q. What would be the difference in the weight, in your judgment, of a one-thousand-pound steer, whether he was weighed right off grass and water, or whether he was weighed without grass and water ?

A. I could not answer that question, because I have never seen it tested, but I should think the difference would be fifty pounds. If I was going to sell a steer, I would take him right off the grass.

Q. How much do you suppose a thirsty steer of that weight will drink ?

A. Well, that would be guess-work, but I think a thirsty large steer

would drink fifteen or twenty gallons of water; a horse would drink eight or ten gallons.

Q. Well, is it desirable for cattle-dealers to sell their cattle right off the range?

A. Well, that is the way I would like to sell mine.

Q. You say the cattle you sold this year were cows and steers?

A. Yes, sir; all cows and steers; no young cattle, and they will average from 950 to 1,050 pounds off the range.

Q. Do you know anything about the contract for flour which Martin had?

A. Not anything.

Q. Do you know anything about the conversation which passed between Mr. McCann and Mr. Martin?

A. I know nothing about it. I only know Mr. Martin when I see him.

By Mr. HOWE:

Q. Did I understand you to say that you were interested in the contract which Mr. Mabry made with the Government?

A. Well, I would have been interested if we had carried out the contract. I had one-fourth interest in case we furnished the cattle. I was not present when the contract was made with Mr. Bosler. I don't know whether the contract with Mr. Mabry was put in writing.

Q. What proportion of the cattle that you delivered to Bosler did you say were cows this year?

A. Well, I never answered that question at all. I said that the number which we drove was about one-fourth cows.

Q. Can you state what proportion of those delivered to Bosler were cows?

A. I cannot say that; we have not turned in all of this year's cattle yet.

Q. Have you any account by which you can determine?

A. Yes, sir; if I had my bills of sales, I could soon determine the number, but I cannot give the number unless I go to work and figure up. We have not delivered everything yet. We have considerable cattle which we have not yet delivered. We will, when we get through, have delivered about twenty-four thousand cattle to him.

Q. How has your delivery been conducted; have you delivered so many monthly?

A. No, sir. We deliver so many in bulk. We deliver as soon as we can get the cattle on the ground where he receives them. Some cattle are late in getting up. We commenced the delivery about the 1st of July, and have been delivering right along. We have delivered about twenty-two or twenty-three thousand cattle. We have just got two bunches to deliver yet. We have been paid partly for the cattle which we have delivered. Part has not been paid for. We have been paid already thirty or thirty-five thousand dollars. Bosler and Mabry are settling up to-day for the cattle which had been turned in.

Q. You have a general idea of the amount now due from Bosler?

A. Well, I could come within ten or fifteen thousand dollars of it; I could not tell exactly. I guess he owed us two hundred and fifty thousand dollars. I could give an approximation of the number of cows delivered, but unless I knew pretty well, I would not like to say. Over half of those cattle have been turned in on the Missouri River, and I know nothing about them.

Q. These cattle you estimate to weigh on the hoof 950 pounds, are cows and steers together?

A. Yes, sir; they will average it. They will average 1,000 pounds all through, according to my judgment.



Q. If you had delivered these cattle to the Government upon the Mabry contract, they would have brought you how much ?

A. Well, sir, they would have brought us considerably more than we are now getting. I have never figured it, but they would have brought us \$24; that is, averaged at 1,000 pounds.

By Mr. FAULKNER :

Q. What was the inducement for you to sell these cattle at \$20 per head, when by your contract with the Government you could get \$24.70 ?

A. Well, when we sold those cattle we got cash for them, and if we should have sold the Government those cattle, we would have had to wait one year, and deliver them twice a month, and the risk of keeping them during the winter would overbalance the profit; but by selling the cattle to Mr. Bosler we got our money, and the work is over with the cattle, and we invest that money. We have now got it invested this fall, but if we had filled the contract it would have taken us until next July to fulfill it. That was our inducement. Otherwise while we were filling this contract we could not have been buying in Texas. I am satisfied that by taking the contract we could have made some money here, but by selling the cattle and going back to Texas, we could make more money, and make it easier, and with less risk.

By Mr. HOWE :

Q. Would those cattle which you sold to Mr. Bosler be likely to gain in weight during the year to be consumed in the delivery ?

A. They will gain from now right along until the storms set in for the winter. If the winter is severe, they will lose some. They will gain now right along until November or December; but if the winter is hard, they will lose.

Q. Would not that increase in their weight be a pretty material consideration or equivalent for the risk and expense of keeping them ?

A. Well, I would think likely it would, but a man cannot run two kinds of business at the same time; at least, I cannot run a business here and a business in Texas; and just so that I make a decent profit on these cattle, is all I want. I would not stay up here and take the risk for the probability of making a nice profit outside, because I consider it a risk to hold cattle here in this country, owing to snow and the storms; it is a risk to turn them loose on the prairie in winter-time.

By Mr. FAULKNER :

Q. Would it be a fair question to ask you, Mr. Ellison, what you give for these cattle in Texas ?

A. Yes, sir; I think it would. I never keep anything back. Cows cost \$7 and beeves \$12 down there. We generally pay in specie, and there is a difference between specie and currency there of 10 per cent., which would make it about eight and thirteen dollars respectively for cows and beeves in currency.

Q. Have you ever had any statement that would enable you to form an estimate of what is the annual expense of keeping these cattle north of the Platte during the year of their being delivered to the agency and the Government ?

A. Well, I have never formed any estimate of that. Mr. Bosler keeps cattle in very large herds. We can drive cattle from Texas for about \$2 per head, in large herds. In small herds it would cost more. When we first commenced driving cattle from Texas, the expense was double and even treble what it is now for each head, but since then the whole thing has been systematized.

## TESTIMONY OF SETH MABRY.

By the CHAIRMAN :

Question. Where do you reside ?

Answer. At Austin, Texas.

Q. State if you have been engaged in the business of dealing in cattle ?

A. Yes, sir ; that is the business I have been following here since 1871. I have reference to the Platte and Missouri River district. I have been following that as a business since 1866, and since 1871 I have made these points from the Kansas Pacific Railroad north points to dispose of them. In 1871 we had been doing a partnership business. The firm was named Mabry & Millett. We disposed of ten thousand head in 1872. We handled about the same number in 1873 ; we handled not quite so many, about eight thousand, this season. There are four of us interested, and we handled about sixty thousand altogether.

Q. State the kind of cattle that you have driven up into this country.

A. With the exception of last year, we have handled only beeves ; that is, four-year-old steers and upward. Last season and this season I handled what we call mixed cattle ; that is, two grades, from one-year-olds up to beeves. The proportion of yearlings in a herd is owing to the way they are gathered, and the way they are contracted for in Texas. In five thousand cattle we would throw in a thousand, each, one-year-olds, two-year-olds, and three-year-olds ; a thousand cows and a thousand beeves. That is the way we made our contracts in Texas with Texas parties, although when we received them they would vary considerably. The variation would be probably about one-fifth of each grade of the five grades. That is the way we contracted for our cattle this season. We term the herds mixed herds that are not strictly beef-cattle.

Q. Have you had some knowledge of the herds of cattle that have been driven up into this country during the last few years ?

A. There have been very few herds that have been brought out that I have not known something about. I made it a business, and I was either on the sell or buy, and I have been strictly in that business, and there have been but very few herds that would stop at the points where I have been operating that I have not seen. As a general thing I made it a point to see them all ; along the Platte River here has been quite a point where people brought their young cattle. I have had no trouble there yet ; the stock-raisers in this country are anxious to buy young cattle because the range is good, and stock-raising is a good business.

Q. So that there have been a good many of these young cattle driven up here for the purpose of selling them to cattle-dealers ?

A. Yes, sir ; and ever since 1868 or 1869 this point, and even west of this point.

Q. In the herds of what you term beef-cattle, is it the case that there are some yearlings and some two-year-olds ?

A. No, sir ; whenever we speak of beef-cattle we mean four-year-old cattle and upward. There is frequently a herd of beeves in which there would be a dozen three-year-olds, well-grown cattle. There are some instances where there would be half a dozen under age. It is a rare thing that any man could detect very soon from their size whether they were three or four-year-olds. Whenever we speak of beef-cattle we do not mean cows at all ; we mean steers.

Q. Is it a custom in trading off herds of that kind, if there run into

the herd a few yearlings, and cows with calves, and so on—is it the custom that those yearlings are not counted at all?

A. We hardly ever count them, unless there is a contract made for that purpose. If there were only a few there would be generally no reckoning of them taken, but if there were as many as forty or fifty yearlings in a herd of a couple of thousand, they would be. But I do not think I ever saw a herd where they would be careless enough to let so many in. Maybe in selling twenty or thirty thousand head the yearlings might amount to considerable, but in a smaller herd they would cut them out, or want something for them. In all my trade if I sell a man beeves I only give him beeves. In sorting a herd of four or five thousand cattle that have been driven up here from Texas there might be twenty-five or thirty yearlings, but it would be more trouble to cut them out than to let you have them. This spring we had all mixed herds, but I sorted all my cattle after I got them to the Platte River and to the Arkansas. I never handled any cows until this season (except a small bunch for a ranch.) This year is the first I have handled any mixed cattle. I have handled nothing but beef-cattle for sale. The season for bringing cattle here ends about the 1st of September. Cattle that we intend to winter here we generally try to get by or before the first of September—the earlier the better. The cattle generally come here from the 1st to the 10th of July, and they generally get through in good fleshy condition. This season and last season they came through in very good condition. If it should happen to be a bad season they do not look so well. This season and last season were both very fine seasons for handling stock. Our cattle are in good condition generally on the 1st of July, and they continue in good condition until Christmas. They were in very good condition and would have done to ship east before the 1st of June, this year.

Q. Did your firm sell to Bosler some cattle last season?

A. Yes, sir; we sold him, I think, about five or six thousand cattle—the firm of Mabry & Millett. They were every one beeves but three hundred, and I sold him three hundred cows. They were everyone four-year-old cattle that I sold him last season. I have been weighing cattle ever since I have been here, pretty much every season. Since 1866 I have been buying and selling cattle. The weight of what we term fresh cattle depends upon the way you weigh them. The rule in buying here is to lot them for twelve hours before weighing them. Then they would weigh considerably less than if weighed right off the ranch. If they were to be weighed that way I should estimate the cattle to weigh from nine hundred and fifty pounds to ten hundred and fifty, just owing to where those cattle came from in Texas. When you get west of the San Antonio River, and go into the mountain region, the cattle are very large—from nine hundred and fifty to ten hundred and fifty, weighed right off the ranch. I have no hesitancy in saying so, for the reason that I filled those contracts in 1871 on the Missouri, and I had a hard time. The weight of my beef-cattle averaged a good deal more than a thousand pounds all the way through. In the fall—in September, October, and November—there were a good many of these cattle that weighed as high as thirteen hundred pounds, and in the spring they ran down to seven or eight hundred; that is, the cattle furnished for the Yankton and Santee Indians. I have no hesitancy in saying that in this country, in ordinary seasons, the same grade of cattle would weigh from nine hundred and fifty to ten hundred and fifty pounds. I think the difference between lotting them for twelve hours and weighing them off grass and water would be seventy-five pounds.

I never have weighed our cattle to test their weights, but if I was selling them I would rather throw off seventy-five pounds than lot them, because I have a strong belief that they would shrink that much. I think the shrinkage would really be more than that. Last year we sold cattle for less money than we have ever realized off them. Last year the average price of beef-cattle through the country was about eighteen dollars—cows about eleven; yearlings about six dollars, just pretty much the same price as this season. I know of none selling for less. Last season two- and three year-olds were worth about the same money as this season. I think last season the ruling price was about eleven dollars for two-year-olds, and fifteen for three-year-olds.

By Mr. HARRIS :

Q. Where did you deliver the cattle you sold last year to Bosler ?

A. I delivered most of them up here for Red Cloud agency. I think I delivered three thousand here and three thousand on the Missouri River, on what is called "Sugar Creek," on the west side, for all those agencies on the Missouri River. We sold the Boslers this year about twenty-four thousand. I delivered the biggest portion of them here on the Platte for these two agencies, Spotted Tail and Red Cloud; about twelve thousand here and the rest at the other agencies.

Q. If it is a fair question, what prices did Bosler pay this year for cattle ?

A. Unless it would be of particular advantage to the commission, for certain reasons, I would rather they would get the particulars from some other person, because there are other persons who sold cattle to Bosler as well as myself.

Q. Have the cattle that you brought here come from the eastern portion of Texas, or from the western or mountain region ?

A. My cattle are all western; from west of the San Antonio River. They are as large Texas cattle as we ever drive to this market.

By the CHAIRMAN :

Q. How did the cattle you delivered this season compare with the cattle you delivered last season in point of size ?

A. The cattle I delivered this season would average quite the weight of the cattle I sold him last season. I think the herds last season had more aged cattle in them. Last season, I think, they would average five-year-olds all through. This season there are a good many four-year-olds among them.

By Mr. HARRIS :

Q. Had you any of the scalawag cattle in this country ?

A. Yes, sir. In a thousand cattle there would probably be as many as ten or fifteen what we term "scalawag" cattle, that probably lived their time out and got old and rough, and they do not get fat at all. They won't get fat like young animals. They are rawboned, big, ugly steers. We don't have them in all herds. They are not in select herds. You see, it depends upon the contracts. I probably had a few in my herd last year, but I do not think I had half a dozen. I pay good prices, and try to select my cattle. But every cattle-man is frequently fooled by buying in the spring.

Q. With yearlings at \$6, cows and two-year-olds at \$11, and three and four year olds at \$15, and beeves at \$18, which is the most profitable ?

A. The beeves and cows would be the most profitable, decidedly, because cows would come under the cheap grade of cattle, and they pay

very heavily. They would be very easily tested by weighing and lotting them. They are heavier, in proportion to their looks. If a man was to have young cattle in a herd, and they should be counted as weight, it would be an advantage to have them. I saw about twelve thousand of Bosler's cattle. I helped to cut out of them some he didn't want to carry to the agencies—some of Ellison's and Sheidley's cattle—the young ones, the yearlings, and two and three year olds. I think he wintered them. All I saw of his were beeves and cows. A good many of them were beeves.

Q. What would you say of filling a contract that required "beef," with no other words, with that class of cattle?

A. It certainly would be filling it with beef. It don't actually follow, in using the term "beef," that it has got to be fat beef, unless the quality is specified in the contract. If it were in good condition, it would fulfill the contract, unless it was specified that the beef must be in fat condition. If I were to agree to deliver to you so many beeves on the hoof, I would understand that I should furnish you anything in the world that was beef—cows, yearlings, or anything else; anything that was in a good, healthy condition, unless steers were specified; but if I should agree to furnish you one thousand beeves, I would infer nothing else in the world but that they should be steers. If the contract said "beef-cattle," I would infer that they were to be steers; but I would not infer that they were to be fat beef, unless the word "fat" was put in the contract.

Q. Suppose you take an 1,100-pound steer and drive him twenty miles to-day without water, you let him rest and feed and drink over night, and then drive him eight miles, and immediately put him on the scales; how much more would that animal weigh than he would if he had been twelve hours without food or drink?

A. Well, I don't know. It would make some difference—a drive of twenty miles without water; and then the next day, if you give him plenty of food and water, and drive him eight miles, of course the steer would shrink some, but not as much by fifty pounds as if you should lot him, because there is nothing to excite him over night. When they are lotted the steers hook and get excited, and they shrink. Cattle at this season of the year are full of grass and water. A thirsty ox, having been without water for twelve hours, would drink twenty-five or thirty gallons; a big ox, twenty-five gallons any way. In selling cattle on foot by weight, I would be liable to let them drink all they could before they were weighed. I would consider that was legitimately a part of my business.

Q. What would you say if the buyer would let you do it?

A. If that was the contract I should think it was all right, but if it was not, I should think he was sort of going back on himself. An ordinary horse will drink four bucketsful if you will let him, and I am satisfied that an ox will drink a good deal more water than a horse. I may overestimate it, but I think he will drink twenty-five gallons.

By Mr. ATHERTON:

Q. I understand you to say that you are this year delivering mixed cattle?

A. Yes, sir.

Q. Are you delivering mixed cattle to Mr. Bosler?

A. No, sir. I sold all my young cattle to Mr. Iliif, and Mr. C. Wright, and to Mr. Snyder; and Mr. Paxton a bunch to go to his ranch. I sold Mr. Bosler two grades of cattle—beeves and cows.

Q. The original contract was made with you, I believe ?

A. Yes, sir, this season ; but he has the filling of it. I just made an arrangement with him in New York to carry out the contract and deliver the cattle.

Q. Was this transfer of the contract made with the permission of the Interior Department ?

A. There was no transfer ; it was merely an agreement that I was to do one portion of the work and he another.

Q. As I understand it, then the contract is still in your name, but Mr. Bosler was just a partner in the concern ?

A. He took an interest with me after the contract was awarded me. The bid was put in in my own name, with a view of filling it myself, provided nobody wanted any interest with me in it. There are three of us in it.

Q. Was it a condition of Bosler's having an interest in the contract that he was to obtain the cattle from you ?

A. No, sir, none in the world. Mr. Bosler took this matter up entirely afterward. He saw that I had a low bid, and he then made a proposition to me for him to take an interest, he to do one portion of the work and I another.

By Mr. HARRIS :

Q. What portion were you to do ?

A. The work that was allotted me was to get up these cattle and furnish them here at certain prices. I agreed to furnish a certain amount of cattle at certain prices. We just made a contract in New York, by which he became partner in the contract, for a consideration which it would not be necessary for me to name now in the matter. Of course I was well posted as to the work that was to be done outside, and he would be better able to manage the delivery of the cattle. He knows more about the range. I have never been at these agencies. A man who has been in the business three or four years is better able to control it and manage it than a new man, because his camps are all organized for managing it.

By Mr. FAULKNER :

Q. Is he at liberty under his arrangement with you to purchase cattle wherever he can do so to the best advantage.

A. Yes, sir.

By Mr. HARRIS :

Q. Are you interested in those purchases ?

A. No, I am not ; my interest lies in the number of cattle I myself furnish. I furnish him no capital with which to buy cattle. I feel just as much bound to see that contract filled as if he had nothing to do with it ; and if there were not sufficient cattle on hand, he could go out and buy.

By Mr. ATHERTON :

Q. Has he any responsibility to the Government for fulfilling the contract ?

A. Of course he has. The contract was let in my name to begin with. After talking the matter over the Boslers became my bondsmen.

By Mr. HARRIS :

Q. It stands with you as contractor, and James W. and J. H. Bosler as your bondsmen ?

A. Yes, sir.

By Mr. ATHERTON :

Q. If there was a failure at any time to deliver cattle, they could not be called upon for the fulfillment of the contract ?

A. No, they would go for me. Of course they are interested. If there is any money to be made they would be anxious to carry it out. My contract is \$2.46½ per hundred pounds.

By Mr. HARRIS :

Q. Do you pay for the cattle you deliver according to the weight determined at the agency ?

A. No, sir. I agree to deliver certain cattle for certain prices per head. I have nothing to do with them as far as that is concerned. I have no interest as regards the weights of the cattle. I have an interest in the contract besides my sale of the cattle. Bosler becomes a purchaser to me for a certain amount of cattle at certain specified prices.

By Mr. FAULKNER :

Q. You speak about this season and last season ; do you mean 1874 and 1875 ?

A. I alluded to 1874 and 1875.

Q. Do you speak now of the quality of the cattle delivered by Bosler in November, 1874 ?

A. I only know the quality of the cattle so far as they went there. I know nothing of the quality of the cattle that were delivered in November, 1874. I speak of the quality of the cattle that went to the agency in July and August. I was not here in November ; I was in Texas. They were kept on the Platte and delivered during the season. I speak of the quality of the cattle delivered in June and July. They were in good fleshy condition when I delivered them to him, and a good many of them were what we termed fat cattle. There would probably be in a hundred twelve, or fifteen, or twenty fat cattle. They were what we call shipping cattle ; cattle that would be sent to the eastern markets, and the remainder would be good fleshy cattle.

Q. If these cattle would be good, fleshy cattle in July, what ought they to be in November ?

A. They ought to be what we term fat cattle in November. They generally get them in about the first of June and July, and hold them until the first of November, and then the cattle are generally shipped East ; and they generally get fat for packers in eastern markets to use up by the first of November. In order to get cattle here by the first of July we have to start them from Texas about the first of March. We estimate that we can drive it in about 70 days ; but we generally give them longer time. The cattle may be over time on their way from Texas here. We start them very poor and they all get in nice condition by the time they arrive here.

By Mr. ATHERTON :

Q. When Mr. Bosler takes receipts for the delivery of cattle does he take them in his own name or in yours ?

A. The vouchers are given in my name, but he has a power of attorney to receive them and manage the business.

By Mr. HARRIS :

Q. Is there any rule or custom among cattle-purchasers which would authorize the purchaser to require that they be lotted twelve hours before weighing ?

A. No ; unless it was specified.

Q. Army contracts are all made that way, I notice?

A. Yes; and in trading with each other it is the same. If I were to come here and offer you three cents per pound for your cattle, the cattle to be weighed here at Cheyenne, the inference would be that they would be twelve hours without food or water, because that is the rule.

Q. If it is specified that you are to furnish so many pounds of beef on foot at \$2.46½ per hundred, why should not the same rule prevail?

A. Because it is not the custom. If it was we would be more careful how we took contracts at \$2.46½. Of course, in figuring this contract at \$2.46½, I figured on grass and water, because I had that much advantage.

By Mr. ATHERTON:

Q. Could you now furnish cattle at \$2.46½, lotted?

A. I could not do it now—I could probably have done it last spring—because there is an advance in the price of cattle. I probably would have done it at the time I made the contract with the Interior Department, but the Government did not ask it. I thought the Government was as able to ask that thing as an individual; and if it did not ask it I did not propose to do it. If I made the contract with the Army I would know that I was to weigh the cattle in the usual way—twelve hours off grass and water.

By Mr. HOWE:

Q. What number of cattle did you furnish?

A. About 24,000 head. Mr. Bosler was the purchaser of the balance of the cattle.

Q. Instead of delivering 24,000 head to the Government, you delivered them to Bosler.

A. Not exactly. I delivered them to the company; I put them in as so much money; I sold them to myself. I agreed to furnish 25,000 head of cattle of a certain class, and he was to take them at certain specified prices and go ahead and buy the rest which would be wanted. My interest was in selling that amount of cattle. After I had got my cattle all together, I had not quite 24,000.

By Mr. ATHERTON:

Q. Have you any interest with Mr. Bosler in filling the remainder of the contract?

A. No; no further than I have said. The contract for the Yankton and Santee agencies is in my name.

By Mr. HOWE:

Q. Let me see if I understand you. Instead of delivering the cattle to the Government, you delivered them to the company, composed of yourself, Mr. Bosler, and other individuals. They pay you a fixed sum per head for the cattle so delivered; and this company undertake to fill that contract with the Government?

A. Yes, sir.

By Mr. HARRIS:

Q. Then you would rather sell your cattle for cash than carry out the details of the contract yourself directly?

A. Yes, sir. I knew what these cattle cost me. I was figuring to make a sure profit with what cattle I was handling. I thought I could do better in driving cattle next spring, than in handling them here. I did not want to have anything to do with the delivery of the cattle here. The whole trouble in this matter is grass and water. Cattle



shipped to Chicago that will weigh in Chicago 950 pounds, will weigh at the agency 1,100 pounds. The difference to that extent is just grass and water, and if any man does not believe so, let him go and weigh them. It takes a good class of cattle to weigh 1,000 pounds in Chicago. They do not take into consideration the shrinkage on the cars and in the yard after they get there. In the one case they are weighed free from grass and water, and in the other they are not. I would rather weigh them gross than net, except at certain seasons of the year. There will be a great deal of difference between net and gross weight of cattle killed right off grass and water, and also between gross and net in Chicago. In making the contract, I figured on grass and water.

By Mr. ATHERTON :

Q. Did Mr. Bosler pay you any consideration for the contract ?

A. I do not know, as we are not trying this case now, that that would make any feature in it ; but I do not know that an answer to that question would give the information which you gentlemen want to get at at all. I am quite willing to answer any question as to the quality and number of cattle, but as regards the private arrangements between myself and Mr. Bosler, I do not think that that is material.

By Mr. HARRIS :

Q. Have you paid, or promised to pay, any person holding any office in the United States any consideration for awarding that contract ?

A. No, sir ; I have never paid a dollar, or promised a dollar, to anybody—not a person in the world.

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CHEYENNE, W. T., *Tuesday, August 24, 1875.*

Present : Hon. THOMAS C. FLETCHER, chairman ; Prof. GEORGE W. ATHERTON ; Hon. TIMOTHY O. HOWE ; Hon. CHARLES J. FAULKNER ; and Hon. B. W. HARRIS.

#### TESTIMONY OF D. J. McCANN.

By the CHAIRMAN :

Question. Mr. McCann, please state your place of residence.

Answer. I reside in Nebraska City, Nebraska.

Q. I will ask you to state, Mr. McCann, the facts in reference to the purchase, or proposed purchase, by Dr. Saville, United States Indian agent at Red Cloud agency, from you, of certain oxen, wagons, and cows.

A. About the 22d of July, 1874, I arrived at the Railroad House in this city, from Washington. At the warehouse and office of the store-keeper of the Red Cloud agency, in the evening of that day, I saw a notice requesting proposals for furnishing twenty wagons, twenty yoke of cattle, and twenty cows, and inquired of Mr. Palmer, the store-keeper, what wagons and what class of cattle were required. Mr. Palmer stated that they wanted American oxen, well broken, so that each yoke of cattle would work on the tongue, and suitable to be given to the Indians for use. The wagons, he said, they preferred to be the Studabaker, but they wanted the ordinary two-horse wagon. I wrote to the Studabaker Brothers, at South Bend, Indiana, asking their price for 3¼ and 3½ spoke top-box spring-seats, and double-trees and neck-yoke wagon, with a request for Mr. Studa-

baker to telegraph his reply. And I then put in a proposal to furnish wagons, oxen, and cows. In the mean time Dr. Saville arrived from the agency. I had a conversation with him, and likewise with other gentlemen, with regard to the class of cattle. Nothing was said in regard to the wagons. I hired a team of Mr. Ward here, took Dr. Saville and two other gentlemen, and we went twenty-two miles northwest from here to look at the cattle. The oxen were pointed out. I am not positive that Dr. Saville saw the oxen. We made two trips. That was one trip in which Dr. Saville himself accompanied us; that was the first trip. A day or two after that, a second trip was made. Mr. Appleton accompanied me on the second trip, and saw the oxen as they were pointed out. The cows were growing Durham cows; they were driven, as we were informed, from Kansas here the year before; but right here I may state that the reason this particular lot of cows was selected or proposed to be selected for this purpose, was, that Mr. Glafky, the editor of the Herald here, (Cheyenne,) who was likewise engaged in the stock business, had suggested to Mr. Palmer for Dr. Saville and myself this particular lot, that he had seen them pass through Cheyenne on their way to this ranch, and we went to look at them; and I made a contract for the purchase, and the intention was to furnish them on this contract. I returned, and the following morning, in the office of the agent, in this city, it having been agreed that those cows were suitable for the Indian use, and that the wagons as described would be satisfactory, (because it is well known what that wagon is, as the agent here had samples on hand, and that was a sufficient description of the wagon.) I sat down at the desk in the agent's office and wrote, on a half sheet of paper, simply an agreement to deliver twenty yoke of cattle, twenty cows, and twenty wagons, to the store-keeper for the Red Cloud agency, in this place, on the 1st day of September. I telegraphed to Mr. Studabaker to forward the wagons; he telegraphed me that they would be forwarded in a day or two. Before these wagons were shipped, the factory of Studabaker, in South Bend, Indiana, was entirely destroyed by fire, with all the wagons, completed and not completed, on hand. This I state from common rumor and the information given me by Mr. Studabaker. It was a well-known fact, as it is the largest wagon-factory in the country. This fire rendered it impossible to furnish the Studabaker wagon. I immediately started to Chicago; at that place I received a telegram from the Commissioner of Indian Affairs in regard to some business, and went immediately to Washington. I came back, remaining in Washington but a day or two, to the best of my recollection. In a conversation with the Commissioner upon this subject, he informed me that he thought the Bain wagon, at Kenosha, Wis., or the Whitewater, Wis., wagon would either of them be suitable. I went from Chicago to Kenosha, Wis., upon the day of my arrival at Chicago, and bought twenty wagons of Mr. Bain, and they were shipped upon the Monday following. I was there upon the Saturday previous; and the wagons were shipped to Cheyenne. I immediately came to Cheyenne, and found that Dr. Saville had returned to the agency. Mr. Appleton was here, and Mr. Palmer, the store-keeper. Mr. Appleton informed me that, owing to the destruction of the Studabaker factory and the impossibility of getting that wagon, Dr. Saville had concluded that they would only take ten wagons instead of twenty, and that Dr. Saville had likewise concluded that, the season being advanced, he had better not take the twenty milch-cows, it being then in September; and he likewise informed me that Dr. Saville, instead of taking the cattle agreed upon—American cattle, well broken—at the price agreed upon, would

prefer to buy a little lower grade of cattle, young work-cattle, well broken, which could be got at a lower price. I said to Mr. Appleton that the wagons were on the way, that they were worth the money purchased, and, if Dr. Saville preferred, as I could not furnish the Studabaker wagons, to drop the matter, and purchase his wagons and cattle elsewhere, if he could do better, and in less quantity; I had no objection. He said that a voucher for the cattle and wagons, as agreed upon, had been prepared at the agency, and sent over to the store-keeper here, but, having changed his mind, the store-keeper had returned the voucher to the agency, and my memorandum-agreement, which was signed by myself, and not by Dr. Saville or any one else for the Government. It was not a contract, but simply an agreement on my part. The memorandum-agreement was in the office, and was handed by Mr. Palmer, the store-keeper, to me, and I destroyed it. When the twenty wagons arrived, Mr. Appleton told me that he would like to have ten of the wagons; he would not purchase twenty; all he wanted was ten. I said, "You can take ten wagons at cost and carriage—the cost at Kenosha, Wis., and one-half of the freight-bill as charged at the railroad here." I turned them over to him at that time, and I suppose they went to the agency. The rest of the wagons I turned over to Mr. Haas, a dealer here, and he sold them, and gave me the money for them. These are the facts, as I understand them, with regard to the whole transaction; and the failure to comply strictly with the memorandum-agreement, given to Dr. Saville, and left with his store-keeper, was no fault of mine. Technically, I could not comply with the agreement in furnishing the Studabaker wagon at that time. Mr. Studabaker asked thirty days' time. He went on immediately manufacturing the wagons. I did not believe that it would be satisfactory to Dr. Saville to wait thirty days, and, as the season was advancing, too, I declined. I purchased the Bain wagon after consulting with the Commissioner of Indian Affairs, and believed that the Bain wagon was equal to the Studabaker wagon for all practical purposes. I paid more by three dollars per wagon for the Bain wagon at Kenosha than I was asked for the Studabaker wagon at South Bend, Ind. The freight was about the same from Kenosha, Wis., as from South Bend, Ind. The oxen which were selected and agreed to be put in on this contract were American cattle, all roan and red Durham cattle. They were five years old. They were shipped to Chicago, and sold at \$4.75 per hundred pounds, gross. I state this fact to show you what kind of cattle they were, and why the Doctor could get cattle for less than we wanted to sell him. I shipped them to Chicago after that, because I knew they were worth more there.

Q. Did you ever have possession of that voucher?

A. I never saw it nor had it. I had no right to it. I was informed that it was sent here in accordance with the agreement, and then, when Dr. Saville was informed of the burning of the Studabaker factory, it went back to him. I know nothing of it. I was prepared to fill that agreement strictly in conformity to the contract, except the Studabaker wagon. I agreed to furnish the oxen at \$150 per yoke, and the wagons at \$125 or \$120 each.

Q. Did those oxen bring as much gross weight in Chicago as you offered to put them in at?

A. I think they did; but if there was any difference, it was trifling. The remark was made here that there would be very little lost in the sale.

By Mr. HARRIS :

Q. Was there any reason why the Department could not buy the wagons as cheaply as you could buy them ?

A. Yes, sir. I had, as you are aware, an annual contract with the railroad companies for the shipment of freights to this point, and my facilities for the transportation of the wagons from South Bend here and from Kenosha here were greater than those of the Government. If the Government had shipped them, they would have been charged up at tariff rates—perhaps fully from 50 to 75 per cent. above the rates which I pay. Wagons are generally shipped at double first-class rates, on account of the bulk.

By the CHAIRMAN :

Q. Mr. McCann, you have, I believe, a contract for freighting these Indian supplies to this point and to Red Cloud and Spotted Tail agencies ?

A. I have, sir. I have the contracts in this building, [First National Bank building, Cheyenne,] and can produce them.

Q. What are they for ?

A. I have a freight-contract with the Indian Department for the transportation of all Indian annuity goods and supplies purchased in New York, Philadelphia, Baltimore and Chicago to Omaha and Sioux City and Kansas City; from Kansas City to three agencies in the Indian Territory and to Cheyenne; from Cheyenne to the Red Cloud agency, and the Spotted Tail agency, and the Shoshone and Bannack in Wyoming, and the White River agency in Colorado; for the Uintah agency in Utah and to Ogden; and certain supplies for the agencies in Idaho Territory. I believe that comprehends all the contracts for freighting which I have.

Q. What other contracts have you ?

A. One contract for furnishing 200,000 pounds of flour for the Spotted Tail agency, to be delivered in Cheyenne, and for 300,000 pounds of corn for the same agency, to be delivered in Cheyenne. These are all the contracts which I have with the Indian Department, except where the Commissioner failed in one or two instances to make a contract with any person for handling some small amounts of goods, say for the Quapaw agency from Kansas City. I have agreed by letter to transport these from Kansas City to that agency for a certain price. I have likewise agreed by letter to furnish one or two other agencies with small amounts of annuity goods which were not provided for in my contract or any other. Those proposals have been formally accepted by the Commissioner, and may not be termed contracts, but having been notified that no provision had been made, and the question being asked me, I have submitted the price mostly for railroad transportation. They are very small amounts, which were overlooked by the Department in making contracts for the transportation this year. These contracts are for transportation only. I have no contract for furnishing goods.

Q. Did you have any contract for furnishing supplies during last year at Red Cloud agency ?

A. I did not.

Q. Were you interested in any of the contracts for furnishing supplies at that agency ?

A. I was not.

Q. Do you know who had the contract for furnishing the flour there ?

A. I do. It was John H. Martin, of Denver.

Q. Did you assist him in any way in completing his contract ?

A. I did.

Q. In what way ?

A. When I arrived at Cheyenne, on the 22d of July, 1874, I found that I had been required to furnish transportation for flour and other supplies for the agencies. The transportation was here waiting. The store-keeper had written and telegraphed to Mr. Martin with regard to his flour, and was informed that flour was on the way from Kansas City and other points on the Kansas Pacific Railroad, and that it would soon be here ready for delivery. The flour did not arrive; and when Dr. Saville came from the agency he informed me that they were entirely out of flour, and he telegraphed himself to Mr. Martin urging him to make an early delivery. Mr. Martin's flour did not come in at all at that time, and was evidently coming very slowly. My transportation was here waiting for the flour. We were here at great expense waiting for the flour and other goods to arrive to transport them to the agency; and I telegraphed Mr. Martin that he could purchase some flour in Omaha. He wrote me by return mail that if I would make the first delivery for him of 200,000 pounds of flour, he would give me the contract-price and \$50 for my trouble. I telegraphed to Omaha and purchased 200,060 pounds of flour, to be shipped as rapidly as it could be manufactured and sent forward. By this contract the flour was to pass inspection, and be such as would be received under Mr. Martin's contract. On the 8th of August 200 sacks of flour were shipped by O. P. Hurford, of Omaha; on the 13th of August 200 sacks were shipped; on the 21st of August 200 sacks were shipped; on the 21st of August, again, 222 sacks were shipped; on the 25th of September 237 sacks were shipped; on September 25, 472 sacks were shipped; on September 30, 250 sacks were shipped; on the 30th of September, again, 250 sacks were shipped, and on the same day, again, 250 sacks were shipped. [Mr. McCann read the following figures from the bills of lading from the railroad company:] "August 8, there were shipped 200 sacks; August 13, 200 sacks; August 21, 200 sacks; August 21, 222 sacks; September 25, 237 sacks; September 25, 472 sacks; September 30, 250 sacks; September 30, 250 sacks; September 30, 250 sacks—total, 2,281 sacks." That is upon the contract which was made for 200,000 pounds of flour.

Again in October, Mr. Martin was slow in delivering the flour. He telegraphed me to put in some more flour on the same terms; and on October 15 Mr. Hurford shipped 250 sacks; October 15, 250 sacks; October 16, 220 sacks; October 19, 250 sacks; October 23, 220 sacks; October 23, 120 sacks—1,310 sacks.

Now, Mr. Chairman, having heard that there were supposed to be some irregularities in regard to this flour, I am prepared to exhibit to the commission the bills of lading for each shipment of flour, receipted. I have already stated to the commission that I had no interest in this matter, directly or indirectly, except that of a freighter, and did not want my transportation to be delayed. The contract-price was \$2.50 per hundred pounds for this flour delivered in Cheyenne. Mr. Hurford also said that he would give me \$50 for my trouble. My reply was, "I will charge you nothing but the interest upon the money while I am out of it."

Q. Now, the contract-price for this flour, \$2.50 per hundred pounds, was received by Martin ?

A. Yes, sir.

Q. Any profit, then, between the price paid for it in Omaha and the price paid by the Government was made by Martin?

A. There was no profit in that contract. Mr. Martin lost money. The flour delivered in Cheyenne would cost more than the price which the Government was paying for it; but I have a special contract with the railroad company, and delivered it here cheaper than Martin could. In other words, Martin got the benefit of my special rates with the railroad company for transportation; and I gave it to him in order to facilitate my transportation.

Q. Mr. McCann, in the matter of procuring flour to fill the contract of Mr. Martin, did you direct Hurford that he should put up a portion of that flour in 88-pound sacks instead of sacks containing 100 pounds?

A. I did not direct him to do so; but there was a delay in the shipment of the flour for the want of sacks, and the question arose as to whether the flour would be received in sacks weighing less than 100 pounds. They had some sacks which would not hold 100 pounds, and the store-keeper, I believe, telegraphed to the Department asking if he should receive flour in sacks not weighing 100 pounds. The reply was that the flour might be received at the actual weight; and what sacks Mr. Hurford had, I don't know how many, holding in the neighborhood of 87 or 88 pounds, were used to put up the flour in. All the rest of the flour was put up in sacks weighing not less than 100 pounds. The railroad receipts show what number of sacks weighed 88 pounds and what number weighed 100 pounds.

Q. Were you advised by Hurford that he had sacks that would contain 88 pounds and no more?

A. My impression is that in passing through Omaha I stopped to urge the speedy shipment of the flour, and was told that a certain lot of sacks were on hand which held less than 100 pounds, and that other sacks had been ordered from St. Louis. I told him that as the contract was for a number of pounds, I could see no objection whatever, except the weight, and urged the speedy shipment of the flour in whatever sacks they had. There is one bill here which is for 224 sacks, but the weights are carried out at 22,000 pounds, which would be the weight of 220 sacks at 100 pounds each. Mr. Hurford, in his letter explaining that, said that in that particular car-load he was compelled to go up town and purchase a few odd lots of flour to complete the car-load, and that one or two of the sacks were light, and he put four sacks in over to make up the whole 22,000 pounds of flour.

Q. Then I understand you that this flour was not put up in 88-pound sacks at your particular request?

A. No, sir; I think not. I think I made the request, but I think the request was made after being informed that they were the only sacks on hand, and they would have to wait the arrival of other sacks from St. Louis.

Q. Did you notify Agent Saville or the store-keeper here that flour was being put up or had been put up in 88-pound sacks?

A. I wrote back to the store-keeper, but not to Agent Saville, that Hurford would ship a lot of flour in 88-pound sacks. The store-keeper, as I learned afterward, would not receive sacks of flour unless they weighed 100 pounds. Not having Martin's contract before him, he did not know but that the contract was for flour in sacks weighing 100 pounds; and for that reason he telegraphed to the Department.

Q. Do you know whether those 88-pound sacks were double sacks and the weight marked upon them?

A. I do not, of my own knowledge, but I suppose they were all in

double sacks. I never heard that they were not in double sacks. I don't know whether the weight was marked on the sack or not. I know of the weights at which those sacks were inspected when brought here, and Mr. Green, of the State Mills, Omaha, told me that he furnished a part of the flour, and stated that all the flour which he furnished had the weight of 88 pounds; and all the sacks which he inspected held out the full 88 pounds. I think the store-keeper's books here will show that some on Mr. Coakley's inspection weighed only 87 pounds and a fraction over. The fraction is carried out on the books of the store-keeper, and he billed the flour to me in that way.

Q. Do you remember how much flour Martin contracted to deliver that year?

A. I do not, sir. I suppose I heard at the time, but I don't know how much flour he contracted for.

Q. Do you know how much he did deliver?

A. No, sir. My bills of lading would show how much I hauled, but I would have to examine my books to see.

Q. How many teams do you own engaged in hauling supplies to the agencies from Cheyenne?

A. I have one hundred and fifty yoke of cattle and fifteen wagons at present. I have sold some.

Q. You spoke of special rates which you had with the railroad company?

A. Yes, sir, I have.

Q. Are those special rates which you have less than the usual rates?

A. Much less.

Q. I think you said from 50 to 75 per cent.?

A. More than 75 per cent. below usual rates—more than 100 per cent. now. The regular rates have largely advanced since I made my contracts, with all the railroad companies with which I am acquainted, running east and west. For instance, the rate to Cheyenne has been all the present season \$2.70. The Government pays me \$1.05; there is a difference of \$1.65 in favor of the Government. That is much greater, however, than it was last year or has been heretofore.

Q. Have you any contracts for freighting supplies for the Army?

A. I have not.

Q. Did you make a contract for the removal of the supplies and other material about the Red Cloud agency, from the Platte River up to the present location of the agency?

A. I did, sir. It was in August, 1873. That was a special contract made by the Indian Department; the contract was by the day for the cattle and wagons, and the contract for the transportation of the supplies was by the 100 pounds.

By Mr. HARRIS :

Q. I find upon looking over these bills which you handed me, and Hurford's bills, that 2,238 sacks of flour out of the whole number are charged to you as weighing only 88 pounds per sack?

A. Yes, sir; I had an idea it was about that number. I received the flour for 88 pounds, and turned it in at 88 pounds, except where Mr. Coakley in weighing it found a discrepancy in the weight sometimes of one-tenth of a pound less 88 pounds, and that fraction you will find charged against me on the store-keeper's books, but I paid for them just as weighing 88 pounds.

Q. Here is a letter; do you know anything of it?

CHEYENNE, WYO., August 1, 1874.

DEAR SIR: I received your two favors of the 30th ultimo yesterday, and telegraphed you to hasten shipments of 5 cars flour as much as possible. Your price (\$2.12) will

leave the contractor a loser about 5c. per sack. I must have 1,000 sacks, however, as fast as you can possibly forward them. Please load 220 sacks in a car. They may bill it at 20,000 lbs. I can take 5,000 sacks more of you, probably, at \$2 in the cars—double sacked. The price is \$2.50 *here*. Advise me what you can do, and how fast you can deliver. The flour must be receipted for as being bought at and shipped from Omaha. We will have it inspected here. Make this 1,000 sacks as good as you can.

Yours, truly,

D. J. McCANN.

O. P. HURFORD, Esq., *Omaha*.

The 5 cars will be 1,100 sacks instead of 1,000.

A. Yes, sir; that letter was written to make up 20,000 pounds of flour—in order to make up the exact amount of flour which Martin was called upon to deliver up to a certain day, and 20,000 pounds was the amount.

Q. Who authorized you to buy flour-sacks weighing 88 pounds?

A. Mr. Martin, the contractor, did so.

Q. Have you in your possession any letters from Mr. Martin bearing upon that subject?

A. I have no letters of my correspondence of last year with me. I have the company's bills of lading, but have not brought any correspondence with me.

Q. Do you say that after that flour was received here at Cheyenne you transported it to Red Cloud agency at its exact weight?

A. I say that I transported it at its exact weight, and that weight was less than we paid Mr. Hurford for, and I would like you to look at the store-keeper's books, and they will show at what weight it was received; and that the store-keeper's books, and the railroad company's books, and the books at Cheyenne all correspond.

Q. What did you pay Hurford for the flour?

A. I paid for the first lot \$2.12, as the bills will show; and for the second lot \$2 per hundred.

Letter of Mr. McCann, dated Cheyenne, November 1, 1874, to Mr. Hurford, as follows, shown:

CHEYENNE, November 1, 1874.

DEAR SIR: I have your favor of the 29th ultimo, postmarked the 31st. I called at the banking-house of P. S. Wilson on Tuesday evening on my arrival here; and finding it closed, paid your draft on *Wednesday morning*. I am not responsible for any delay. Now, as to "patching up" this flour for Dr. Irwin, it won't do. The railroad charges double rates on all excess over 22,000 lbs., and I fear you will have an overcharge on the remaining cars. Please send good flour. We have 212 sacks of your flour in warehouse rejected. An investigation as to the causes of this will lead to unpleasant correspondence with the Department, as Barclay White disclaims responsibility.

Yours, respectfully,

D. J. McCANN.

O. P. HURFORD, Esq., *Omaha*.

Q. You say he has in the warehouse 212 sacks of that flour, rejected.

A. The Department wrote to Major Long, or to the store-keeper, I don't know which, to have all the flour which Barclay White had inspected at Omaha re-inspected here; and some of the flour inspected by Barclay White was rejected after inspection by Major Long. I called upon Barclay White in Omaha to ascertain why the sample of Hurford's flour should pass in Omaha, and he pay freight upon it here, and not pass Colonel Long. Mr. White informed me that he received the sample from Mr. Hurford by which to inspect the flour, and which was the sample he put in his bid upon in Washington, and after inspecting a certain amount of flour by that sample, Mr. Hurford called upon him and stated that his young man had made a mistake; that he had furnished a better article of flour than the sample which he had furnished the



Department, and then furnished an inferior sample, or sample of inferior flour; and that he had inspected a car-load, or more perhaps, by the inferior sample; and that he supposed a portion of that car-load of flour was the flour which had been rejected by Colonel Long.

Q. You say you had no correspondence. What did you mean by the term "unpleasant correspondence?"

A. I should think it would be unpleasant for Mr. Hurford, or any one to do as he did. I refer to the change of samples by Mr. Hurford.

By Mr. ATHERTON :

Q. Did I understand you to say that Mr. Hurford, when he undertook to fill the Martin contract, furnished the sample?

A. Mr. Hurford, in furnishing this flour, was allowed to put in his own sample which he furnished the board in New York. I know that Mr. Hurford furnished a sample to the Department.

By Mr. HARRIS :

Q. What is your contract-rate with the railroad between Cheyenne and Omaha?

A. On grain, flour, and corn, in car-loads, it was \$100 per car, with a rebate of \$25 per car, netting \$75, with 20,000 pounds to a car-load; all over 20,000 would be 50 cents per hundred pounds.

Q. You say that for 20,000 pounds you paid \$75 between Omaha and Cheyenne, that is 37½ cents per hundred, and the contract of Martin for the delivery of flour was \$2.50?

A. Yes, sir; and I paid Hurford \$2.12 there, making it cost \$2.49½ here. The balance I got from Hurford was \$2, thus giving Martin a profit of 12½ cents on that second lot of flour. Mr. Martin had the benefit; I had no benefit from it. In the settlement I charged him with the amount of money paid out, and interest on the money until repayment was made, and that was the entire interest I had in it. Mr. Hurford was a bidder in New York for this flour at \$2.35; but had the Government accepted Mr. Hurford's bid at Omaha at \$2.35, it would then have to pay me 45 cents per hundred for transportation from Omaha to Cheyenne, and the flour would then cost \$2.80 delivered in Cheyenne.

Q. Your profit on the transportation between Omaha and Cheyenne was a profit of 7½ cents per hundred pounds?

A. Yes, sir; I had nothing to do with the loading or unloading.

Q. What is the schedule-rate between Omaha and Cheyenne?

A. I contract everything for 45 cents per hundred pounds; but I have to pay for some freights to the railroad company higher than that. Merchandise, first class is \$2.05, second class \$1.80, third class \$1.55, per hundred pounds, from Omaha to Cheyenne; grain, commissary stuff, bacon, &c., is so much per hundred pounds, of 18,000 pounds and over; that is, there must not be less than that in a car. I get it for \$1.45. By giving the Union Pacific Railroad Company all my freight, and paying full tariff rates in cash at Cheyenne, I get a rebate.

Q. Now, can you tell me any reason why the Government itself cannot make the same special rates with the railroad company which you make?

A. Yes, sir, I can; because, in transporting Government goods over the Union Pacific and Kansas Pacific Railroads, the roads are entitled to a formal requisition by the proper officer of the Government and a Government bill of lading prior to the shipment, and then they are entitled to charge, and do charge, their tariff as furnished in this pamphlet, (schedule,) with the exception of the revised tariff which they have, in which certain articles are higher rather than lower, and upon the delivery of

these goods they are required to have that Government bill of lading receipted by the officer there to receive these goods from the road before they receive credit for this transportation; they are compelled to forward these bills to Washington, to the auditing department of the Government; and as I am informed and believe, there is a difference of opinion almost invariably between these officers of the Government and the officers of the railroad; consequently, the railroad company prefers to ship any or all goods by private contract; that is, they prefer shipping goods at a much lower rate when they can receive the goods at the point of shipment, forward them to their destination, receive the cash, and have no further trouble and responsibility; thereby showing at the end of every thirty days what the receipts and expenses of the roads may be. It is a business transaction; and the experience of the Indian Department of the Government is, that last year that Department saved fully \$22,000 or \$23,000 of money which was appropriated by Congress for the use of the Indians, and which if they had used in shipping, and had been charged up with tariff rates, the transportation would have been charged to the appropriations for that purpose, and thereby left the Interior Department with much less money to give to the Indians; and I think that it not only necessarily reduces the appropriations of that Department, but it leaves the Indians with that much profit.

Q. Do you know of any reason why the Government itself, through its special agent, could not make the same rates you do?

A. I don't know whether it could or not, through a special agent. I have never asked; but I doubt whether it could. I have an advantage over other shippers. The advantage I have over other shippers is that of moving large amounts of freight. Almost all of my freight comes in car-loads. There is but one bill of it and one delivery, while when others ship, a car may contain the freight for fifty different parties. Any other man shipping as much as I do might have the same rates, and I don't see any reason why the Government should not.

Q. You have a contract from Philadelphia to Omaha?

A. I have but one contract, and it includes New York, Philadelphia, and Baltimore, to Omaha.

Q. What is the rate in that one contract?

A. The rate in this one contract is the same from the three cities. My contract with the Government from New York and Philadelphia was 60 cents, and my profit last year was five cents per hundred pounds. I have a contract with the railroads leading to these cities for a special rate, and as far as Chicago with the Union Star Line Transportation Company; from Chicago to Omaha, with the Chicago, Burlington and Quincy, and Missouri River Railroad Companies, and my facilities for obtaining these special rates are because I ship large quantities of freight. If the Government would ship as much, and would pay cash upon the delivery of the goods at the points of delivery, I don't know but that it could have as good rates as I do. The railroad companies generally have informed the Department that they would make no reduction of their schedule-rates, for the reason that in the settlement of their accounts they are embarrassed by the requirements of the auditing departments of the Government, and in some instances have been more than one year in the collection of freight-bills. But if the Government would do as other people do, and pay when the work was done, they would have no trouble in getting as low rates as I do.

Q. When we came here (to Cheyenne) the other day we found twenty-

two car-loads of freight lying, with the freight unpaid over the Kansas Pacific Railroad. Can you give any reason for that?

A. When the Government commenced delivering the goods embraced in these bills of lading to me, about the 16th of June, some in Philadelphia, some in New York, and some of them in Baltimore, I went on to superintend the shipment in person, as my contract with the railroad companies was to forward all the goods purchased on the 28th of April by the Government to different points, and to receive them all at the same time. I have been for two or three years requested by the Government not to ship annuity-goods in parcels. It has been done; some of the annuity-goods being delivered at the agency, and the Indians urging for their distribution. They have done it, and some were delivered at different times. Last year I was instructed to hold all the annuity-goods until the arrival of all of them, and make the delivery at one time for the Red Cloud agency. I was urged to forward what goods were here, and over half had not arrived at this point; but I shipped them, if I recollect right, in October, all that were here. Of thirty-seven bales of blankets shipped from Philadelphia only thirty-five had arrived at this point. We shipped them to the agency. I was here and saw them shipped; two bales had not arrived, but they were sent forward upon the next train after their arrival. It was believed, or it was stated at the time, that two bales of blankets had been stolen; while the fact, which I have examined into this spring in Philadelphia, proves that they were not shipped at the same time from Philadelphia, and they were short by shipping thirty-five bales, and a few days after shipping two bales; but the two bales were more than two weeks in coming to Cheyenne. To avoid such inconveniences and such embarrassments at the agency, I have been requested to have all the goods on hand before commencing to ship the annuity goods. But my contract with the company this year was to ship the goods as fast as they could be inspected, and delivered to me in New York, Philadelphia, and Baltimore, I to receive them at once here and pay the freight. The goods first shipped this year were allowed to come forward, and we expected to receive the balance of the purchases immediately, but many and unnecessary delays were occasioned in the inspection of the goods in those cities, and in the delivery. In some cases goods delivered by the contractors were refused and other goods had to be manufactured, as in the case of your heavy duck furnished by Pilkins and Thomas, as I am informed that the first delivery by them was not acceptable, or of suitable weight; that they had to go to the Mount Vernon Mills of Baltimore and manufacture the whole lot before they could be delivered; and not until the 12th of August were the last goods delivered to me; and I have received by this mail to-day from the Department these bills of lading. Now, these goods could not be delivered and reach here any sooner, unless the Government had delivered them to me, as they agreed to do, and they had notified me to be present to receive them and ship them. Every pound of goods this year received by me has been loaded and started the day of their arrival and delivery to me.

Q. But there were twenty-two car-loads of goods lying here when we got here; why was that?

A. The duty of the Kansas Pacific Railroad Company is to forward those goods, and to put them in store if not received from the cars by me, or by the Government. And you will find upon their card of notification of the arrival of the goods that unless received within twenty-four hours they will be stored; all of their notices show this. They

did not store them, but left them in the cars, because they have frequently and invariably requested the contractor to back his trains down to the cars to receive his goods from the cars to avoid the expense of handling the goods by their employés, and when convenient I have invariably done so. I would take my trains around to the south side of the railroad, receive the goods from the cars, and start them east. Now, there has been no detention of these goods, because I would not start a pound of annuity-goods had I been here myself, unless I had been instructed to do so myself by the Department.

Q. Do you mean to say that the annuity-goods were standing here then ?

A. Mr. Harris, there were not twenty-two cars full of goods, but there were twenty-two cars having annuity-goods in them ; they were all annuity-goods ; no flour. These goods have been shipped ; some of them are now being loaded on the trains. None of those goods were loaded on the trains without being inspected, to my knowledge. They could not be because it is the duty of the storekeeper to weigh every package, because he could not otherwise have given me my bill of lading. It is his duty, as I understand it, to receive all packages and weigh them before turning them over to me ; and when he loads my wagons, I must necessarily reload them. I am paid by his weight, provided that weight holds out at the agency, but in the case of bacon and corn there is a per cent. which I understood to be allowed for shrinkage ; that per cent. has been  $2\frac{1}{2}$ . If my load holds out within  $2\frac{1}{2}$  at the agency, on these two articles, my way-bill is expected to pass. The storekeeper never loaded any goods without weighing them, to the best of my knowledge. The following is a bill of lading :

CHEYENNE, July 16, 1875.

Shipped, in good order and condition, by D. J. McCann, per cattle train of T. M. Sawyer, to be delivered without unnecessary delay, to E. A. Howard, United States Indian agent, Spotted Tail agency. The said D. J. McCann paid the freight thereof at the rate of \_\_\_\_\_ per 100 pounds.

The said T. M. Sawyer having signed three bills of lading, one being accomplished, the others to stand void.

Marks : E. H. Howard, U. S. Indian agent, Spotted Tail agency. Articles, 461 sacks of bacon ; weight, 57,312 pounds.

T. M. SAWYER.

This way-bill which the wagon-master delivered to the agent, and in this particular case the indorsement is " Spotted Tail agency, Nebraska, August 3, 1875. Received on the within 461 sacks 54,987 pounds bacon, leaving a discrepancy of 2,325 pounds between amount called for on bill of lading and amount received." He receipted for in good condition the same number of sacks, but did not receive the same number of pounds, that being the effect of shipping new smoked bacon in hot weather. That loss with the exception of the shrinkage falls upon the contractor for transportation, and the bacon costs you, laid down at Cheyenne, \$13.90 per 100 pounds. I will be allowed  $2\frac{1}{2}$  per cent. on that, while the loss was over 4 per cent., and I will be held to pay the Government the difference.

Q. What is your contract for transportation between Cheyenne and Red Cloud ?

A. Between Cheyenne and Red Cloud it is \$1.65. Between Cheyenne and Spotted Tail agency \$1.75 per 100 pounds, for the whole distance, for this year.

Q. Your contract last year was what ?

A. The contract last year was \$1.20 per 100 pounds per 100 miles. This year it is for the whole distance. I charge for two hundred and

twelve miles, amounting to over \$2.25 for the whole distance from Cheyenne to the agency.

Q. Has there been a statement and an adjustment of your transportation account for the last year?

A. There has not been. I claim that I am entitled to two hundred and twelve miles, for reasons which I will state to the committee if you will allow me to do so. In 1871, when the Red Cloud agency was on the Platte River, the distance as fixed by the Government was one hundred and thirty-two miles; from Cheyenne to the Spotted Tail agency, then called the Whetstone agency, the distance was two hundred and twenty miles as fixed by the Government. I was the contractor for the Whetstone agency, and Commissioner Walker of the Indian Department, having traveled over the route from Cheyenne to that agency, allowed two hundred and twenty miles, and payment was made accordingly. In 1873 the Red Cloud agency was removed from its then location on the Platte River, to its present location on the White River; the distance as reported by Inspector Daniels was eighty miles north. The one hundred and thirty-two miles and the eighty miles as reported by Inspector Daniels made two hundred and twelve miles. When making the contract to the Red Cloud agency, after the removal, I claimed two hundred and twenty miles as having been allowed me by Commissioner Walker, in 1871 and 1872. The Department called the distance one hundred and thirty-two miles, and eighty miles, and insisted upon fixing that in the contract at two hundred and twelve miles, instead of two hundred and twenty miles. I had never been over the route in person, and it was so agreed. Afterward, in 1874, I think early in that year, it was claimed by the then Board of Indian Commissioners that the distance was not over one hundred and eighty-eight miles, instead of two hundred and twelve miles as specified in the contract. The matter was referred to the Attorney-General in the settlement of my accounts. It was decided that the distance having been fixed by the Government, and never having been measured, was conjectural, and that the payment should be made for two hundred and twelve miles in accordance with the contract; that was for the year 1874. The Secretary of the Interior claimed that if the distance was less than two hundred and twelve miles, as stated in the contract, a proportional reduction should be made; and a computation was made in the Indian Office of what the difference would amount to from the time that this question arose until the end of the fiscal year. The difference between two hundred and twelve and one hundred and eighty-eight would be twenty-four miles, and the freight on the goods carried during that period of time was suspended; that is, the amount of freight, amounting to, I think, in the neighborhood of \$7,000. It was agreed in 1874, for the fiscal year of 1874-'5, that the distance should be measured with an odometer, by the route actually traveled by the trains. The Government caused one measurement to be made, and the distance was found to be by that route over two hundred and twelve miles. I think it was two hundred and twenty-three by the first measurement. Instead of allowing my accounts on that, all of my transportation accounts were suspended until a second measurement could be made; and in the second measurement the distance was two hundred and twenty-six miles, and a receipt given me accordingly. The matter was still unsatisfactory to the Department, and it was agreed that I should receive freight on the two hundred and twelve miles for all goods transported up to that time; that was in November. I received no freight-money for all goods transported the fiscal year ending June 30, 1874,

until November of that year, and then I received pay at two hundred and twelve miles. The rivalry then arose between the towns of Cheyenne and Sidney, on the Union Pacific Railroad, as to the distance between the respective places and the Indian agencies in competing for the business of those agencies. Sidney alleged that they had made the measurements, and that the distance was one hundred and sixty-three miles from there to the Red Cloud agency. That was the first allegation. Cheyenne then alleged that they had made a measurement, and that the distance was some one hundred and forty-six miles in a direct line to the agency. Sidney then thought that they would do one better, and alleged that they had made another measurement, and that the distance was one hundred and forty-five miles. To the best of my opinion and belief, none of those measurements were made in good faith, and I am informed that not one of them was made in the routes actually traveled by transportation-trains. In February, 1875, I addressed a communication to the Commissioner of Indian Affairs, and requested that a ferry might be placed across the Platte River, some distance below the old Red Cloud agency, which might be used by the transportation-contractors, by the military, and for communication between the two agencies, and Cheyenne and Sidney. The same communication was made by the agents of the respective agencies. The military declined to indorse it, on the ground that they had not funds to pay for the building for the ferry. During the months of March, April, May, June, and July my trains have been traveling the road to the old Red Cloud agency, then up the river to Fort Laramie, paying ferriage at Fort Laramie on what I understood to be a Government boat, and thence to the Red Cloud and Spotted Tail agencies.

What that distance is I do not know, but I have held Mr. Charles E. Clay here to testify before the commission until this morning. Mr. Clay has gone with his train, which should have left last week for the Spotted Tail agency, and would not wait any longer, but he has handed me in pencil a statement as to what his evidence will be: "To the old Red Cloud agency, one hundred miles; to Fort Laramie, at the ferry, thirty miles; from Fort Laramie to the Red Cloud agency, by the route which he calls 'going down White River,' eighty-eight miles;" and in making up that eighty-eight miles, he stated the different stoppages which would make up that distance, by that route which we have used for five months out of the year, and which would make, by Mr. Clay's statement, two hundred and eighteen miles. This is the distance which we traveled during the season of high water of the Platte. That is the way we traveled last year and are going this year. There are two reasons why they take the eastern and more roundabout way, instead of going to Fort Laramie direct by the mail-route. First: The route to Fort Laramie from Cheyenne by the mail-route is a stiff and hard road—hard on cattle especially. Our transportation is done by cattle, and it is very hard on the feet of cattle; and freighters prefer the other road for that reason. Second: Freighters have lost a great deal of stock by the weed known as the poison-weed, which is abundant on either side of the road between here and the Chug-water. Again: The lower road is not so hilly. It is safer for heavily-loaded trains than the western road. But in the dry season, when the trains ford the Platte River, near the old Red Cloud agency, they turn immediately down the river to the east. No loaded train has ever traveled from the old Red Cloud agency to the present agency by the mail-route, by reason of the heavy sand north of the Platte River, between the Platte River and the White River. I have seen it stated in the papers that we did not measure the distance by the mail-

route, and that we went down the river six or seven miles. I have traveled it in person up to November 20, 1874, and know that no train ever left the Platte River at a less distance than sixteen miles from the old Red Cloud agency. I am informed by my freighters that none of them ever left the river at a point farther west at no time, and the distance from the old Red Cloud agency to the point of departure from the Platte River is from sixteen to twenty miles, depending upon the condition of the roads at or near that point. Now, I wish to submit to the commission that if those sixteen miles or twenty miles, as the case may be, going directly east, or following the bank of the river from the old Red Cloud agency, is made to avoid the heavy sand divide between the two rivers, the same distance must necessarily be made in going back. I have traveled it in person, and I have traveled the mail-route in person. I have called it to the old Red Cloud agency one hundred miles, and from there to Red Cloud agency, if you go by Fort Laramie and from there to the present Red Cloud agency, one hundred and fifteen miles, by going by the eastern detour, and that is the road over which I haul my freight. I wish, again, to state that this statement given to me by Mr. Clay, which he wishes to testify to, refers to a road which I have not traveled over, wholly, in person.

The following-named gentlemen have been traveling the road for the last two years: Richard Dunn, Charles McEwen, Charles Lovejoy, Juan Vigil. My contract for this year is, for the whole distance, at so much per hundred pounds.

Q. Has that balance which was suspend, been paid you?

A. No, sir. I have frequently applied for it but it has never been paid. The difficulties of a contractor for transportation, or any other contractor, by having the money which he is entitled to receive suspended every month, and often for many months at a time, by the accounting officers of the Government, are such as cannot be readily understood by the members of this commission. In a country where money is worth  $1\frac{1}{2}$  and 2 per cent. per month, the suspension of twenty-five or thirty or forty thousand dollars for months is a great loss and a most serious inconvenience.

By Mr. FAULKNER:

Q. Do your teams travel now, under your new contract, the same route which they traveled when the compensation was by the mile?

A. Until within a few days the trains have been traveling by way of Fort Laramie, to avail themselves of the ferry at that point; but now I understand that the river has fallen so that fording can be accomplished at the old Red Cloud agency, and then they will travel the same route which we call the eastern detour, instead of the western. That state of things existed under the old contract. The putting in of a ferry by the Government, at an expense of \$3,000, was not made, and all employés, freight-contractors, and agents have to come by way of Fort Laramie, or else cross the river in a canoe at the old Red Cloud agency.

By Mr. HARRIS:

Q. What do you understand the distance to be from Sidney to the Red Cloud agency by the freight-route?

A. I believe it to be one hundred and sixty-seven miles. Sidney is one hundred and five miles east of Cheyenne; but the objection to that route is two stretches of sand or dry road—one of twenty-eight miles and one of thirty miles; and, however practicable for horses and mules, it is not a safe route for cattle, by reason of the want of water.

Q. You have objections to making Sidney the point of departure?

A. I have objection, for two reasons: First, the railroad company has no conveniences at Sidney; and, second, in crossing those two stretches of sandy road we lose a great many cattle for the want of water in the dry season.

Mr. HARRIS. I have in my hand a letter, dated Cheyenne, August 10, 1874, to the closing paragraph of which especially I wish to call your attention. But I will read the letter.

CHEYENNE, WYOMING, *August 10, 1874.*

DEAR SIR: We have no news of the flour as yet, further than a telegram from the agent at Gilmore, that you were loading one car on Saturday. This lot of five cars was intended to keep the agency going till Martin could put in the whole of his 5,000 sacks. I have assured the agent that this should go forward without delay; and as he is to be here to-morrow, I fear he will be out of patience. Please inform me just when we may depend on the whole amount. You may draw on me at thirty days, interest added. I have no interest in the matter, further than keeping the agency supplied. I would like to have your figures on 5,500 sacks for Whetstone agency, to be shipped right along as fast as you can manufacture it. It is for the contractor at Saint Paul, and he offers \$2, in double sacks—such as will pass inspection. He is offered at same price at Sioux City, and it seems to me we ought to furnish it as low as they can.

The object, on my part, is to secure the freight, and if we furnish it this year it will necessarily establish this as the point of supply, and we may make something on it hereafter. Do the best you can, and advise me in regard to both points at once.

Yours, truly,

D. J. McCANN.

O. P. HURFORD, Esq., *Omaha.*

I would like an explanation of it.

WITNESS. My explanation of the closing paragraph is this: Mr. Merriman, who I understood to be the contractor for flour, to be delivered at some point, say Sioux City, for the Whetstone agency last year, came to Cheyenne about August 10, prior to the writing of that letter, and applied to me for transportation for flour from Cheyenne to the Whetstone agency, provided he could secure the flour as cheaply here as he could at Sioux City. I gave him the rate for transportation from here to Whetstone agency. I don't recollect now what that rate was, but it was a private rate between the contractor for flour and myself, and he gave me the figures at which he was offered the flour at Sioux City, and stated that he thought Nebraska ought to furnish the flour as cheaply as Iowa. I told him that I would correspond during his absence with two or three millers on the line between this and Omaha. I think you will find the same letter to Mr. Koenig of Grand Island, and perhaps to John H. Green of Omaha, asking them to deliver the flour as low as Mr. Merriman's bid at Sioux City, and in conclusion saying, "we may make something upon it hereafter." That is, I meant the millers of Nebraska ought to furnish the flour at the agency.

Q. Is it nevertheless true that the Government loses the amount of freight between Sidney and Cheyenne?

A. No, sir; the rate is the same—that is, the railroad rate from Omaha is the same to Cheyenne as it is to Sidney.

Q. Do you know, from your own observation, how much an ox will drink when he is very thirsty?

A. I have weighed cattle twelve hours after feeding and watering, then watered them and weighed them, and the difference has been from thirty-five to forty-five pounds per head on herds of one and two hundred cattle. I once delivered a herd of 165 stall-fed cattle at East Nebraska City, after they had been allowed to drink freely out of the river, and the question of weight arose. I offered to allow thirty pounds



per head, and the buyers demanding sixty pounds per head, it was referred to cattle-dealers, and forty pounds per head were deducted from the gross weight.

Q. Did you ever furnish any harness for the Red Cloud agency?

A. I furnished one harness for Red Cloud himself. In regard to the articles spoken of by Barclay White, I wish to state to the commission that those articles came in from the north, and were not under my contract, and that I am not responsible for the delay, they being incidental shipments made by the Department, and of which I had no notice, and for which I was not responsible.

The following are other letters from D. J. McCann to O. P. Hurford which are introduced as evidence:

CHEYENNE, WYO., August 14, 1874.

DEAR SIR: I have your favor of the 12th instant. Dr. Saville, the agent, is here. He is not at liberty to modify the contract for flour in any respect. The contractor has put in 1,775 sacks at cost, (\$2.50) delivered here, and has not made a cent, but has lost money. I do not know that I can give you the 5,500, at \$2, but suppose I can. I have no interest in the matter, whatever, but want to keep the agencies supplied. I will take one car extra, that is, one car over and above the five cars, at \$2.10, to be delivered September 10. It must contain 225 sacks in order to fill out the 2,000 sacks.

Yours, truly,

D. J. McCANN.

O. P. HURFORD, Esq., *Omaha*.

CHEYENNE, WYO., August 20, 1874.

DEAR SIR: I have your two favors of the 17th and 18th instant. We cannot make a contract for the 5,500 sacks flour till we hear from the Department on the subject. I am confident we shall need it, but we must take our chances. You seem to labor under the impression that the flour already purchased is for my account. It is for Martin, and I allow him the benefit of my contract with the Union Pacific to put it in. I have not received a cent on the flour, and will not till we can collect in Washington. You had better draw for the three cars at thirty days, and I will remit for the last car ordered. Can you put in 10 sacks good corn-meal in the last car, in lieu of the same number sacks flour? Do so, if you can.

Yours, truly,

D. J. McCANN.

O. P. HURFORD, Esq., *Omaha*.

CHEYENNE, WYO., August 26, 1874.

DEAR SIR: I have accepted your draft for \$466.40 and \$5.63 interest and discount, making \$472.03, which amount I charge you. Seventeen sacks of car 5046 has been rejected, and all the miscellaneous lot which was evidently put in to fill out the car-load. I fear the other two cars will be more closely inspected on this account. The weights were short, and the quality of the rejected sacks very inferior. All your Anchor Mills was good. I would suggest that you send no more of the miscellaneous. Please credit me with \$1.36 and 36 cents, \$1.72, overcharge of interest. I make interest on \$466.40, 33 days = \$4.27. Have you the sample of flour furnished by you to the Department in June? I can send you the sample we have here, and which will guide the inspection, or you can arrange to have the flour inspected as loaded by Inspector Clarkson. This is upon the supposition that you contract for the 2,275 sacks.

Yours, truly,

D. J. McCANN.

O. P. HURFORD, Esq., *Omaha*.

CHEYENNE WYO., August 27, 1874.

DEAR SIR: Yours of the 24th is at hand and contents noted. I return memoranda herewith. The arrangements you propose would not be satisfactory. The object is to have the flour come under my annual freight contract with the Government; I have no flour contract, and am only authorized to buy so as to deliver under my contract for transportation. The trouble with your bank is, that I am doing business with the Omaha and not with them. I owe them nor any other party a dollar on any of my contracts here, past or present; and the trouble with them and P. S. Wilson is that I do not see fit to do business with either of them. If this contract is desirable to you and you see fit to undertake it, you can ship to "J. J. Saville, United States Indian agent, in care of D. J. McCann," and let the charges follow the flour, so that the flour and freight

will all be paid together. The three days' draft was intended to allow time for inspection. In the latter case we will inspect and pay, providing the flour passes—which it will if you send of your own manufacture and of as good a quality as you have heretofore.

Please telegraph me if you do not desire to furnish on these terms, as I desire to close with other parties. If you do accept send memorandum-agreement by return mail.

Yours, truly,

D. J. McCANN.

O. P. HURFORD, Esq., *Omaha*.

CHEYENNE, WYO., *October 23, 1874.*

DEAR SIR: Yours of yesterday received. Will pay draft as soon as presented, and thank you for attending to the matter.

You can have ten days to put in the 1,101 sacks, but do ship two cars immediately. I thought it was on the road. Dr. Irwin is out of flour. The whole of it must go forward as soon as you can possibly ship it. Put all your force at work. We will most likely order all you can ship for some time to come. Ship two cars at once.

Forty-eight sacks of your flour received by White has been rejected. Grind it a little finer.

Yours, truly,

D. J. McCANN.

O. P. HURFORD, Esq., *Omaha*.

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### TESTIMONY OF GEORGE SHEIDLEY.

By the CHAIRMAN:

Question. Mr. Sheidley, please state your place of residence and business.

Answer. My home is in San Antonio, Texas. We are starting a cattle-ranch in this country. There are three brothers of us, but I do most of the business. Our business is driving cattle from Texas; we have been engaged in it since 1871.

Q. Do you remember selling Mr. Bosler some cattle last season?

A. Yes, sir; I sold him three thousand head during the season of 1874. The season ends about the 1st of September.

Q. Were they cattle which you had driven up that season?

A. Yes, sir; they were cattle which had been driven up and had not been wintered here. They got a few wintered cattle—about one hundred. Most of the cattle they got from us were steers; I think there were about three hundred cows. We drove nearly all beef-cattle last year—Texas steers, four years old and upward. They got no stock cattle; we kept them ourselves. We took out all less than four years old and wintered them here. We had a herd of three thousand two hundred, all under four years old. We have sold him about six thousand head this year. They were steers and cows. The steers were four years old and upward. We delivered these cattle on what is called the Horse Creek Ranch, on the north side of the Platte, this year. The others were delivered a little above, about where Chimney Rock is, on the North Platte. They were delivered all along, wherever their camp happened to be.

Q. Have you sufficient knowledge of the weight of cattle to be able to say, with any degree of certainty, what would be the average weight of the herd of cattle you sold Mr. Bosler last season?

A. Well, sir, I think they would average one thousand pounds; they were all in good order, and were about as good cattle as came up with the Texas trains. They were more than an average—above the average. They were four years old and upward. We had no "scalawags" among them.

Q. Now, Mr. Sheidley, I understand that you have not only driven cattle up here from Texas, but you have wintered cattle here.

A. Yes, sir; that is, we have had them here. We do not stay here ourselves; we have men here.

Q. Are you able to say what is usually the condition of cattle on the range in this country as late as along in the middle of November? Are they in as good order as at any time in the season?

A. Yes, sir. I shipped some last fall to Chicago for beef, which came off this range, and it is not as good a range as farther north, and they were in good condition. They had been driven up the year before in the same herd with those we had sold to Mr. Bosler. They were cattle we had in our herd, and were in good order, sufficiently so to ship to market.

Q. What did you get for your cattle last year?

A. We got \$18 for beeves and \$11 for cows last season. The average weight for this season is about the same, if not a little heavier than last year. I think I had heavier cattle this year. I had some bigger steers. I took him some the other day which I know would weigh eleven hundred pounds gross.

By Mr. FAULKNER:

Q. Do you recollect what time in 1874 you sold Mr. Bosler these cattle?

A. I think it was in July.

Q. Had you any opportunity of seeing his entire herd during the fall of 1874?

A. No, sir; but I have seen a good many of his cattle this year; some before he received them, and some after he received them. I think I saw about five thousand, and they were an average lot of Texas cattle; all grown cattle. The cows would weigh nine hundred pounds, and the steers about eleven hundred or one thousand.

Q. What did you get for your cattle this year?

A. For part of them I got \$20 for beeves, and for some of the beeves I got \$18, and for the cows I received \$11. I sold six thousand head. I don't recollect how many cows were delivered this year. I think we delivered him three thousand beeves, but I don't recollect the number of cows. There will be about four thousand beeves and the balance cows, but no young cattle. I have never seen cattle here that could be called skin and bones; cattle from this time now on will keep getting better until November or December.

By Mr. HOWE:

Q. Have you seen the Mabry herd?

A. Yes, sir; I have seen a good many of them before they got them, and I have seen a herd of three thousand head.

Q. What per cent. should you think were cows?

A. I could not tell you that. I did not look at them closely. The first herd I saw of one thousand head, I should judge the largest half of them were steers, and they were a very nice lot of cattle. About the others I cannot tell you. The portion I saw were mostly steers, and the last lot I saw were mostly steers; the steers are generally in the lead, and those I saw were nice-looking cattle.

Q. What part of Texas do your cattle come from?

A. The southwestern part of Texas.

Q. How do they compare with cattle from the eastern or southern part of the State?

A. Well, I think they are better cattle than those from the southern

and eastern part of the State; they come off a better range, with better grass, and are generally in better flesh.

Q. What did you say the cattle you sold this year, cows and steers, would average?

A. Well, I should think the cows, on an average, would go nine hundred pounds; that is my judgment about it; and the steers will go ten hundred and over; taking them right up off the grass, without water, and without lotting them, they would average that much. I shipped last year to Chicago the same class of cattle, which averaged nine hundred and sixty pounds, and they were not so large. Bosler won't take small cattle; he won't take a steer that will weigh less than nine hundred pounds. None of the cattle I sent to Chicago were over four years old. The first herd which I took up, Bosler picked out the small cattle and drove them down to his range to keep. He said they would not do to take up to the agency.

Q. Did you sell him the smaller cattle at a less price?

A. Yes, sir; at a less price.

Q. How much?

A. Well, he got them at what that kind of cattle brings out here, ten to sixteen dollars for two to three year olds.

Q. Have you any interest in the contract of Mr. Mabry?

A. No, sir; none whatever.

Q. Had you any arrangement with Mr. Mabry that he should sell your cattle for you in New York last year?

A. Well, if there was, he made it with my brother. I am in no way connected with Mabry. I sold him some cows last year; we deal with with him here. We brought here about twenty-three thousand cattle this year.

Q. How much do these cattle cost you before you start them in Texas?

A. Well, they cost different prices. We pay for them here, and get them from different men.

Q. What did you pay for cows and four-year-old steers?

A. We pay \$9 for cows delivered on the Arkansas River, and \$16 to \$17 for steers. The Arkansas is in Kansas. We do not buy them in Texas, but we buy them to be delivered at the Great Bend of the Arkansas. Heretofore we bought them and drove them ourselves, but this year we bought them delivered.

Q. What do you think would be the price of these cattle there in Texas.

A. The price there a year ago was about \$7 in gold for the cows and \$12 in gold for the steers. This year we did buy one herd, and paid \$13 for beeves; and that is the only instance wherein I knew the price, and that we drove.

By Mr. HARRIS :

Q. From your experience as a cattle-dealer, do you think it possible for a man to furnish beef delivered at the Indian agencies every month in the year, in due proportion, at \$2.47 per hundred pounds, on the hoof, and make any money out of it?

A. I could not answer that question. It would be a mere matter of figures. I don't know what his expenses are, and have no experience in that way.

## TESTIMONY OF MAJOR T. H. STANTON.

By the CHAIRMAN :

Question. You are a paymaster in the Army, I believe ?

Answer. Yes, sir.

Q. Major, were you at Red Cloud agency last November ?

A. Yes, sir.

Q. Did you see the issue of beef made there about the middle of November.

A. No, sir.

Q. Well, did you see the beef-cattle that were received there last November ?

A. I saw some cattle that were there. I saw the herd which came up to be issued in November.

Q. Well, did you observe that herd of cattle ?

A. Not specially or particularly ; no.

Q. Could you say of the beef-cattle that in any way they were poor and thin ?

A. Well, they looked, some of them, thin, but in a fair condition.

Q. What kind of weather was it at that time ?

A. Very severe cold weather. They had a severe snow-storm while I was there.

Q. Did you see the cattle weighed, or any of them ?

A. No, sir.

Q. Could you be able to say whether those cattle were of average size or not ?

A. They were small, thin cattle that were issued to the tribes there, I remember.

Q. Were they as large as those of the ordinary herds of Texas beef-cattle which they have in this country ?

A. Yes, sir ; I should say they were.

Q. Were you there at the time of the issue of annuity-goods, such as blankets and dry-goods ?

A. I do not think there were any annuity-goods issued there at that time. I don't remember anything of the sort in November.

Q. Did you examine the supplies there furnished to the Indians ?

A. Yes, sir. I was present at an issue of supplies.

Q. Did you observe the coffee which they had ?

A. Yes, sir.

Q. What kind of coffee was it ?

A. I thought it was the poorest coffee I had ever seen. It had black and imperfect grains, and pebbles and gravel, mixed up with it, I remember.

Q. Did you observe it close enough to say if there was any considerable portion of it which was unfit for use ?

A. I should say it was all unfit for use—that which I saw issued. There were no whole or perfect grains in it. Taking it as a mass and judging from the coffee issued to the Army as a standard, I would say it was unfit for use.

Q. Can you say how it compares with the coffee which is sold in common stores in this country to the poorer class of people ?

A. Well, it is very much inferior. There are two grades of coffee which they use in the Army, one which they sell to the officers and the other is issued to the troops. One is Java and the other is Rio. If I

was to pick over the coffee for use I think I would have to throw away two-thirds of it.

Q. Did you examine the sugar there ?

A. Yes, sir.

Q. What kind of sugar was it ?

A. Well, it was a very coarse quality of brown sugar, and seemed to me to have dirt in it.

Q. Did you taste it ?

A. Yes, sir. It was gritty. That is all I discovered.

Q. Was that all the defect you saw in it ?

A. Yes, sir ; that is all that I remember now.

Q. Did you see any of the flour that was issued ?

A. Yes, sir.

Q. What kind of flour was that ?

A. The flour was very dark and poor ; I should say of a very poor quality.

Q. Did it seem to be made of sound wheat ?

A. No, sir. It could not have been made of sound wheat, I imagine. It smelled bad ; had a sour smell ; not a smell, either, of being in a wet sack ; but it seemed to me to be the result of bad wheat. I do not know what was in it, but it seemed as if it was made from buckwheat—full of black specks, as though there might have been a portion of it buckwheat. I could not tell exactly what it was. I do not think it would make sweet or wholesome bread fit for any one to eat.

By Mr. FAULKNER :

Q. Was there any evidence upon the sacks which showed that it had been inspected ?

A. There were no brands or any marks upon the sacks at all. I remember seeing upon some of the bags the letters U. S. I. D.

Q. Did you sample more than one sack ?

A. Yes, sir. I looked at a great number of the sacks, and they were all of about the same quality. I was there about a half a day. I saw some pork issued there, and it was very thin and poor. A great deal of it looked as if it was half rotten. I smelled it, and it smelled bad, and seemed to be spoiled. I saw some of the tobacco that was issued. I never use tobacco except in a cigar, and could not say much about it, except that the plugs were very wet and heavy ; you could take a plug and bend it double and it would not break.

Q. Did you see any of the plugs opened ?

A. No, sir. No further than that they were taken up and bent double without breaking. I did not see any plugs opened.

Q. Did you see while there any impropriety in the conduct of the agent or any of his employés ?

A. The agent himself was not present at that issue of supplies ; the issue was made by clerks entirely, and it seemed to me that there was no method or system by which it could be ascertained how much was issued to the Indians. They did not weigh what was issued. I was inside the warehouse with the clerks, and witnessed the whole issue. It seemed to me as though there was no way of telling whether the Indians got their full supply, or whether they did not ; and when the issue was completed, it would be impossible to tell whether they had received more or less. No sugar was weighed ; the flour was in sacks ; the bacon was not weighed.

Q. How was the sugar dealt out ?

A. An Indian would come up with a card which purported to say that

he was entitled to draw rations for so many Indians ; they would gather up a sack of flour and toss it out to him, and a piece of bacon would also be thrown to him ; the sugar would be taken up in a shovel and passed up to the counter and the squaw would take it in her apron or in a sack, or in a blanket. I saw a squaw take up her blanket, and they would toss the sugar into it. The sugar was shoveled by a scoop. I don't know whether the number of scoops was counted ; they would dip their scoop into the barrel and throw out whatever they pleased.

By Mr. HARRIS :

Q. Do you know that the scoops were not counted ?

A. I do not ; to me it seemed as if nothing was weighed, and they could not have been accurate, because sometimes the scoops were full, and sometimes they were not.

Q. Do you know that those men are experts in handling these things and can tell exactly how much each scoop will hold ?

A. I do not, but they could not be accurate. It seemed to me that the system adopted by General Crook for the Apaches would have been far better when he issued to the Indians there, which was every fifteen days. The Indians assembled at the stockade and were counted by two or three officers, and the actual number of Indians present verified, and rations were issued to the actual number present—so many pounds of beef, so many pounds of corn, according to the number there. There were fifteen hundred Indians there, and every Indian had to be present.

Q. How could that be done with fifteen thousand wild Indians scattered over a country fifty to three hundred miles distant from the agency ?

A. They ought not to be scattered. I think it possible to feed the Indians who come to be fed, and those who do not come should not be fed. I think they all should be present on the issue-day.

Q. How would it do for the chiefs to come and receive the rations for each family or band ?

A. That would do very well if the exact number of his family were known ; if they were first registered, and the actual number ascertained.

By the CHAIRMAN :

Q. Major, have you read Professor Marsh's statement or charges in reference to the Red Cloud agency ?

A. Yes, sir.

Q. Well, are there any matters as stated in that pamphlet of Professor Marsh about which you can give us any information, any further than what you have stated ?

A. There are a great many points about which I cannot speak, because I know nothing about them. He states that I have said that I saw Indians in a starving condition, and eating their ponies ; that is the only thing he says I saw. I did see that ; it was on the Bordeaux Creek, this side of Spotted Tail, about ten miles. They were the Brulé Sioux. It was in March last.

By Mr. HARRIS :

Q. How many Indians were there when you saw this ?

A. Well, they were camped up and down the creek. I don't know how many.

Q. Did you know anything of the cause of the scarcity of provisions there at that time ?

A. I did not know the cause of it. I knew there was a scarcity.

Q. Were you at Spotted Tail agency at that time.

A. Yes, sir. The Indians there said they had not had any beef for forty-five days, and those were the Indians who were starving. The Army officers at Spotted Tail said that it was true that the Indians had not been issued beef for forty-five days, and that they were starving.

Q. Did you see the agent at Spotted Tail on that trip?

A. No, sir. I saw the acting agent, Mr. Willard; he did not say anything about the scarcity of supplies there.

Q. Are there any other matters in Professor Marsh's statement about which you can give us any other information, or can you refer us to other parties, who can give us information?

A. Well, there are men here in town who know more about these things than I do.

Q. Please name them.

A. I had a letter from a gentleman here in town, who was very anxious to have this commission know about the management of affairs at Red Cloud and Spotted Tail agencies, and who was also very anxious not to have his name mentioned in it.

Q. Do you know of any other person who would be likely to give us any information?

A. I have the names of some other parties, and I will send them over to you.

The CHAIRMAN. We will be very much obliged for the names of these parties, or any other persons who can give us any information.

By Mr. ATHERTON:

Q. You have had an opportunity of observing the general condition of things at Red Cloud?

A. Yes, sir; I have.

Q. Will you state what facts have come within your own observation, and what impressions you have received from them?

A. From the issues which I have seen made to the Indians, and the management of affairs there, and the expressions of the feelings of the Indians in this matter, it seemed to me that there was no system or method in the Department there, as compared with that in use in the Army, so far as it relates to responsibility for public property and funds. As I said before, it seemed to me that there was no way to tell to how many Indians they issued supplies, or what quantity they issued to them; there was no check upon it; it was generally done by clerks, and some of them I know to be bad men, or at least to have bad reputations.

Q. Are those men now employed there?

A. I don't know that they are now employed there. There was no system used there like that in the Army; no accountability for supplies, &c.

By Mr. HARRIS:

Q. How many issues, such as you have described, have you witnessed at Red Cloud?

A. Well, I have been present at a number. I don't recollect how many; perhaps half a dozen.

Q. Do you know that it is claimed by those clerks that in bacon they can judge within half a pound, by lifting it, how much it will weigh?

A. I do not know anything about it. I saw bacon issued in slices, and sometimes they would issue it in whole pieces. I don't know that they claim to be experts in guessing it. The tobacco is issued in plugs. Flour is issued in whole sacks, not generally broken. The only articles which are issued that way, and which should be weighed, in my judg-



ment, are sugar, bacon, coffee, and beans, none of which are weighed. Everything is weighed in the Army. Beans generally come in bags and are issued out in so many pounds. I did not know what the scoops contained in weight. They were not weighed.

Q. Well, now, in regard to the Indians eating their ponies, how many Indians did you know, from your own observation, were starving for food and were eating their ponies?

A. I was camped on the Bordeaux, and there were perhaps thirty lodges in the Indian camp where they were eating those ponies. They were all eating pony-meat. They had a number of ponies and were eating them; there were perhaps two hundred Indians. I saw the ponies that they were eating. I saw them cutting the meat out of the ponies.

Q. Now you have said the Army officers told you the same thing; do you know what means the officers had for ascertaining that fact?

A. Well, they were stationed there, and I had no reason to doubt their word, and they told of it. I think I remember of their saying, also, that the appropriation for the fiscal year ending June 30 was exhausted, and there would, probably, be no more cattle issued.

Q. What officers told you this?

A. Captain Sartorius, of the Third Cavalry, told me this. Lieutenant Rogers, of the Ninth Infantry, also told me about it. Captain Sartorius told me there had been no issue for forty-five days. I did not ask Mr. Willard, the clerk, about it. I had no conversation with him on the subject, but I told the officers there at the post, and they said there had been no beef issued there for forty-five days. I did not speak to the Indian agent or to any of his clerks about the Indians starving and eating their ponies. They would not eat their ponies unless they were starving. I thought they were eating them to keep from starving. I saw they had nothing to eat except the ponies in their lodges. When beef has been issued it is generally lying about their tepees. They were short of other supplies too. They had no flour, coffee, or bacon. I saw no dead Indians. I saw no Indians sick from the want of food. I heard a great many of them say that they were very hungry, and they were holding their hands over their stomachs. I did not make this statement to Professor Marsh. He has seen it in the newspapers. When I came back the agent of the Associated Press at Cheyenne asked me what I had seen, and I told him of these things.

Q. Have you ever had any correspondence with Professor Marsh?

A. I had letters from him every week. It is very likely I might have told him this. I had communications with Professor Marsh before that time. He went with me to the Red Cloud agency. I invited him from New Haven to come out here and go with me to the fossil region we had discovered some time before. He was pursuing that study, and he went along with me in my mess to Red Cloud. He armed an expedition there himself. I did not go with him from Red Cloud. I went on to Spotted Tail. I was present with him at the issue of supplies in November. Major Burt was with me.

Q. Was Major Burt present with you at the time you saw the herd of cattle driven in?

A. I think he was. There was Major Burt, General Bradley, some officers from the post, and Professor Marsh.

Q. You described some of these cattle as thin in flesh, but on the whole as fair, in a fair condition?

A. Yes, sir.

Q. Did you see any cattle in that herd which could be designated, properly, as walking skeletons?

A. No, sir.

Q. Was any remark made by yourself, Professor Marsh, General Bradley, or Major Burt at that time, of which the poor, lean condition of these cattle was the subject?

A. Yes, sir; it was remarked that the herd of cattle was much inferior to the cattle which were issued to the Army; an inferior quality of cattle; that many of them would not weigh over six hundred pounds gross. There were some small cattle in the herd.

Q. Did that remark refer to cattle inferior in size or in flesh?

A. It referred to both.

Q. Did you see any steers or oxen which, in your judgment, would weigh as little as six hundred pounds?

A. Yes, sir; they may have been young ones. I saw cattle as young as three years old—I should say one-third of them or over. Two-thirds would, perhaps, weigh more than that; some of them would probably weigh eight hundred pounds. I have not had experience in weighing cattle, so as to be able to judge closely. I have seen a great many cattle weighed, but never had charge of them myself. From my experience in seeing cattle weighed I would say the cattle weighed that much. I cannot say how it happened, after seeing the Indians starving on the creek, and being at the agency within a few days, that I did not inform the agent or some of his officers. I supposed they knew it. I did not feel as if it was any of my business. There is no unkind feeling or want of friendship between myself and the agent or the officers at the agency. I do not think there is any personal feeling toward the agent by the officers of the Army. I think there is a general feeling among the officers of the Army stationed at this post that the agents are not thoroughly honest in their management of Indian affairs. Of my own personal knowledge, I know of no act which I could designate as dishonest among the officers of the Indian agency. I don't know that any officer at the post knows of any dishonest acts being committed. I should judge that they have, from their conversation. General John E. Smith is one officer whom I have heard make such remarks; and he probably knows more about affairs there than any one else.

By Mr. ATHERTON:

Q. Have you ever heard of any other instance of the Indians eating their ponies?

A. No, sir; not since I have been here, and I have been here three years.

By Mr. HARRIS:

Q. Was it not a very severe winter in this region?

A. It was. I have never experienced so severe a winter in any country. It was the severest winter ever known by the residents of this country.

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CHEYENNE, W. T.,  
Wednesday, August 25, 1875.

Present: Hon. THOMAS C. FLETCHER, chairman; Hon. B. W. HARRIS, Hon. CHARLES J. FAULKNER, Hon. TIMOTHY O. HOWE, and Prof. GEORGE W. ATHERTON.

#### TESTIMONY OF JOHN F. COAD.

By the CHAIRMAN:

Question. Mr. Coad, where do you reside?

Answer. At Cheyenne, Laramie County, Wyoming Territory.

Q. How long have you resided in Cheyenne?

A. On and off since 1868.

Q. What business have you been engaged in during that time?

A. Transporting Indian supplies and stock-growing.

Q. Have you frequently been to Red Cloud agency?

A. I have been frequently to the old one, on the Platte.

Q. Have you been to Red Cloud agency since Dr. Saville has been agent there?

A. I have not.

Q. Do you know anything of the supplies received here for the Red Cloud agency in the summer, fall, and winter of 1874?

A. Well, not much. I have seen some of the supplies.

Q. Where did you see them?

A. I saw some here in the warehouse and some on wagons on the way to the agency.

Q. Did you ever examine the quality of any of these supplies?

A. I do not know as I did.

Q. Well, Mr. Coad, you understand the object of this commission, which is, to investigate alleged frauds and irregularities in the general conduct and management of Indian supplies here.

A. Yes, sir, I understand it.

Q. If you have any knowledge of any improper conduct in that respect on the part of the agent, any of his employés, or any contractor or freighter, we would be much obliged if you would give us that information.

A. I have not got any.

Q. Do you know anything of any suffering among the Indians during last winter or last spring?

A. I don't know of any, except that I heard that they were suffering. They have always been suffering since I first knew them. It has been the same story all the time, and I paid no attention to it.

Q. Have you been to Spotted Tail agency recently?

A. No, sir.

Q. Do you know anything of the affairs at Spotted Tail agency?

A. I don't.

Q. Mr. Coad, we invited you here to talk with us about these matters upon a suggestion made to us by a gentleman who supposed that you knew something that the commission would be desirous of learning in respect to these matters.

A. Well, I don't know of anything that would be of any particular benefit to the commission. I suppose he probably referred to some cattle that I delivered to Mr. Bosler this spring.

Q. How many?

A. A little less than four hundred head.

Q. Where did you deliver them?

A. I delivered them on the north side of the North Platte, about fifty or sixty miles below the old Red Cloud agency, about opposite Court-House Rock.

Q. What kind of cattle were those?

A. Good.

Q. Beef-cattle?

A. Beef-cattle.

Q. Steers?

A. Steers and cows.

Q. About what proportion was there of cows?

A. Well, I think there was pretty near a half, but I don't know ex-

actly. I was not present at the delivery; they were delivered by my order.

Q. Have you sufficient experience in such matters as to be able to tell pretty nearly what would be the average weight of those cattle?

A. No; I could not tell the average weight.

Q. Were they as large as Texas cattle of that class usually are?

A. Some of them were and some of them were not.

Q. What proportion of them were large?

A. Well, the cows were very large. I don't know that all of the steers would run as large as the usual run of Texas beef-steers.

Q. Were they four-year-olds and upward?

A. No; they were three and four year olds and upward; some of them were upward of four.

Q. I understand you delivered those this spring?

A. Yes, sir; on or about the 15th of May of this year.

Q. What was their condition as to flesh?

A. Their condition as to flesh was good. I had been through the herd and rounded them all up and saw about all of them, a few days previous to their delivery. I was cutting out beef for Chicago.

By Mr. HARRIS:

Q. Were those cattle that had been wintered here?

A. Yes, sir.

Q. Cattle that came from Texas last year and were wintered here?

A. Some of them came from Texas last year and some had been on the range two or three years. They were wintered cattle, all of them.

Q. Are you a stock-grower?

A. I am.

Q. Were these cattle which you yourself had had in your possession since the last of May?

A. I had them from eight months to two years.

Q. How much did you get for your cows?

A. \$21.75 per head.

Q. And how much for the steers?

A. Steers the same.

Q. You sold the whole for \$21.75 per head?

A. Yes, sir.

Q. Can you give no estimate as to their probable weight?

A. No, I don't know that I could.

Q. Do you think that they would weigh 900 pounds gross where you delivered them without lotting them?

A. I don't know; they would run pretty close. I have had no experience in weighing there. I had all my weighing done in Chicago.

Q. How much do you estimate they would weigh gross in Chicago?

A. I don't know. I had not shipped any of that kind of cattle.

Q. Have you no knowledge concerning the character and quality of goods shipped to Red Cloud and Spotted Tail agencies?

A. I have no knowledge as to the quality of them.

Q. Have you communicated at any time to Colonel Stanton any information as to the affairs of either of these agencies?

A. I don't know as I have.

Q. Have you given him any statement of your knowledge concerning these matters?

A. I have not.

Q. Do you say now that you have no knowledge of any irregularity or fraud committed upon the Indians or the Government by agents, con-

tractors, freight-contractors, or other persons; or that which seems to you to be evidence of fraud or irregularity?

A. No; I don't know as I have. There may be in regard to the question of distance; but I have no way of knowing whether it is so or not.

Q. Have you any knowledge of the distance from here to the agencies, by the road usually traveled by the freighters?

A. I have no knowledge of the distance; I have no means of saying what the distance is.

Q. Have you ever contracted to transport freight to any of these agencies?

A. I have to Red Cloud agency for two years.

Q. What is your estimate of the distance to Red Cloud agency?

A. My estimate of the distance, and the distance the Department paid us for, was one hundred and thirty-two miles to the old Red Cloud agency; and I would state the reason why that distance was allowed. This road which is known now as the lower road was not open then. We carried goods by the way of Fort Laramie. It would be one hundred miles to Fort Laramie, and thirty-two miles from there to the old Red Cloud agency. The distance I got allowed for from there to the old Whetstone agency was eighty miles; which is about ten miles further than to the present new Red Cloud agency. So that the distance from Cheyenne to the new Red Cloud agency by that estimate would be two hundred and two miles by the way of Fort Laramie. By the lower road it would be about one hundred and sixty or one hundred and sixty-five miles. I consider the latter road a good, practicable road.

By the CHAIRMAN:

Q. Do you know anything of the sale of any Indian supplies by any agent, store-keeper, or employé?

A. I do not.

Soon after the foregoing examination had been concluded, Mr. Coad voluntarily re-appeared before the commission and said:

When you asked me about the supplies of last year I forgot to state, in regard to the beef, about seeing any of it. I have seen two herds of Mr. Bosler's beef-cattle, one was about the 8th of August, and the other was on or about the 15th of August, 1874. I noticed one of the herds in particular, the herd of August 8, delivered by Mabry & Millett. They were a No. 1 lot of beef-cattle. My reason for noticing that herd so closely was that I had to ride through the herd several times, looking for some of my cattle that were in their herd, and I noticed the cattle very closely. I also saw the other herd, that of the 15th of August, and they were a good lot of beef-cattle.

By Mr. HARRIS:

Q. Who did Bosler get the last herd from?

A. Ellison & Dewes. That is all on the beef-cattle question, I believe. Now, as to the supplies. You asked me this morning if I had ever seen any supplies that were delivered to the Indians. I supposed that meant the supplies of 1874. The supplies of 1874 I have not examined. The supplies previous to that I have seen and examined closely; but I supposed you were asking me about those of 1874. As to the supplies of 1873 and 1872, I examined the articles almost every day, in loading and shipping them. Some of them were good, and some were very poor. The bacon was good; as good as we use for our mess. The coffee was of a low grade of Rio coffee.

Q. How did it compare with the ordinary article sold in retail stores ?

A. Not as good ; not near as good. The flour was very poor ; that is, the greater portion of it. There was some flour that was delivered by John H. Martin that was very good common flour, and the brand of that flour was " Little Blue Mills." That was in the years 1871, 1872, and 1873. I closed my contract on the 30th of June, 1873 ; that is, the contract for transportation for two years.

Q. Do you remember the other brands of flour ?

A. I do not remember them.

Q. What was the character of the flour ?

A. Poor.

Q. When you say " poor " do you mean that it was sour, musty, unwholesome, or that it was a low grade of wheat ?

A. A low grade of wheat ; and some of the flour was musty. There was one lot of flour that was forwarded by me from here, I think in the spring of 1873, to Agent Risley, at the Whetstone agency, which I receipted for as bad and musty flour. My reason for receipting for it in this way was that Agent Risley had previously told me that he would not receive supplies except in good condition, and had told me to receipt for them as they were.

Q. Did not Risley tell you that he had received a communication from the Commissioner of Indian Affairs, to the effect that the Department did not intend to furnish No. 1 flour to the Indians ?

A. Yes, sir ; words to that effect.

Q. Now, going back to the herd of August 8 : You speak of the herd he had of Mabry & Millett as No. 1 beef ; what were they, oxen or steers mainly ?

A. They were large beef-steers. Some few cows I think were in the bunch, but not many ; and some few three-year olds.

Q. You say that the other herd of August 15 was fair ; how did it compare with that of August 8 ?

A. It was pretty near as good. I consider them not quite as good a herd. They were a good lot of cattle, though.

Q. Did you see the sugar that was delivered in 1872 and 1873 ?

A. I did ; examined and tested it almost daily.

Q. What was its character ?

A. Good.

Q. What color was it ?

A. Well, I would consider it tolerably light. It was about the best quality of brown sugar. It was better than, or as good, as we furnished to our men that we had employed in transporting the supplies. In this country we furnish them a very good article. It was such a grade of sugar as any family might use for table use. I have used it on the table with Dr. Daniels.

Q. Did you see the tobacco that year ?

A. I did.

Q. Do you know what its quality was ?

A. It was poor ; a low grade.

Q. Did you see tobacco that was wet, moist, and sticky ?

A. Nearly all the tobacco was of a low grade, damp and sticky.

Q. Would you say that it was at all fit for smoking purposes ?

A. I would not consider it fit for smoking. A man would have to have a good deal of labor to cut it up and dry it.

Q. Did you at any time see corn furnished to the Indians ?

A. There was no corn furnished up to that time.

Q. Was any pork furnished to the Indians during that period ?

A. No pork on these two contracts that I am aware of.

Q. Were you a sub-contractor under McCann ?

A. No, sir ; I was the original contractor. I had one contract to the Red Cloud agency, and D. J. McCann had a contract to the Whetstone agency. I would state, in reference to these contracts, that D. J. McCann and myself were in partnership, transporting the supplies on these two contracts. He got one contract and I got the other the first year, and the second year I got the original contract and he did not get any, but we were still in partnership up to the 30th of June, 1873.

By Mr. FAULKNER :

Q. What were you getting for transportation per mile ?

A. We were getting, I think, \$1.75 per hundred pounds per hundred miles for the Whetstone contract of 1871, the distance being reckoned at one hundred and thirty-two miles, by way of Fort Laramie, to the old Red Cloud agency, where the goods were delivered, on account of trouble with the Indians. The Red Cloud contract to the old Red Cloud agency was \$1.40 for the summer-months and \$1.75 for the winter-months per hundred pounds per hundred miles. The contract of 1872 to the old Red Cloud agency was, I think, \$1.40 per hundred pounds per hundred miles the year round.

By Mr. ATHERTON :

Q. So far as you know, to what extent is it a practice among the freighters to feed their hands off the agency-goods that they are transporting ?

A. I do not know that it is a practice at all. I have had some men who would make a sack of coffee, or a sack of flour, or a barrel of sugar, or a box of tobacco, where a mistake was made at one end or the other, and appropriate the same to their own use, but that does not occur very often. I have stated all, I believe, except about the soap and annuity goods. The soap was of a good quality ; it was good enough for Indians. It was good common soap. The annuity goods I do not know that I could say much about, from the fact that they came here in very good packages, and I did not see a great many. Some few packages were bursted in unloading. Loading up the wagons I saw some of the annuity goods.

Q. Have you any sample or standard to judge by whether they were such as the Government purchased ?

A. No, sir.

Q. What was the general quality of those you saw ?

A. The general quality was good, fair ; some were better than others. Take, for instance, the blankets ; some were better than others ; and also the hats, I think. Most of the hats I saw were soft, black hats.

By Mr. HARRIS

Q. I will ask you whether or not you have known any goods or supplies bought by freighters or sold by the freighters at this end of the line ?

A. It is almost impossible to do anything of the kind.

Q. Why impossible ?

A. Well, in the first place, the freighter had to receipt to me for the goods that he received of me ; and, in the second place, he had to deliver them at the agency, and get the agent's receipt for them, in order to get his pay for transportation. If he were to attempt to offer any of them here for sale, I would be very apt to find it out.

Q. Your answer does not quite meet the question I put. I do not ask you whether or not goods were bought of the agent, but whether or not

freighters or others bought goods of the Indians, and then brought them back and sold them.

A. Oh, I understand you now. I do not know of any. I would state that I knew of one instance where a man took a load of goods up to the agency, (I do not know but he hauled the goods for me,) and in returning Dr. Daniels discovered that he had a lot of Indian flour in his wagon, forty-eight miles from this place. Dr. Daniels seized the flour there, and had it sent back to the agency.

Q. Did you understand that that flour had been taken from the agency or from the Indians?

A. I understood that the man had traded with the Indians for the flour.

Q. Have you known such an instance to occur during the administration of Dr. Saville there; in flour or any other goods?

A. I have not.

Q. You would be likely to know it if it was a common practice here?

A. I would be likely to know. I have never heard of any such thing.

Q. Do you know Todd Randall?

A. I do.

Q. Do you know whether at any time he was in the habit of purchasing Indian flour and sending it either here or to Sidney, or whether at any time he tried to get it received again at the agency?

A. I do not know. I know one thing, however, that if the flour was of the same quality as it was when I was transporting goods, a man could not find a market for it here; the quality was too poor, with the exception of one brand, (Little Blue Mills brand,) which was a good quality of flour.

Q. Do you know anything else that you could communicate to the commission?

A. I do not.

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#### TESTIMONY OF GEORGE H. JEWETT.

By the CHAIRMAN:

Question. Where do you reside?

Answer. At Spotted Tail agency.

Q. You are a trader there, I believe?

A. Yes, sir.

Q. How long have you been at Spotted Tail agency?

A. Two years and three months.

Q. Were you there last winter and spring?

A. Yes, sir.

Q. Do you know anything of the suffering of the Indians there—the starving of the Indians?

A. The first I knew of it was what I saw in the papers—the Cheyenne Leader and Chicago Inter-Ocean—purporting to be a telegram from Colonel Stanton.

Q. You had not heard anything of any starvation among the Indians before that time?

A. No, sir.

Q. After that, did you learn anything about the starvation?

A. I heard one man talking about an Indian, or an Indian family, killing a horse to eat. What I heard was brought up by discuss-



ing what we had seen in the paper. It was in my store or office, I think. I endeavored to trace it to a reliable source, but it was always second-handed; somebody had heard somebody else say so.

Q. Have you on any occasion witnessed the delivery or the issue of beef there?

A. No, sir.

Q. Do you know of the agency being out of supplies last winter or spring?

A. I believe they were short of sugar and coffee. I think it was in March. The trains went to the Missouri River for supplies, part in the last of December and part about the first of January, and did not get back until April, on account of the severe storms, and cold weather, and deep snows.

Q. Mr. Jewett, since you have been at the agency, or at any other time, have you had any knowledge of any frauds or improper conduct on the part of the agent or any of his employés, or any contractor, in reference to Indian matters at Spotted Tail agency?

A. None whatever, sir.

By Mr. FAULKNER:

Q. Mr. Jewett, are you able to state whether during last winter the Indians there were destitute of such supplies as flour or anything of that kind?

A. No, sir. At the very time that they were complaining of starving, (I could make an affidavit if necessary,) I was in Indian lodges, and saw from four to twenty sacks of flour in a lodge, and they were then selling it to wood-choppers or anybody who wanted to buy it, paying \$1 or \$1.50 a sack.

Q. How far is the encampment of the Brulés on Bordeaux Creek from the agency?

A. It is generally estimated at about twelve miles. It would fall a little short of that; about ten miles; from ten to twelve miles.

Q. Did you hear of any starvation of these Indians in the encampment on Bordeaux Creek?

A. No, sir.

Q. Do you know whether it was a habit among the Indians to sell their flour?

A. Yes, sir; to a certain extent. An Indian won't eat flour when he can get meat. I have seen them frequently feed it to their horses.

Q. Do you mean to say that they would feed good flour to their horses—what you would call ordinarily good flour?

A. Yes, sir; I have seen them feed flour to their horses, and eat corn themselves.

By the CHAIRMAN:

Q. In the winter would the Indians camp nearer to the agency than in the summer?

A. They were no nearer last winter. They were encamped about as near as they are now, or as they were when you were there.

By Mr. FAULKNER:

Q. Were they in the habit of coming in from that encampment to the agency during the winter from Bordeaux Creek?

A. Yes, sir; they came in on ration-days.

Q. When they were thus collected at the agency, did you hear any complaints of starving among the Indians?

A. No, sir; not any particular complaints. I have heard general com-

plaints—that I have always heard ever since I have been at the agency—that they don't get enough to eat; but no particular complaints of any particular time.

By the CHAIRMAN :

Q. They have always complained that they did not get enough ?

A. Yes, sir.

By Mr. FAULKNER :

Q. Did that person who informed you about the Indians killing a pony and eating it undertake to state that upon his own information ?

A. No, sir; he said somebody else told him.

Q. Did you take any pains yourself to ascertain whether there was any truth in that report ?

A. Yes, sir.

Q. What means did you take ?

A. I asked several parties who lived in the vicinity of the agency if they had seen anything of that kind.

Q. What was their reply ?

A. That they had not.

By Mr. HARRIS :

Q. Did not the information which you first received concerning the Indian who killed his pony convey the idea that the Indian lived on Bordeaux Creek ?

A. No, sir; I think he lived nearer the agency on what is called the Old Saw-Mill Creek, about two or three miles from the agency.

Q. Did the informant tell you what Indian it was ?

A. No, sir; I had heard that it was an Indian living on that creek.

Q. Did you make inquiries of the Indians living on that creek ?

A. I did not.

Q. Or of persons who would be likely to know ?

A. I made inquiries of white men who have squaw families living in the neighborhood.

Q. Could you get any confirmation of the story ?

A. No, sir; everybody had heard everybody else say so.

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#### TESTIMONY OF CAPTAIN R. I. ESKRIDGE.

By the CHAIRMAN :

Question. What is your rank and position ?

Answer. I am captain in the Twenty-third Infantry, and inspector of Indian supplies at Cheyenne.

Q. How long is it since you were appointed inspector here ?

A. About the 1st of July, 1875.

Q. What supplies have you inspected since you have been appointed ?

A. I have inspected some corn and bacon and flour.

Q. That which you have inspected you have passed ?

A. Yes, sir; I have passed all of the stores that I have inspected.

Q. Where do you obtain the samples that you inspect by ?

A. Of flour, I obtain the samples from the Commissioner of Indian Affairs at Washington. Of corn and bacon there are no samples furnished; I am required only to see that they are all sound, sweet, and fresh, and a good merchantable article.

Q. Captain, you have been stationed here how long ?

A. Since the 16th of September, 1874.

Q. Did you have occasion to examine any of the supplies that were sent last season up to these Indian agencies ?

A. I did not, sir.

Q. Have you been to Red Cloud agency ?

A. No, sir.

Q. Nor Spotted Tail agency ?

A. No, sir.

Q. Well, captain, you have read these charges made by Professor Marsh in reference to the management of Indian affairs out here, I believe ?

A. I have, sir.

Q. Have you any information that you can give us in reference to any matters stated by Professor Marsh in his pamphlet ?

A. I have no personal knowledge of any of the facts stated by Professor Marsh.

Q. Have you any knowledge of any other irregularities or frauds or misconduct on the part of any person connected with the Indian Department, whether as agent, employé, or contractor, which are not mentioned by Professor Marsh or referred to in his charges ?

A. I have not, except a violation of one of the terms of the contract for corn.

Q. Please state all that you know of that.

A. On the contract of Mr. J. T. Baldwin, 100,000 pounds of corn were shipped to Red Cloud agency by way of Sidney without my inspection, and presumably without inspection altogether, as I know of no other person authorized to inspect such stores. The shipment was made on the 4th day of July, 1875. On the 9th day of July I received a telegram from Commissioner Smith, stating that that amount of corn had been shipped through Sidney by mistake, and asking me to inspect it at Sidney. I telegraphed back to the Commissioner, asking him from whom I would receive notice when the corn was ready for inspection ; to which I received no reply. At that time I was not aware that the corn had been shipped, but afterward I found that it had been shipped on the 4th of July, as I stated before. No one ever informed me that the corn was at Sidney and awaiting my inspection.

By Mr. FAULKNER :

Q. Was Mr. Baldwin or the shipper apprised of the fact that you were then appointed an inspector ?

A. I think not, sir.

Q. How long before that had you assumed that position here ?

A. My impression is that the order detailing me is dated on the 6th day of July.

Q. This corn had been shipped on the 4th ?

A. Yes, sir ; it left Sidney on the 4th. I may be incorrect in the date of the order detailing me, but I am positive as to the date of the telegram and the date of the shipment of the stores from Sidney to Red Cloud.

Q. Up to the period of your appointment as inspector was there any other person here who could have inspected that corn, who was legally authorized to do so ?

A. I know of no one who was required to inspect corn here about that time.

Q. How then do you reach the conclusion that there was any fraud,

irregularity, or even any violation of contract in the transaction to which you refer?

A. It was irregular because the contract requires that the stores shall be inspected at such point as the Indian Office may direct. The Indian Office directed that it should be inspected at Sidney, but it appears that it left Sidney without inspection. That is the irregularity I refer to. I know nothing more of it.

Q. Did the contract stipulate for the delivery of the corn at Red Cloud agency?

A. Yes, sir.

Q. If the Commissioner of Indian Affairs, immediately on being notified of its arrival at Red Cloud, ordered it to be inspected there, would you see any irregularity in that?

A. No, sir; there is no irregularity on the part of the Commissioner. It is simply an irregularity on the part of the contractor.

Q. Had he, so far as you know, any notice that his corn would be inspected anywhere before it reached its point of delivery?

A. I do not know, sir.

Q. No notice was ever given to the contractor, as far as you know, that the Commissioner intended it to be inspected at Sidney?

A. No, sir.

Q. How can it be said that it was irregular?

A. I draw my conclusions from papers placed before me. I have no idea that the contractor knew at what point the Commissioner intended it to be inspected.

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## TESTIMONY OF LIEUT. EMMETT CRAWFORD.

By the CHAIRMAN:

Question. What is your rank and position in the Army?

Answer. First lieutenant Third United States Cavalry, now stationed at Sidney Barracks; I was stationed at Camp Robinson up to the 17th November, 1874. I know something about affairs at Red Cloud agency. I was present at the issue of rations to Indians frequently; the rations were not weighed out. Each Indian presented a ticket and was supposed to represent a certain number of persons; I recollect one represented forty persons; they gave a certain quantity of sugar and coffee into a blanket or sack; it was not weighed; that was the mode of issue to the Indians; the sugar was the worst quality, dark and damp; I did not taste it; the coffee was green; I don't know much about the coffee. The flour was very dark; have frequently seen the Indians feed it to their ponies; I cannot say much about the tobacco, I do not use it. On October 26, Dr. Saville attempted to erect a flag-staff at the agency, and told me it was for the purpose of letting the Indians know when it was Sunday, and for a signal for the camp in case of any trouble. The Indians objected because it looked too much like a military camp. He had the pole brought in, and a party of the Indians came into the stockade and cut it up. He told them that he would send over for some soldiers and arrest them. He sent word over to camp, and I was sent over with twenty-three men to report to him. I went over and reported to him. I made no arrests; he did not direct me to do so; several hundred congregated there and were threatening and surrounded my party; Saville was very much excited; I think the communication sent to the commanding officer for troops was not a proper paper. He told

me afterwards that he wrote it in a hurry. He requested the commanding officer to send a company of troops over there ; that he expected trouble with the Indians. That was the substance of his communication. He told me afterwards, when I went to the agency, that he wrote it in a hurry. I think, too, that he showed his weakness in not having the flag-staff raised afterwards. He told those Indians that he was going to raise it, and I think that he ought to have had it raised.

Q. He never did raise it ?

A. No, sir ; he never did raise it, and he never had the Indians arrested. He told them that he was going to have them arrested. I think that he ought to have arrested them and raised the flag staff.

By Mr. FAULKNER :

Q. In what respect do you regard his letter as an improper letter ?

A. I think the commanding officer would have sent more troops over if the Doctor had represented the actual state of affairs at the agency. The commanding officer only gave me eighteen men. I told him that I would like to have more, and he raised the number to twenty-six. We had five companies there at the time.

By the CHAIRMAN :

Q. Did you observe anything else that went to show you that he had been guilty of any want of judgment in the management of that matter ?

A. Well, sir, I think he ought to have known beforehand that the Indians objected to that flag-staff, and not attempted to raise it. He ought to have been able to find out something from those half-breeds around there.

Q. Do you think that he could, with safety to the agency and to the post, under these circumstances, have subsequently raised the flag ?

A. I think so, sir. I think it is the only way to deal with the Indians ; that he ought not to have given in to those Indians the way he did ; that he ought to have had the flag-staff raised.

Q. Is it your impression that the attempt to raise the flag-staff for the purpose he intended was an improper thing to do ?

A. No, sir ; it was not improper, and it would have been a great advantage to have had a flag to signal ; it would have been quite an advantage to the camp. When I was stationed there I used to have a picket overlooking the agency, and the flag-staff would have avoided the necessity of having a sentinel on the hill.

Q. When you reached there with the twenty-six men, before you entered the stockade were you entirely surrounded ; were there three or four hundred Indians, and were they mounted ?

A. They were all mounted and stripped, and when they saw me coming over the hill they commenced to put cartridges in their guns and cock them.

Q. When you arrived there were the gates of the stockade open ?

A. No, sir ; they were closed.

Q. Did you get them open ?

A. Yes, sir.

Q. Who caused them to be opened ?

A. There were some men inside ; the civilians were inside, and they opened the gates and halloed for me to come in. When I got up I dismounted, and then they opened the gates inside and halloed to me, and I went in. There were a number of friendly Indians doing all they could to prevent the other Indians from firing.

Q. How long did you remain after you went into the stockade ?

A. I remained there till night; until Dr. Saville was through with them.

Q. Did you get information from the Doctor that he had organized a force, and that he would undertake the defense of the agency?

A. Yes, sir.

Q. What force did that consist of?

A. Of friendly Indians. I believe there were quite a number inside.

Q. Did the mass of Indians remain there during the day?

A. No, sir; as night came on they left. They remained there all of the afternoon. I got over there about half past 2 or 3 o'clock.

Q. What conduct on the part of the Doctor on that occasion, after you arrived there, did you see indicating that he was weak, or incompetent, or excited?

A. Well, I went inside and had this conversation with him: He told me about the trouble, and he was very much excited at the time. He is naturally, however, an excitable, nervous man.

Q. Was there any act of his which you can now call to mind, which indicated that he was incompetent to meet the emergency?

A. Well, I do not know about that. I think if there had been no troops there, we would all have been massacred. I think they would have killed everybody at that agency.

Q. It is quite likely the Doctor shared that fear with you.

A. I think he would not have attempted to raise that flag-staff if our camp had not been there.

Q. What did he do that day which was out of the way?

A. I do not know as I saw him do anything out of the way. I had a talk with him; he was excited and nervous.

Q. Were the friendly Indians about him?

A. There were a few inside.

Q. Offering to protect him in any way?

A. No, sir.

Q. Do you know who those men were?

A. Red Cloud and Red Dog were inside, because, I think, they were afraid to go outside.

Q. Was Sitting Bull there?

A. He was outside trying to pacify the Indians, and came up right behind me.

Q. You had a feeling at that time, and entertain it now, that the Doctor was imprudent in undertaking to put up the flag-staff, knowing that there was hostility to it among the Indians?

A. Yes, sir.

Q. And you have a feeling that he unnecessarily imperiled you and your command?

A. Yes, sir; I think he did.

By Mr. ATHERTON:

Q. Have you any independent means of knowing the state of feeling among the Indians with respect to raising the flag-staff?

A. No, sir; only what I have heard.

Q. Have you any means of knowing what pains Dr. Saville had taken to ascertain that feeling?

A. No, sir.

Q. You spoke of the habit of keeping a picket from Camp Robinson at the agency. Is that practice still maintained?

A. I do not know whether it is or not.

Q. Was it during your last stay there?

A. Yes, sir.

By Mr. FAULKNER :

Q. Do you know whether Dr. Saville was at all apprised of the opposition of the Indians to raising the flag-staff before he brought the flag-staff into the stockade ?

A. Well, I cannot say, sir, about that. I heard a couple of days before they brought that flag-staff in there that he was going to raise a flag-staff there. He had sent some men out to the hills to cut it, and I was told then that the Indians objected to it.

Q. Did you observe anything in his conduct in the stockade that indicated want of presence of mind, courage, or capacity to meet an emergency of that kind ?

A. Nothing more than his excitement ; that was all. I think he was very glad when he saw the troops arrive there. He seemed relieved after that. He seemed a little easier than he did before.

By the CHAIRMAN :

Q. Were you there at the issue of annuity-goods last November ?

A. Yes, sir. I was not present at the issue, but I was at the agency at the time.

Q. Did you see anything of the beef-cattle that were delivered there on the 14th of last November ?

A. I think they were short of beef last November at the agency. I left there on the 17th, and I don't think they had any beef there. The beef had not been issued. There were a great many complaints from the Indians on account of receiving no beef.

Q. So you did not see any beef issued there in November ?

A. No, sir. I have seen their beef, though. I have been through the agency-herd several times.

Q. What kind of cattle did they have ?

A. Well, I think the cattle were very fair ; but the cattle always look well in the summer in this country. There was very good grazing the summer I was there.

Q. The cattle get fat here in the summer, I believe, and remain in good condition until late in the fall ?

A. Yes, sir.

Q. Do you know of any Indian supplies being brought from Spotted Tail or Red Cloud agencies down to Sidney ?

A. No, sir ; I do not. There was some corn shipped from Sidney to Red Cloud some time ago, which was not inspected that I know of.

Q. You do not know of any Indian supplies being sold there from the agency, and taken down to Sidney or anywhere else ?

A. No, sir ; only what I have heard. I have been told of such things, but I don't know of my own knowledge.

Q. Do you recollect by whom you were told ?

A. I was told it at Red Cloud agency by a person in Mr. Walters' store. I do not recollect who the person was. Mr. Walters was a trader there. I don't know whether he is there now or not.

Q. What did he say on that subject ?

A. He told me that Mr. Randall had been in the habit of buying flour from the Indians, and then turning it in to the agent at Red Cloud and receiving pay for it.

Q. Did he speak of this as a matter within his own knowledge ?

A. Well, I think so, sir.

Q. Do you know whether Todd Randall was at that time a trader ?

A. No, sir ; I do not. He was considered up there, I believe, chief gardener for the Sioux Nation ; I believe that is what they called him.

I know of another case up there where beef was withheld from the Indians for three days in order to let a certain trader get in his supplies, that he might buy the hides. I expected at that time that there would be trouble there.

Q. Who did you learn that from ?

A. I learned it from one of the traders at the agency, Mr. Deer. The Indians were in his store, very much excited, talking about the beef, and I asked him what the excitement meant, and he told me the occasion of it. He told me that there was going to be trouble, and I saw the Indians were riding about there, and they were very active, and there would be trouble if it was kept up; and that was kept up for three days, until his goods arrived.

Q. Were the cattle in the corral all this time ?

A. I do not know. They were near there somewhere; they were ready to be issued.

Q. About what time was that ?

A. I think it was last August a year ago that that happened.

Q. Did you ever hear Saville say anything about it ?

A. No, sir.

Q. Did you hear any one else except Mr. Deer ?

A. I have heard quite a number of officers speak of it. It was reported around there that Dr. Saville was interested with Mr. Walters. He was the one that received the supplies; he was the one that Saville waited for to receive the goods.

Q. Then Mr. Deer told you that Dr. Saville was waiting till Walters received his supplies ?

A. He said they would not issue any beef until Walters's supplies were received. They were expecting them every day. An issue was made the third day after Walters received the supplies.

Q. Mr. Deer was a trader there himself ?

A. Yes, sir.

Q. And had his supplies there ?

A. His supplies were all there, I suppose. I can tell you something more about the Indians last winter, Governor. Last November, when I left the agency, I was ordered down to Sidney. The Red Cloud Indians started about the same time to the South Platte on their annual buffalo-hunt. They remained down in that neighborhood until about March of this year. I do not believe that these Indians were issued any beef whatever last winter.

Q. Do you know what supplies they did have ?

A. I think there were about three car-loads that I know of went down to Julesburg.

Q. Who was with them as sub-agent, who was in charge of them ?

A. Mr. Brown. He told me that there were about 5,000 Red Cloud Indians under his charge.

Q. Might they not have got beef and you not have known it ?

A. No, sir. I think I would have heard of it; and I have very good reasons for knowing that they did not get any, because they were killing beef belonging to the settlers along the South Platte River.

Q. Did you have any information to the effect that there were three hundred beeves issued to them out of Mr. Bosler's herd as they went along ?

A. No, sir; I have never heard of any being issued.

Q. Might it not have been done and you not know it ?

A. Yes, sir; it might have been done.

Q. Do you know Mr. Brown ?



A. Yes, sir; I know him very well. He was along with the Indians at the time. He came down by the way of Cheyenne to Sidney by rail.

Q. Is Mr. Brown a reliable man in his statements, as far as you know?

A. Yes, sir.

Q. What is his general reputation in the community where he lives, as far as you have heard with reference to it; is he regarded as a reliable man?

A. Yes, sir.

Q. The fact of those Indians killing beeves down there, would that be conclusive to your mind that there had been nothing issued to them?

A. Yes, sir. Buffalo were scarce, and these Indians camped on the South Platte suffered for something to eat.

Q. Have you some knowledge of Indians and experience among them?

A. Yes, sir.

Q. How much beef do you suppose it would be necessary to issue to a band of Indians like that, to prevent them from killing beeves along the way? That is, I mean, do you think that if there had been ever so much beef issued to them they would not have killed other beeves along the way?

A. No, sir. I do not believe they would. They do not kill any now. They get their beef at the agency. They come down here raiding occasionally, but they never kill any beeves. Last winter they did it continually, and gave receipts to one or two parties that I know of for beef, and they told these parties to take those receipts to their agent, and he would give beeves for them.

Q. Do you know whether Mr. Brown was with them then?

A. I do not know, sir. He would go down there and stay a while and then come home. He kept going backward and forward quite frequently.

By Mr. HARRIS:

Q. Did Mr. Brown have some warehouses?

A. No, sir.

Q. He distributed supplies that were received among the Indians?

A. Yes, sir; they were brought down to Julesburgh and there distributed to the Indians.

Q. How far is Julesburgh from Sidney?

A. Thirty-five miles east of Sidney.

Q. Did all these Indians come down with you?

A. They were traveling on the road. They were in my camp every evening.

Q. You have never learned that some two or three hundred head of cattle were distributed to them after they arrived at the Platte, or on their way down?

A. No, sir. I cannot say where they were distributed. I never saw anything that indicated that any cattle had been killed on the road.

By the CHAIRMAN:

Q. Were all of the Indians in advance of you?

A. There were quite a number in front, and some in the rear, and some with me.

By Mr. HARRIS:

Q. If Mr. Brown should say that he did make requisition for cattle and cut them out as he went down, do you have confidence enough in

him to believe his statement, in spite of your own want of knowledge on the subject ?

A. I do not know what to say about that. I have a very high opinion of Mr. Brown. I think myself that those Indians were hungry last winter, and I think, coming down from the agency, they told me that they had nothing. They came into camp every evening begging for something to eat. The buffaloes were very scarce down there.

By Mr. ATHERTON :

Q. I call your attention to the statement in Dr. Saville's report to the Commissioner of Indian Affairs with respect to the matter of the flag-staff. After some preliminaries, he says: "I still did not think there was any great opposition on the part of the Indians, for it had been frequently spoken of in my office, and some of the Indians had been urging me to put up a council-house, and requested that I put a pole on it and get a flag for them." Have you any knowledge that will enable you to say whether or not that is a correct representation of Dr. Saville's action in the matter previous to the day on which the affair occurred ?

A. No, sir. I have no knowledge.

Q. Have you any reason, from your own knowledge, to doubt that that is a correct report of it ?

A. No, sir.

By Mr. HARRIS :

Q. The attempt to put up a flag there has been spoken of as a foolish act. Do you so regard it ?

A. Well, I think the reasons the Doctor gave very good.

Q. Now, I ask you whether or not, in your judgment, the foolishness was in not ascertaining his position before he attempted to raise it ?

A. I think if he knew they objected to it, he should not have attempted it ; but having attempted it, he ought to have carried it out.

## TESTIMONY OF CAPTAIN D. MONAHAN.

By the CHAIRMAN :

Question. What is your rank and position ?

Answer. I am captain in the Third Cavalry, United States Army, stationed at Sidney Barracks, Nebraska.

Q. Were you stationed at the Red Cloud agency last fall ?

A. Yes, sir ; I was there from April till the latter part of October, 1874.

Q. During the time that you were stationed there, had you any opportunity of observing the general conduct and management of affairs at Red Cloud agency by Agent Saville ?

A. Well, I was present at a few issues of rations to the Indians when I was there ; not a great many.

Q. Will you please state to the commission anything that you observed there that seemed to you to be irregular or improper ?

A. Not as to the quality of the issues, but as to the regularity in issuing them.

Q. That is, the mode of issuing them ?

A. I sometimes contrasted their manner of doing business there with our Subsistence department in the Army, and I certainly did think that they were very loose in making issues. I think the system rather loose

when compared with our Army system. I have seen persons, who handled the stores in issuing to Indians, take a sack of flour and just turn out one-half or a portion of it, and give it to the Indians without weighing it; the same with sugar. I do not know that I have seen them do that with coffee, but I have with sugar and flour.

Q. You did not observe whether in doing that they were attempting to rely upon their own judgment as to the portion of the sack they were emptying out?

A. I suppose that was their intention. They tried, I suppose, to give to the Indians as near as they could what they supposed to be right. I merely noticed it as a loose way of doing business.

A. And you are not aware whether, when they were scooping out the sugar with the scoop, they knew the quantity?

A. I have seen them doing it with a scoop and without a scoop, and without weighing it. I have seen them do that with flour and sugar.

Q. Well, as to the quality of the supplies you have seen there; what was the general appearance and character of the supplies?

A. I think during the latter part of my service at Red Cloud that the flour I have seen there was much better than they had been issuing when I first went there. The first two or three months the flour was very dark, a poor article. The sugar was very common brown sugar, rather dark; but it appeared to be dry; I thought a very fair quality of dark-brown sugar. It was quite dry and in good condition. The coffee I did not examine closely. I just saw it standing off a short distance; I did not handle it.

Q. Did you ever see any pork issued there during last fall?

A. Yes, sir; I have seen pork. That which I saw I thought to be a very fair article. I did not see anything wrong with it. I did not examine it closely. It looked to me about the same quality of pork that is issued to the troops, as far as I could judge without examining it closely.

Q. Did you ever notice the tobacco?

A. Yes, sir; I have seen tobacco issued to the Indians. I supposed it to be a very inferior article. I do not use tobacco in that shape. I smoke cigars, but do not use it in any other way; but I supposed that to be a bad article of tobacco; it was dark and wet. I did not handle it, but I have seen the Indians bend it over and straighten it out again and it would not break.

Q. Did you ever see any beef-cattle that were issued there last fall?

A. I never witnessed a beef-issue to the Indians. I only saw the Indians hunting the cattle over the prairie after the issue, and then they were some distance from me. I have never been close to the cattle that were there for issue. I once or twice passed through the agent's herd in coming from Red Cloud agency into Fort Laramie, but they were then probably some three or four hundred yards from the road, and I did not examine them closely.

Q. Could you say, from what you saw of them, what the general character of the cattle was?

A. The cattle that I remember seeing there on that occasion, I think, were very fair cattle—Texas cattle. I do not know whether they were all steers or steers and cows. They appeared to be a very good class of Texas cattle.

Q. Captain, do you know anything of the taking of some Indian supplies down to Sidney, and the sale of them there to some trader or by some trader?

A. I have only heard of that, sir, since your commission has been investigating. I never heard of it before.

Q. Did you hear it spoken of by any one who professed to have any knowledge of the facts?

A. I never did, sir.

Q. Was what you heard spoken of, simply that there was some flour taken to Sidney?

A. I remember reading the testimony of Mr. Moore, a former store-keeper of the Indian department here, (I think he was the person, if I remember right, that mentioned this circumstance; I read his statement made to you, at all events;) and that was the first I ever heard of supplies being sent to Sidney.

Q. Have you ever heard since from any person who spoke of their own knowledge?

A. No, sir. I have discussed the subject with officers, but I have never heard any person state who had any knowledge of it.

Q. Captain, have you ever read Professor Marsh's statement of charges against the agency at Red Cloud?

A. I have read them as published in the New York Tribune.

Q. Is there any information or the names of any persons that you can give us who can give the information in reference to any matters contained in his statements other than you have given now?

A. I can state nothing of my own knowledge, sir.

Q. Can you give us the names of any persons whom you suppose can give us any information upon these subjects?

A. The person who I suppose would be the most likely to give information on these subjects is a man named Roberts, who was Dr. Saville's chief clerk at the agency. I do not know whether he would state what he knows or not.

Q. Is there any other that you know of?

A. I could only name those persons about the agency whom I suppose you have probably already seen. I know a great many from there who could state, if they were disposed to state, what they know in reference to these matters.

Q. So there are no names of persons that you could give us who could give us information in reference to any specific matter contained in these charges?

A. I do not know of any person who could give you any particular information.

Q. Are you aware, Captain, of any fraud on the part of the Indian agent, any of his employés, or any contractor, or any other person in connection with the Indian department here?

A. Except by rumor, I am not. I have no personal knowledge, and do not know of any person who has.

By Mr. HARRIS:

Q. Were you present when Professor Marsh was here?

A. No, sir. I met Professor Marsh going to the agency as I was coming into Laramie. I think I passed him at Rawhide Creek.

Q. Then you are not personally acquainted with any of the facts which he states?

A. No, sir; not any more than I have stated in my testimony as to the quality of the goods and the manner of issuing them.

Q. What information do you suppose Mr. Roberts could communicate to the commission if he were disposed to tell? What is your understanding of what information he has?

A. I think he would be very likely to give the very fullest information on all those subjects mentioned by Professor Marsh, as he was not only chief clerk, but sometimes acting agent in the absence of Dr. Saville.

Q. Do you know him well ?

A. No, sir ; not very well. I have seen him there occasionally.

Q. Do you know what the reputation of Roberts is among white people about the agency for integrity, honesty, and veracity ?

A. From my knowledge of the man, and from what I have heard expressed of him by Army officers, he is a very unreliable person.

Q. Is Roberts a man having an Indian family ?

A. I think not, sir. I have never heard that he had.

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CHEYENNE, W. T., *Thursday, August 26, 1875.*

Present : Hon. THOMAS C. FLETCHER, chairman ; Hon. CHARLES J. FAULKNER, Hon. B. W. HARRIS, Prof. GEORGE W. ATHERTON, and Hon. TIMOTHY O. HOWE.

#### TESTIMONY OF D. H. SNYDER.

By the CHAIRMAN :

Question. Mr. Snyder, please state your residence and place of business.

Answer. I reside in Williamson County, Texas ; Round Rock is my post-office. I have been engaged in the cattle business for some time, since 1868, and have been driving cattle here since that time. I have a ranch eighty miles north of here on the Sabelle, thirty miles west of Fort Laramie. I have wintered cattle here. The first time was in 1872.

Q. About what is the general increase in the size, or weight rather, of cattle, say three or four year old steers, in keeping them over one season here ?

A. The increase would be more on three-year olds than on four-year olds. Three-year olds that will weigh 850 pounds when they first come here, and will weigh 1,100 pounds the next year. That would be after they were four years old.

By Mr. FAULKNER :

Q. What would be the difference of the four-year olds ?

A. In the four-year olds the increase would not be so heavy. They would increase 10 or 15 per cent, or more if they were in thin condition. A four-year old that will weigh 1,000 pounds when he comes here will weigh 1,200 the next year. That is, I am counting range-weight and not shipping-weight ; that is, to weigh them without lotting them. The difference between range-weight and shipping-weight is 75 to 100 pounds, or more than that, taking them right up off the range. A twelve-hours' drive will make it about that. I think to take a steer right up off from grass and water and weigh him and then ship him to Chicago he would weigh 125 pounds less, but if taken off the range and lotted, the difference would be forty or fifty pounds. In running to Chicago they get very gaunt, more so than they would on twelve hours' lotting.

Q. Did you ever sell Mr. Bosler any cattle ?

A. I never sold him many. I sold him about 1,500 in the spring of

1873, and I sold him 750 calves last year. Most of the stock which I have driven here has been the class of stock which was better for grazing than that which he could pay for, and was younger stock than he wanted. The class of cattle I sold him in 1873 were beeves and cows, three years old, and in 1874 they were all cows.

Q. Were there among those cattle any yearlings or two-year olds?

A. No, sir. In the fall of 1873 I drove the cattle on the range and wintered them; they were beeves, cows, and two-year olds, and held them until the next season. He refused to take the two-year olds. We had at that time 4,000 cattle in Idaho, and I was trying to close them out to go out there.

Q. Could you form an estimate of the weight of the cattle you sold him in 1873, and of the cows in 1874?

A. I could not form an estimate, because I did not see the cattle at all. I got here about the middle of January, and George Bosler came on after that—but I was taken sick; after I began to get well George Bosler came in, and I sold him the cattle while sick in bed; the cattle were in good condition, but I could form no estimate of their weight; I saw some of the cattle which were left, and they were in good condition; the cattle which were left were young cattle; my men told me that the cattle which George Bosler got would make good beef; it was the first year which we had wintered cattle here, and we were struck with the fact that the cattle had done so well here in the winter—better than we had anticipated. The cows I sold him in 1874 were a good square lot of cows. I had bought a lot of cattle and sold the cows and kept the younger cattle; I suppose the cows would weigh about 850 pounds; when I sold them they were just off the trail; they were a superior lot of cows, because they were old cows; I sold them in August or September.

By Mr. HARRIS:

Q. Did they increase in weight?

A. Yes, sir; they increased in weight until winter. Cattle will increase on this range until December. Last year they did not stop improving until about January. The severity of the winter did not commence until about the middle of January.

By the CHAIRMAN:

Q. Is it regarded by cattle-men in this part of the country that there is any more danger in herding cattle on the north side of the Platte than on the south side?

A. Yes, sir; we have not considered it safe on account of the Indians north of the Platte. When we went out on the Sabille we were outside the settlements and cattle-ranches, and considered more exposed than any other ranch; that was two years ago. We had not been there but a month when the Indians got our horses; but we got them back again yet it was considered a mere chance that we did so.

Q. You are pretty well acquainted, I presume, with the men who drive cattle up here from Texas, and their mode of carrying on that trade; and I would like to inquire if it is usual for the men who drive cattle here to pay for their cattle down there, in part or in whole, before they start with them?

A. When we first commenced driving cattle there was hardly any cattle paid for in whole or in part, but for the last two years there has been more cattle paid for when bought than formerly. There was a custom of gathering there when we first commenced driving, but it is

now pretty well closed out. For instance, I am selling you cattle; I am known as a cattle-man there, and I put in all my own cattle and my neighbors', and the brands are taken down and recorded in the clerk's office; then in the fall or winter the stock-men will meet from county to county, and each examine the records, and a settlement is made according to the records.

By Mr. FAULKNER:

Q. Are the cattle weighed before leaving Texas?

A. No, sir; they are all sold by the head. The system of handling cattle there is changing. Now very few men can handle any cattle but their own; cattle are becoming scarce and the people are more particular. The cattle are getting scarce there very fast.

By the CHAIRMAN:

Q. Have you had in your experience in cattle-dealing some of your herds stampeded?

A. Yes, sir; on the roads we have had. I have never heard of anything of that kind occurring on the range, because there is no danger of cattle stampeding unless they are closely herded; the closer they are herded together the more easily they are stampeded.

By Mr. FAULKNER:

Q. What are the usual causes of those stampedes?

A. Well, sir, it is from various causes. A steer will stampede very easily, just like a man getting scared. I have known cattle being stampeded by a rider getting down off his horse and shaking his saddle. We are very careful in driving not to have any unaccustomed noise around them. There are more stampedes from driving in thunder-storms and bad rainy nights than from anything else.

Q. I should like for you, Mr. Snyder, to furnish us now the prices that are paid in Texas for cattle one, two, three, and four years old.

A. We have usually paid there for the last three years, up to last year, \$3 for yearlings. Last year they were \$3.50 and \$4. For two-year olds we pay \$5 and \$5.50; cows, \$7 and \$8; three-year olds, \$9 and \$10; and for some of the classes of cattle, for beef, \$12 and \$14. By beeves I mean four-year-old steers, and over. I live sixteen miles from Austin. When I first commenced this cattle business my county was the foremost county in the State. The cattle north and west of Austin are better than the cattle south and southwest, and generally have been a little higher. I have been accustomed to driving beeves and stock cattle. I never drive beeves alone. I did so in 1869.

By Mr. HARRIS:

Q. What would be your estimate of the average weight of beeves four years old and upward, driven from Texas here, and delivered on the Platte, and weighed from the range?

A. That would vary in the way the cattle were delivered. In other words, you take a lot of cattle, handled well, and they would average better than others. An average drove would average from 1,000 to 1,050, and that depends, too, somewhat upon the part of the country they come from. If they came from Western Texas, they would run from 1,000 to 1,050. Get them from the extreme eastern part of Texas, they would not weigh more than 900 pounds; but there are no cattle driven from there now. I have seen Mr. Bosler's herd this year. I saw them passing up the Platte, near Ogallalla, about twenty miles below Sidney. I never went through one herd. I saw three or four. I rode through one herd while

I was coming down with a lot of beeves for shipment, and I suppose there were 2,500 in the herd. They were steers and cows, and they were tolerably fair cattle. I would call them average cattle; not fat, but an average lot of cattle, in a fair condition. The average weight of the herd would be 900 pounds. I think the same cattle would weigh much more on a good range. I saw three thousand, I think; they had just arrived, as I understood, and the average of them would increase 100 pounds in ninety days on the herd if they were turned loose. They would increase more in ninety days from the 1st of August than in the ninety days previous. They would increase more than cattle in better flesh. August, September, and October are the best months. I saw seven thousand head altogether. I was attending to my own cattle, and did not examine them. I do not remember being in their herd. I was on one side and they were on the other side of the river.

By Mr. FAULKNER :

Q. Could you give us the cost and expense of driving cattle from Texas here ?

A. That has varied very much during the last three years. We used to drive from ten to fifteen hundred in a herd, and thought we had a very big herd, and when we commenced we used to put one man to one hundred cattle, and have to pay him a big price. That was in 1868 to 1871, and they would cost fully \$3 per head. Now we bring them up in herds of two thousand. We don't hire men as we used to; we furnish them horses, and pay them less wages. We used to pay from \$60 to \$75 per month, and they furnished their own horses; now we furnish them horses, and give them from \$25 to \$30 per month. The first year we drove beeves alone. There is more risk in driving small herds of cattle from Texas than large herds, and it is also better to have part cows, as they are more peaceful.

By Mr. HARRIS :

Q. What is the difference between net and gross weight, say of a steer weighing one thousand pounds, at Chicago ?

A. A steer in good condition would net 60 per cent. beef.

Q. What do you suppose would be the weight of the same steer taken right off the grass here and killed ?

A. It would net about 50 per cent.

By the CHAIRMAN :

Q. Can you tell us why the cattle-dealers here do not take the contract here for supplying Indian agencies ?

A. We would prefer to sell our herds here at a profit, so that we can go back and invest our money in Texas for more cattle. Another reason in my own case is, that I furnished some cattle for the Fort Hall Indian agency in March, 1874, and have never got my pay for them. I still hold the voucher for them; and in June, 1874, I furnished 83,326 pounds of beef for the Fort Hall Indian agency in Idaho, and have never got the pay for them, either. The beef was killed and issued to the Indians off the block. The reason I did not get paid for this was owing to a deficiency in the appropriation.



DENVER, C. T., *Saturday, August 28, 1875.*

Present: Hon. THOMAS C. FLETCHER, chairman; Prof. GEORGE W. ATHERTON, Hon. TIMOTHY O. HOWE, Hon. B. W. HARRIS, and Hon. CHARLES J. FAULKNER.

### TESTIMONY OF JOHN W. ILIFF.

By the CHAIRMAN :

Question. Mr. Iliff, please state your business and place of residence.

Answer. My residence is Denver; my business is that of stock-raising and that of buying and selling cattle. I have been engaged in that business since 1862.

Q. To what extent are you a dealer in cattle?

A. I buy and sell from three to eight thousand cattle a year, and have been doing so for the last ten years; and for the last ten years it would average over five thousand a year. I buy Texas cattle principally, but some mixed. I buy the herds as they are driven here; young cattle, generally from one to three years old. Sometimes I buy older cattle. I used to deal in older cattle, but for the last three years I have dealt in younger cattle. I buy them, and turn them on my range until they are matured for beef. I allow them to reach the age of four years old before I sell them. I sometimes sell them at three years old. I send my beef to Chicago. I deal in steers altogether now; I used to deal in mixed cattle and cows to some extent, but for the last four years bought exclusively steers. I herd my cattle on the South Platte and Crow Creek.

Q. At four years old a steer that has been here one year will average how much?

A. On the range they will average 1,200 pounds. The way they weigh them here is twelve hours off water and grass. If they are driven off the range on to the scales, they will weigh 1,100 pounds. A four-year-old Texas steer, fat enough for shipping, will weigh that much. We usually take them off the range, put them in the corral for twelve hours, without water or feed, and weigh them, and then we calculate they will weigh from 20 to 30 pounds less. I have weighed cattle off from grass and water, and deducted 30 pounds from their proper weight. A fat steer, taken right off of grass and water, would weigh 1,100 pounds if shipped to Chicago, but weigh him off the cars, and there would be nearly 10 per cent. shrinkage for the gross weight. If we were to feed them after they arrive at Chicago, it would not be quite so much. We calculate 10 per cent. shrinkage on cattle taken off grass and then shipped to Chicago, and weigh them right off the car; but to feed and water them there, would be 20 pounds difference between the car-weight and after they are fed. I have tried that several times; I wanted to know for my own benefit. We have occasion often to sell cattle right off the range, and it is not convenient to weigh them, and we want to make an estimate of what we are getting in Chicago.

Q. We have been talking about cattle which you have taken on your range and fattened. Now, are you acquainted with the general character of four-year-old steers, which are called the average cattle from Texas?

A. Well, I am not as well acquainted with them as with cattle which have been ranged here. I have seen herds of beef-cattle as they have come from Texas.

Q. What is their comparative size with those you have fed?

A. Well, there is a great difference between the herds that come up from Texas. I would not like to give an opinion without seeing them. A herd of Texas cattle, or what is called an average herd of cattle which

had not been topped and picked out of, and seven years old, would be larger than four-year olds and would weigh more. I never consider it as profitable to handle seven-year olds as four-year olds. I prefer young cattle. The whole herd would be larger in size perhaps, but not so heavy in weight. They would not be fat; what they would weigh would be a matter of guess-work. Take an average herd as they are driven up here and they would go about 900 pounds; they might go a little less or they might go more. It would depend upon their age and the manner in which they are driven and the number of older cattle.

Q. What is the effect of a herd driven through and put on this range; would they be likely to change in weight?

A. Well, our calculation is in a three-year old steer, we can put on by keeping him a year 200 pounds, by allowing him to run on the range. On a four-year old steer we can get a little more. We pretend to do nothing with cattle until they have been held on the range one year. We receive them about the 1st of July, and hold all three-year old steers over until August or September of the next year when we ship them, but our two-year olds we keep until they are four years old. Sometimes we ship a few three-year olds late.

Q. What would be the effect upon a herd of Texas cattle which arrived here in June or July of keeping them until the middle of December?

A. Those cattle turned out on the range would increase in size, but not in fat. An animal will fill up in all appearances, but will not weigh heavy. I think fifty pounds would be a fair average to put on a steer driven up in July or August and kept until the following September or October.

Q. Have you ever seen any cattle sold to Mr. Bosler for the Indian agencies?

A. None at all this year. I saw some this year which had not been turned over yet, but they were intended for him. They were Mabry's and Littlefield's; I saw them at Ogalalla on the South Platte. I saw Mr. Littlefield as they were said to be turned over; they were coming on the road to be turned over to Bosler's herd on the way to the agency. I should judge there were in that herd from fifteen hundred to two thousand; they were all steers I think; I don't remember seeing any cows. I thought the general appearance of that herd was very good. They were in a good condition to have come through from Texas. I remarked at the time that those cattle were in a better condition than cattle are generally coming through from Texas. From what I saw of that herd, I would put them above the average, and think they would go from 950 to 1,000 pounds. I give this as my general opinion without having examined them so carefully as if I was going to purchase, and therefore hesitate somewhat in giving this opinion. I bought of Mabry and Millett six thousand young cattle out of their herds, one, two, and three years old steers. The larger cattle or steers I understood would go to Bosler. That is what Mr. Mabry told me himself. I did not observe closely the character of the four-year olds, because they were mixed up, and I hardly look at cattle when they are mixed up so closely; it is hard to make an estimate of them. My own ideas were that those cattle were a fair lot of Texas cattle, but I did not observe them closely. They might have been as good as Mr. Littlefield's if they had been cut out by themselves. Mr. Littlefield's had been all cut out an hour previous. Their health and their general appearance seemed to be good. They looked in as good condition as cattle are generally, driven from Texas.

Q. Would you describe such cattle in either of those herds you saw, of Mabry's or Littlefield's, as beef?

A. No, we do not. I should not consider them in a condition for beef. But the Texas people and drivers call everything beef that is four years old and upward. Our market is Chicago, and we have to furnish a better class than that.

Q. What would you understand if a contract said you were to deliver 5,400,000 pounds of beef averaging on the hoof 850 pounds and upward; what would you say would fill that contract?

A. Well, I would have to be governed somewhat on the class of cattle which they have been accustomed to put in those contracts. But we should not call them beef at all for the Chicago market. A great many are sold, but not sold for beef; but to be fed and fattened, not to be killed as beef. They are disposed of in this way: A fattener will come in and buy a large number of these cattle to feed for the butchers to buy, and dispose of the remainder the best he can. They tank some and dispose of what portion they can. No cattle are tanked except the very lowest grades and scalawags—those which can be bought for the very lowest price.

By Mr. ATHERTON:

Q. Suppose you were to enter into a contract to furnish a certain quantity of marketable beef or of merchantable beef, what would you understand by that term?

A. Well, if I was furnishing it to the Government for the military posts, I would expect to put in a good class of beef, as good as they buy in this market, but if I was going to put them in on an Indian contract, I would expect to put in some pretty hard cattle.

Q. What would you understand by the term "merchantable beef?"

A. Well, beef that will give satisfaction to any one that will eat beef; that which will sell in an ordinary market.

Q. Why would you furnish better beef to the Army than to the Indians?

A. The reason is this: In putting in beef to the military we have to slaughter all the beef, and it is issued from the block, cut up from 1, 2, 3, to 10 pounds, whatever they require, and for that reason we would have to sell a good quality of beef, because they would not accept it if we did not, but if we were putting it in on the hoof we would put in whatever they would take, and it requires a good judge of cattle on the hoof to distinguish a fat animal from a fleshy one.

Q. Is it possible to tell the quality of the beef from the appearance of the cattle?

A. Well, it is not possible for every one to tell. Men who are accustomed to handling beef can do so. It would avoid all this difficulty if the Government would kill the beef and issue it to the Indians from the block. They would then get a good quality of beef; for after it is cut up it is very easy to tell if it is a good quality of beef.

By Mr. HARRIS:

Q. You made this distinction: that in supplying a military post, in cutting it up, you would have to give good beef. Could you supply to a military post a poorer class of cattle on the hoof than would be accepted on the block?

A. Yes, sir; unless they would have an officer to inspect this beef who was accustomed to make a distinction; but there is not one in ten who could make the distinction. I know this from experience; because

I have furnished cattle on the block to military posts, and on the hoof, too.

Q. I intended to ask you if you knew anything about the cattle which were turned over to the Boslers last year?

A. I know nothing except the reports which I heard, but paid little attention to them. I know the Boslers personally; but know nothing about their business matters, as I have never had any dealings with them.

Q. What is their reputation in the business community as men of fair dealing and integrity?

A. I think it is generally understood among business men engaged in dealing in cattle, that they put in a class of cattle for the Indian contracts that would not be salable in any other market. I don't pretend to say that they do this; but they have the reputation of buying that class of cattle.

Q. If there is anything else you know about this Indian business, either of cattle or anything else, which goes to establish the proposition that there have been frauds committed, I wish you would inform us.

A. I never was at one of those agencies, and never saw the cattle which were issued, and know nothing about it. But if there is one thing which ought to be impressed upon the Government it is that the beef which is issued to these Indians ought to be slaughtered and issued to them from the block, as it is to the soldiers. There is no waste then, and if the beef was not good it could be rejected; but it is not possible to do it when the beef is issued on the hoof. I have no interest in any contracts, or with any of those parties, whatever. I am interested only as any other citizen of the Union. I dislike to see things wasted; and while I do not see any of it, I am fully satisfied that there are a great many wastes in these issues to the Indians, and the principal cause is in the way the issues are made.

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KANSAS CITY, MO., *Monday, August 30, 1875.*

Present: Hon. THOMAS C. FLETCHER, chairman; Hon. CHARLES J. FAULKNER, Hon. B. W. HARRIS, and Prof. GEORGE W. ATHERTON.

#### TESTIMONY OF E. R. THRELKELD.

By the CHAIRMAN:

Question. How long have you lived in Kansas City?

Answer. About twenty-seven years—a little more than twenty-seven years.

Q. What has been your business during that time?

A. Well, sir, the principal part of the time I have been in the mercantile business. I was for a number of years in the Indian supplying business, supplying Indian traders and Indian posts under our control; that is, such as were conducted by agents of ours. I was in that business previous to the war, but since that time I have been in the grocery and provision business in this city.

Q. I want to inquire of you if the pork which you mention in your communications to the Commissioner of Indian Affairs of November 25 and 27, 1874, as having been inspected by you, was of the kind and quality mentioned in those communications, and what your mode of inspection was?

A. The pork was of the kind named there. Upon examining the packages, I discovered that they did not comply with the requirements of the contract, from the fact that they did not have the iron hoops at the end of each barrel, as required by the contract. I required Slavens to put the hoops on, and while that was being done I examined the pork by removing it from the barrel and weighing it and inspecting it. I made the men carry it in the house, and I weighed it myself. Of course, I did not remove the pork from every barrel, but from quite a number of barrels of each lot—of each car-load.

Q. Of what is this prime mess-pork composed—what portions?

Q. It is composed of middling and the shoulder—not all shoulder-pork and not all middling; it is mixed.

Q. You said in your communication that it was all sweet, good, sound pork of the quality?

A. Yes, sir; it was in good condition.

Q. Then this prime mess-pork was a good article of prime mess-pork?

A. Yes, sir; it was better-looking pork than the first 200 barrels; it was not quite so old, and it was very large, and in good condition.

Q. With your experience in the matter of handling that kind of pork, what is the effect of the leaking of the brine out of a barrel of pork?

A. It is very bad; it produces rust and spoils the pork.

Q. Had you ever inspected pork before that time for Mr. Slavens—before that contract?

A. No, sir; I never had. I did not even know I was appointed to inspect it until he called upon me to inspect it. The year previous I inspected supplies for the Indian Department; that is, bacon and flour; but I did not know I would be called upon to inspect this pork.

Q. Had you ever inspected any Indian supplies of any kind before that for Mr. Slavens?

A. Not unless I inspected flour. I may have inspected some flour before that; I don't recollect; I could tell by reference to my book; but I think not. I think the pork was the first I inspected under Mr. Slavens' contract.

Q. Do you know of Mr. Slavens having previous contracts for the Indian Department?

A. No, sir; I never heard of his having a contract before. I think I probably heard of his having a contract for beef the year before, but I am not positive of that—or was interested with other parties.

Q. Well, the price at which this pork was furnished by Mr. Slavens: how did that compare with the market-price of similar pork here at the time?

A. Well, the first 200 barrels were at a less price than the market-rates here for the same quality of pork; I think about \$2 a barrel less than the market-price here.

Q. Do you recollect how it was as to the other?

A. After the first 200 barrels were delivered, and about the time he delivered the next lot of pork, I think pork had declined in price, and was worth less than it was when he commenced filling the contract. That is only from memory, however; that is my impression of the market-price; I don't remember exactly the quotations.

Q. What is Mr. Slavens's business here?

A. Well, he is what we call a pork-packer here; he gets hogs and sells them in the market as other packers do, sometimes in the shape of bacon, sometimes, I believe, from the block, and sometimes puts it in barrels. He has also packed beef.

Q. Does he do a pretty large business at packing pork in the packing-season ?

A. Yes, sir ; he does a tolerably large business, only not the largest in town, but a very fair business.

Q. Do you know whether there are any persons west of here who do a larger business in that way than he does ?

A. No, sir ; I think not. I don't know one west of Kansas City.

Q. Is he regarded in this community as a responsible man ?

A. Yes, sir ; he is also regarded as a reliable business-man—what we would call reliable, an honorable business-man ; perhaps he enjoys as fine a reputation in that way as any man in the city.

By Mr. HARRIS :

Q. The time you inspected the pork, the first 200 barrels, it was worth in this market \$2 or \$3 more than he was getting for it ?

A. Yes ; it was worth at least \$2, and, I think, probably \$3.

Q. Hadn't you a copy of the proposals with you ?

A. Yes, sir ; I had ; but I don't know whether I have it now or not. It may be among those papers.

Q. Have you a copy of the advertisement with you ?

A. No, sir ; I don't think I ever had them as published in the newspapers. I had one in pamphlet form.

Q. Now, what was prime pork bringing in the market at the time you inspected it ?

A. I don't recollect exactly what prime pork was worth at the time ; it was worth less than mess pork, about \$1.50 less, probably \$2 a barrel less ; I don't recollect the difference in the various grades, as I was not handling pork on my own account.

Q. When he presented you the first 200 barrels for inspection you passed it as good pork ?

A. Yes, sir.

Q. He then asked you to inspect 600 barrels of prime pork ?

A. We call it prime mess.

Q. Wherein is the difference between mess pork and prime mess ?

A. Prime mess is the shoulder and the middle, and mess is simply the middle without the shoulder.

Q. But both, as I understand you, cut through the ribs ?

A. A portion of the rib is taken out ; it is not all taken out ; a portion of the short ribs are left in ; but in mess pork, I don't know but in some places they take it all out, and some don't take it out at all. In the first 200 barrels there was a little rib in it, and in the last there was all the rib and the shoulder.

Q. What was the size of the pork as compared with the other ?

A. There wasn't much difference in size ; it was all large pork.

Q. How much would they average in weight ?

A. I think they would average probably 250 pounds.

Q. Do you think both kinds were about the same size pork ?

A. Yes, sir ; that is my recollection of it.

Q. Could you judge about how long it had been packed ?

A. Well, the pork in the first 200 barrels had been packed some time, but not so long as the other ; that is my impression.

Q. Were both lots somewhat old ?

A. No, sir ; they were not very old lots of pork by any means.

Q. How long should you think they had been packed ?

A. I should think the first pork inspected had probably been packed the spring or winter before.

Q. And the last ?

A. The last lot was fall packing; had just been packed; it was new pork.

Q. And perfectly sweet, you say ?

A. Yes, sir.

Q. And properly salted ?

A. Yes, sir.

Q. Can you tell, while the contract was silent as to whether it should be mess or prime, why you should not insist upon the best when you were acting for the Government ?

A. I did; I insisted upon the best. Mr. Slavens called my attention to the fact that it was.

Q. Can you tell why the Government should not demand first quality if the contract is silent on the subject, as well as Slavens should insist upon the second or third quality ?

A. I have no reason.

Q. If the contract is silent on the subject, why should not the Government have the benefit of it as well as Mr. Slavens in determining the quality of the pork by the inspection ?

A. Well, that is a question I am not able to answer. I suppose if I were buying of you, or Mr. Slavens, or any other person, a certain amount of any given article, I should certainly have the grade specified in the contract, the particular kind.

Q. You were acting, not for Mr. Slavens, but for the Government.

A. Yes, sir.

Q. And you began by inspecting mess pork ?

A. Yes, sir.

Q. At his request, you passed as sound pork a quality below that grade, because it was pork ?

A. Yes, sir; I had not noticed the terms of the contract at the time I inspected the first; I supposed, of course, it required mess pork, and when he presented me mess pork, I found it merchantable, I passed it.

Q. Didn't he tell you he could not go on supplying the contract at \$21 a barrel when he had to pay \$24 for it, and that he must change the quality ?

A. No, sir; he said that parties who had the contract at Omaha and above here were all furnishing that class of pork, and he did not see why I should be so conscientious and refuse to accept the same pork that they received; and I did not feel that I wanted to be over particular, and if they were receiving that kind of pork, of course I had no right to dispute what he said about it.

Q. You did not communicate with the Department before accepting the 600 barrels ?

A. No, sir; but I did so immediately afterward. I find I have the advertisement here.

Q. In the letter, Commissioner Smith says. "It appears that the Department calls for mess pork, but by a clerical error the word mess is omitted from the contract." Now will you turn to the advertisement and see what it says ?

A. I find the advertisement for proposals for furnishing pork for the Red Cloud agency reads: "240,000 pounds mess pork, in barrels." I would like to say, further, that in connection with that contract with Mr. Slavens I never received a copy of the advertisement, but, attached to the contract for soap with Godwin, Behr & Co., I received a copy of the advertisement.

Q. From whom did you receive a copy of the contract ?

A. From the Indian Office.

Q. Before or after Mr. Slavens called on you to inspect the first lot of his pork ?

A. That I cannot answer, whether it was before or after I inspected the first lot ; I don't recollect, but I presume it was before.

Q. Have you any recollection now whether Mr. Slavens furnished you a copy of the contract, or whether you received it from the Department before you inspected the pork ?

A. My impression is that I received it after, because I think in the first certificate I gave I could not fill up the blank in the certificate giving the date of the contract ; if I did, it was from information received from Mr. Slavens as to the date of the contract ; but after that I got the contract.

Q. Did you see the advertisement before you inspected the 600 barrels of prime mess pork ?

A. I think I did, sir.

Q. Now, having the advertisement before you which called for mess pork, and the contract which was silent upon the subject of the quality, how did you construe the contract as giving you authority to receive an inferior quality of pork ?

A. I did not consider the quality inferior. The grade was different.

Q. I mean, did your own knowledge that he could not furnish that pork at \$21 a barrel control your judgment of the matter ?

A. Well, I presume, sir, in connection with the information I received that they were not required to furnish mess pork from the other localities, that had something to do with it.

Q. Will you say at the time you inspected the six hundred barrels you had no knowledge of the terms of the advertisement as well as the terms of the contract ?

A. No, sir ; I cannot say that. I have already said differently. I think I had knowledge of the advertisement and also of the contract.

Q. And you did know, did you not, that there was a difference in the terms of the two instruments ?

A. Yes, sir.

Q. Did Mr. Slavens claim that, because the contract did not hold him up to the terms of the advertisement, therefore he was at liberty to put in a different grade ?

A. He contended that the contract was all I had to go by.

Q. Then there was some discussion as to whether you should hold him to the terms of the advertisement or the terms of the contract ?

A. Yes, sir ; he said if the contract was not to be my guide, then I had no guide ; that there would have been no occasion for sending it to me.

Q. Did you say to him that, inasmuch as he had made a proposal to fill the contract which the Government had advertised for in terms, he he was bound to fulfill it according to the proposal and not according to the contract ?

A. No, sir.

Q. You did not claim that if he had made a proposal in answer to an advertisement which calls for mess pork, and that proposal was accepted, that therefore he was bound to furnish mess pork, no matter what the contract stated ?

A. I think I used that argument with him, but, in reply, he called my attention to the advertisement inviting proposals for flour, and also, in connection therewith, to the character of flour the Government received, a sample of which had been furnished to me by the Department, and



which, he reminded me, I knew was not XX flour, and, of course I said I knew it. In reply, he said they had accepted a contract with him for a different grade of flour from what the Department called for, the sample of which I had in my possession, and knew to be different, and I did not know but that they might have done the same with him in regard to pork. I also call your attention in this connection to the following letter, dated September 5, 1874. This letter does not refer to the advertisement, but simply to the contract; and taking all these things together, I thought that he might be right about it :

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,  
*Washington, D. C., September 5, 1874.*

SIR : I have this day forwarded to your address a sample of the flour under which the contract of this office with J. W. L. Slavens was awarded, and have to call your attention to instructions heretofore given you as to your duties regarding the inspection of the same.

Very respectfully, your obedient servant,

H. R. CLUM,  
*Acting Commissioner.*

E. R. THRELKELD, Esq.,  
*Inspector Indian Supplies, Kansas City, Mo.*

Q. In the case of flour you had a sample ?

A. Yes, sir.

Q. In the case of pork you had no sample ?

A. No, sir ; simply had a contract by which they agreed to furnish so many barrels of pork. The instructions referred to in the above letter are as follows :

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,  
*Washington, D. C., August 1, 1874.*

SIR : The supplies that will come under your inspection during the year are to be delivered at Kansas City and Saint Louis, and will consist principally of flour, bacon, lard, and soap. Samples of flour and soap will be furnished.

All goods should be plainly marked "Indian Department," and each package, sack, or barrel must bear your mark of inspection. You will provide yourself with the necessary implements for such branding or stenciling.

Certificates, as per accompanying blanks, filled by the inspector, should be delivered to the parties entitled to receive the same, and a duplicate forwarded to this Office.

Very respectfully, your obedient servant,

EDW. P. SMITH,  
*Commissioner.*

E. R. THRELKELD, Esq.,  
*Kansas City, Missouri.*

Q. While you may excuse yourself or be perfectly justified—and, of course, were justified—in passing flour that was up to the sample furnished, how can you justify yourself in passing pork which was not of the best grade, when the description was simply pork ?

A. Because I did not presume it was my prerogative to dictate what kind of pork should be accepted, provided it was sweet and sound.

Q. How many kinds of pork are there recognized in the market ?

A. Well, there are about five different grades : First, clear mess ; second, mess ; third, prime mess ; fourth, mess ordinary ; then there is prime pork that is still lower than mess ordinary.

Q. Are the grades marked on all the pork ?

A. They are usually marked by the packer.

Q. Do you recollect what this pork was marked ?

A. It was marked just what it was—prime mess.

Q. It was not marked prime ?

A. No, sir. I think it was marked prime mess-pork.

Q. Do you recollect sufficiently well to say ?

A. No, I could not say positively, but that is my recollection.

Q. What would be the difference in the value of those different kinds—what would prime be worth?

A. From the highest to the lowest, probably a difference of \$10 a barrel. The difference between the first three is not so very much.

Q. What would constitute prime pork?

A. Pork under size, I suppose, and probably lean and almost all shoulder.

Q. Do you remember whether you passed any of that grade called prime?

A. I don't think I did.

Q. Why would not that answer the advertisement just as well as the prime mess, if it was sweet and sound pork?

A. It would, sir.

Q. Are you willing to say you did not pass the lowest grade of pork on that contract?

A. No, sir; I don't think it was the lowest grade of pork; but I think I would be justified in passing the lowest grade of pork if it was sweet and sound.

Q. In pork called prime, would there be a great deal of lean with little fat?

A. Of course, it would contain less lard; less grease than the mess pork.

Q. What agencies did the flour go to which you inspected under Slavens' contract?

A. Washita, Fort Sill, and Cheyenne and Arapahoe agencies.

Q. None went to Red Cloud and Spotted Tail?

A. No, sir; the contract shows for itself.

Q. You speak of it as flour under the grade of XX?

A. Yes, sir.

Q. The flour was made to comply with the sample which was furnished you from the Department?

A. Yes, sir.

Q. Do you know anything about how that flour was made—what it was made of?

A. Some of it was made in the city, and a large portion of it was made at Independence, in this county, at a mill that had the best reputation of any flour that came into this market.

Q. How do they manufacture the flour; what material would they use to manufacture a flour of less grade than XX?

A. They would use middlings of the better class of wheat, and mix it with a poorer class of wheat and have it re-ground.

Q. Was it pretty poor stuff, or pretty good quality?

A. No, sir; the flour that Mr. Slavens delivered, all of it except one car-load, was better than the sample furnished me.

Q. Is the result of such mixing of the middlings of superior wheat and poor wheat to darken the flour—is that the ordinary result?

A. It does not bake so white; there is not so much difference in the quality of the bread, in the whiteness of the flour, as in the strength of the flour. Bakers cannot make as large a loaf of it; it does not rise as well; it will make good bread, but they cannot sponge it up as they can the stronger grades of flour.

Q. I suppose the finer flour is made of winter-wheat?

A. We raise nothing but winter-wheat here. The mixing of these makes the grade of flour known as superfine, and that is like the sample furnished by the Department.

Q. How many grades of flour are there ?

A. There are what are termed XX, X, superfine, and fine. I believe in Saint Louis they have five grades. I believe they have XX, X, fancy superfine, superfine, and fine. In the inspection of flour the year before in Saint Louis, I called to my aid Mr. Benson.

Q. You would say of all that flour it was sweet, sound flour ?

A. It is the best lot of flour, taking it as a whole, that I ever saw made to the Indian country. It was, I should say from an experience of twenty-seven years of handling Indian supplies, better than the contract called for.

By Mr. FAULKNER :

Q. Have you stated at any time during the course of conversation when this inspection of pork took place ?

A. My impression is that it was about the latter part of September, 1874.

Q. Do you know whether the pork inspected by you in September, 1874, was forwarded to the Red Cloud agency ?

A. No, sir ; I could not say that. I took a receipt from the railroad company, and instructed the flour to be forwarded. It was turned over to the Kansas Pacific Railroad Company. It was sent from here to Cheyenne, I think ; that is my impression. My certificate on file in the Department will show that the pork was delivered here to the Kansas Pacific Railroad.

Q. Are you satisfied that in the pork inspected by you that fall there were none of what are called neck-pieces ?

A. There were none in the pieces I inspected myself.

By Mr. HARRIS :

Q. Had you any interest, direct or indirect, in either the contract for flour or that for pork in 1874 ?

A. No, sir ; I have no interest in any contract, and have not had since the war.

Q. Have you received any compensation for any participation in any contracts with Mr. Slavens ?

A. No, sir.

Q. You were selected as inspector by whom ?

A. My first appointment was a telegram from Mr. Smith to inspect 300,000 pounds of bacon at Plankinton & Armor's pork-house in this city. I didn't know any such man as Commissioner Smith at that time. That was in the year 1873, and he afterward informed me by letter of the same date that I had been selected inspector of Indian supplies by Colonel Robert Campbell, of Saint Louis, one of the Board of Indian Commissioners. During the year 1873, when I inspected flour, I was not required to brand it or stamp it, but took a receipt for it from the transportation company. Complaints were made at the agencies of musty and wormy flour, in consequence of which I wrote to Colonel Campbell to Saint Louis, suggesting that the opportunities for substituting flour were so great that I thought a new system should be adopted, and suggested branding or some better mode of identifying the flour after inspection, and the system of branding was adopted in 1874. All the flour I inspected in 1873 I branded with my own name as inspector, and also the date of inspection. There was no difficulty in putting in bad flour before that time, if the contractor saw fit. It could be done without any difficulty, if a man wanted to do so.

Q. Is there a grade of flour sold generally in the market made from the middlings of good wheat and a low grade of wheat ground together ?

A. Yes, sir; the largest proportion of flour sold around the country is made in that way.

The following are the communications referred to at the beginning of Mr. Threlkeld's examination :

*Inspector Threlkeld to Commissioner Smith.*

KANSAS CITY, MO.,  
November 25, 1874.

DEAR SIR: Your telegram 24th received and I replied to-day by wire; had inspected 800 barrels, 200 of which was *mess* and 600 prime mess.

Mr. Slavens's contract specifies pork—no grade named, and I at first declined to pass the 600 barrels, but he contended *mess* pork was not contemplated in his contract, and I did not consider I could very well refuse to pass it under the copy of contract furnished me, and accordingly done so. He has 200 barrels now ready for delivery of prime mess, and I have to-day notified him I would not accept any grade below mess.

All my certificates have been issued in duplicate only.

Very respectfully, your obedient servant,

E. K. THRELKELD,  
*Inspector.*

Hon. E. P. SMITH,  
*Commissioner Indian Affairs,*  
*Washington City, D. C.*

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*Inspector Threlkeld to Commissioner Smith.*

KANSAS CITY, MO.,  
November 27, 1874.

DEAR SIR: Yours of 23d received and contents duly noted. In reply I would state that in my letter of the 25th I reported the number of barrels of pork received from Slavens to be 800 barrels, 200 barrels mess and 600 barrels prime mess. I notice your remarks in reference to the advertisement under date May 28, 1874, and find that *mess* pork was the grade for which bids were invited, and I also see in the same advertisements, *double extra* flour was the grade for which bids were invited, but by reference to the sample accepted by the Department I find the grade scarcely superfine. I would further state that the copy of contract with Mr. Slavens says pork, not *mess* pork. I refer to these matters to more fully show that I had no positive information by which to be guided as to the grade of the pork. Mr. S., when I objected to passing the *prime mess* pork, assured me positively that *that* was the grade contemplated by him in his bid, and as Mr. Slavens is considered here as a very honorable business man, I could not, with the copy of contract before me, do otherwise than accept good, sound, sweet pork, without reference to the grade. I have refused to pass 200 barrels prime mess offered on the 25th by Mr. S., and he has promised to complete his contract with the grade you demand, mess pork.

Trusting my action in the premises may be found satisfactory,

I am, sir, your obedient servant,

E. K. THRELKELD,  
*Inspector.*

Hon. E. P. SMITH,  
*Commissioner Indian Affairs,*  
*Washington, D. C.*

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TESTIMONY OF J. W. L. SLAVENS.

By the CHAIRMAN:

Question. Where do you reside, Mr. Slavens?

Answer. Kansas City, Mo.

Q. How long have you resided here?

A. Ten years.

Q. What other contract for Indian supplies did you have last year besides the contract for pork?

A. One for flour. It was all in the same contract; but the items were pork and flour.

Q. What contract, if any, did you have for Indian supplies the year before last?

A. Well, I had one for furnishing beef to two agencies on the Missouri River—to the agency at Standing Rock and that at Crow Creek, I believe. Those were the two.

Q. What contracts, if any, did you have the year before that? Do you recollect?

A. None in my own name with the Indian Department. I had some with the Army.

Q. What contracts have you this year?

A. For supplying bacon to Red Cloud and Spotted Tail agencies, and to the agencies in the Indian Territory; and I did have this spring a three months' contract for supplying beef to those agencies in the Indian Territory.

Q. Where did you procure the flour that was furnished by you last year?

A. I bought it through commission men. I don't know myself where it came from; I made no inquiries; I never saw it. I don't think I ever examined a sack of it. I made my contracts with commission men, subject to the inspection of the Indian inspector, and when they brought me his certificate I paid for the flour, and not until then, in any instance. My contract was for delivery here; and beside the inspection-certificate, the party furnishing the flour brought me also the railroad receipt for shipment by the contractor of transportation. They were the vouchers upon which I got my pay, and upon which I paid for the flour.

By Mr. HARRIS:

Q. Where did you obtain the first two hundred barrels of pork you shipped under the contract of 1874?

A. I think in Saint Louis.

Q. What grade of pork was that?

A. Mess-pork.

Q. And was worth here how much per barrel?

A. Well, to one that had to have it here, it was worth \$24 a barrel, and the freight from Saint Louis here.

Q. Did you buy it at that price?

A. Yes, sir; I bought part of it here, but the most of it—two car-loads—were bought in Saint Louis; about one hundred and twenty or one hundred and thirty barrels.

Q. You did not pack any of that pork yourself?

A. No, sir; in fact, we packed none of it ourselves except the last two hundred barrels.

Q. Where did you get the other—that is, the six hundred barrels?

A. Mostly in Chicago; we delivered it in several deliveries.

By the CHAIRMAN:

Q. Of whom did you buy the one hundred and thirty-odd barrels in Saint Louis?

A. From Dutcher & Co., commission brokers.

Q. And from whom did you buy it in Chicago?

A. I am not certain what firm we bought it through. It was either through Holden & Co. or Gilbert Prior & Co. ; we had business with both of them. We may have bought a portion of these six hundred barrels here from Plankinton and Armor.

Q. I understand that you did not deliver any more until you began packing pork here yourselves?

A. The last two hundred barrels were of pork we packed ourselves.

Q. The pork that you bought in Chicago, was that delivered here ?

A. Yes, sir ; all delivered here.

Q. Your contract was to deliver it at Omaha ?

A. Yes, sir ; or Kansas City. In the first place, I had that changed by that correspondence to make Kansas City the point. The freight from Chicago to Kansas City was cheaper than to Omaha. All the Indian goods are going that way this year—Chicago, Kansas City, Denver to Cheyenne.

Q. Did you ever see any of that pork yourself that you bought at Chicago ?

A. Yes, sir ; I saw one or two lots. I was not there all the time. I saw one or two lots when Mr. Threlkeld was inspecting them. I saw only that lot of six hundred barrels while he was inspecting them.

Q. About how many barrels were in the old lot ?

A. Two hundred, I think.

Q. What was the grade of that pork ?

A. It was prime mess pork.

Q. Was it a good quality of that grade of pork ?

A. Yes, sir ; what I saw of it was. Commissioner Smith informed me that I ought to have furnished all mess pork, as the advertisement said mess-pork ; and I then voluntarily offered to make good the difference in the commercial value between prime mess and mess pork ; and I made that good in bacon, as the correspondence will show.

Q. The bacon you made that good in was at the market-price of bacon at the time, was it ?

A. Yes, sir.

By Mr. HARRIS :

Q. Had you any other contract for pork that year ?

A. None, sir.

By Mr. FAULKNER :

Q. Did I understand you to say that your adjustment of that matter was the result of your own voluntary proposition and not any proposition coming from the Indian Department ?

A. There was no suggestion as to any manner. I made a reply in full to his statement. He said there were complaints, and that I had brought discredit or trouble upon the Department by delivering a grade of pork that was not so good as it should be ; that it was not the kind he intended should be furnished, referring to the advertisement ; and I answered that and stated what I had done and the reason I had done it, and my views about the whole thing ; and I wound up by saying, however, if he thought it was just and proper, I would make this proposition : that I would make good the difference between the commercial value of the pork required and that which I furnished.

The CHAIRMAN. I will ask your attention to this letter of yours to the Commissioner of Indian Affairs, dated the 11th of January, 1875, which I will read :

KANSAS CITY, MO., *January 11, 1875.*

SIR: Referring to your verbal statement to me that a portion of my delivery of pork, under my contract of July 11, 1874, failed to give satisfaction, being a grade you did

not contemplate receiving under said contract, viz, prime mess, instead of mess pork, I have the honor to submit the following statement :

The pork in question was bought subject to the inspection of the Government inspector, under my contract, a copy of which he held. I was not personally present at the time the first lot of this pork was delivered, and never saw a barrel of it. It was bought and delivered by the business-firm of which I am a member, during my absence, to meet a sudden and peremptory and threatening demand, coming to me by letter and dispatch from the store-keeper of Red Cloud agency, demanding, in the name of the agent, immediate shipment of this pork, on the penalty of its purchase on the market for my account. This pork being the only pork in reach of me, or with which an immediate shipment could possibly be made, it was at once bargained for, subject to inspection, as before mentioned. I mention the fact of this unexpected and threatening demand for an immediate shipment, within one month of a prior delivery of 200 barrels, because of the understanding had at the time of the acceptance of this contract, the award having been made one week after the letting, and the advance in pork in the mean time having rendered it impossible to furnish pork out of the old lot without loss, that I would only be held to deliver in lots, from time to time, to meet the requirements of the agency for current issues.

I had not, previous to this delivery, examined a copy of my contract, but was under the impression that mess pork was the grade required, and only learned from the Government inspector, after this delivery was made, that the contract did not require mess pork, but that prime, if of full weight and sweet, would answer.

And remembering also that the Army, during the war, at all times preferred prime mess to mess pork, I was led to the conclusion, from the wording of the contract, that either grade was acceptable, and that it was immaterial which, provided the special instructions of the Government inspector were satisfied.

Having acted in good faith in the matter, I submit that I should not be held responsible for the full difference in value of the two articles, but will cheerfully do in the premises whatever in your judgment is in equity right. The difference in the commercial value ranges from one to two dollars, though at times prime mess has sold for more money. The difference in actual cost this season is about one dollar and a half per barrel, which is about present difference in commercial value. Although having paid for the pork delivered under this contract more than the Government pays me, I offer to deliver a further amount of either mess pork or bacon sides to cover the difference in the commercial value of mess and prime mess pork for the number of barrels of latter delivered. We have the property now on hand, and can deliver on any day.

I have the honor to be, very respectfully,

J. W. L. SLAVENS.

Hon. E. P. SMITH,

*Commissioner of Indian Affairs, Washington, D. C.*

Does that letter contain a correct statement of the matter and of the proposition ?

A. I say in the letter that I did witness the first delivery ; I state in my examination that I witnessed one of the deliveries, and that it was one of them ; I am not sure which one it is. With that exception, this letter contains a correct statement of the matter—with the exception that I may have witnessed the inspection of the first or second delivery of the 600 barrels. In explanation of that reference to the fact that I was to have all the time during the year to make the delivery that the necessities of the agency would allow, I will say the contract said nothing about that ; it was a verbal understanding had with the Commissioner at the time I accepted the award, about eight days after the letting. The price of pork had advanced in the mean time, so that I could not possibly buy it at the price for which I offered to furnish it, although I had a margin at the date of the letting ; and I said to the Commissioner that I could not furnish it at that price, and that I would not accept the award if I should be held to furnish it all immediately out of old pork ; that if I was only required to furnish it from month to month, as the agency needed it, through the year, then I could get even on the new crop of pork, which, as a rule, the United States over, is five or six dollars lower per barrel than pork is before the new crop comes into the market. He said that would be all that would be required—to furnish it as fast as the agency needed it, and with that

understanding I accepted the award, and I delivered 200 barrels as soon as they were called for. The letting was in New York City, July 2. Bids were opened at noon on a certain day. I telegraphed to Holden & Co., of Chicago, and got the price of pork on that day and made a bid, reserving myself a margin, and the next day, and the next and every day on until the award, I was wanting to know whether I should furnish it or not; and there was no decision made in regard to who should have the contract until, in Washington City some eight days afterward, I was notified that I could furnish the pork; and then occurred this conversation with the Commissioner.

By Mr. FAULKNER:

Q. Were those 600 barrels of pork sent to Red Cloud agency?

A. I have no knowledge, but that was my understanding. I delivered it to the Kansas Pacific Railroad Company. It was billed to the store-keeper at Cheyenne.

By Mr. HARRIS:

Q. You understood, when you made the contract, that you were bidding for mess pork?

A. Yes, sir.

Q. It was not until you knew that your contract stated pork that you ventured to substitute prime mess-pork?

A. Yes, sir; and possibly, if I could have got hold of mess-pork as easily, I should have furnished it, and not the prime mess, although there was a difference in price. I did not have any copy of the contract furnished me, and I bought mess pork, for I knew that was what I bid to furnish; but I happened to see Mr. Threlkeld's copy of the contract, and discovered that it did not call for it.

By Mr. FAULKNER:

Q. Did the Commissioner of Indian Affairs tell you that it was a clerical error?

A. No, sir. This correspondence occurred after the pork was delivered.

Q. Where did this idea of a clerical error come from?

A. Mr. Harris says it came in a letter from Commissioner Smith to Mr. Threlkeld.

By Mr. HARRIS:

Q. There is a low grade, called prime pork, made up of thin and small pork?

A. Yes, sir; and prime mess is made up of lighter pork cut from lighter hogs than mess pork.

Q. Do you know whether any portion of this pork which was purchased by you to make up the 600 barrels was of the quality known as prime?

A. No, sir. I think it was all prime mess.

Q. Can you tell now whether you did ship any prime?

A. I am pretty certain that it was all prime mess.

Q. Can you tell now what you paid for any portion of those 600 barrels?

A. No, sir. I do not remember. I think about \$19 a barrel.

Q. Do you think you paid for all of it the same price?

A. Very likely not; the market is changing.

Q. Have you in your possession book or means of telling what you paid for all the pork?



A. Yes, sir; but not with me. I have it in the office.

Q. Could you, without any great inconvenience, write a note to the chairman of the committee, in Saint Louis, within a few days, and give an answer to the question?

A. Yes, sir.

Q. I suppose, in truth, you put in under that contract any pork that would pass inspection?

A. Yes, sir; that was the test with me—inspection—in all contracts.

Q. Can you state what persons you bought pork of?

A. I have given you the names of the brokers through whom I got all the pork—I did not pack myself; it was bought through brokers.

Q. Of course you purchased all that pork through brokers, subject to the condition that it should pass inspection?

A. Well, I don't know, either, whether that was in or not. It was probably inspected where it came from—Chicago—and that was the rule I adopted in making all purchases, I presume, but I don't remember.

Q. So that if you followed your usual rule, you left it to the parties of whom you purchased—left it within their power to furnish as low a grade of pork as they could get to pass inspection?

A. No; not in that way. They did not know what the pork was for, or anything about it, only that it was to be sweet and full weight. The standard of the Chicago National Board of Trade now is 190 pounds to the barrel, and the Government requires 200 pounds. I specified that it should be 200-pound pork, although I made a claim on the Department for the difference.

Q. All you specified to your brokers was that it should be 200 pounds of a certain grade known as prime mess—200 pounds instead of 190?

A. Yes, sir.

Q. Beyond that, was there any condition that you should receive any pork that should pass inspection?

A. No, sir.

By Mr. ATHERTON:

Q. Was the pork inspected in Chicago before it came here?

A. It seems all pork sold there passes through inspection. I don't know how, but probably by the Board of Trade. I claim that I should get pay for so many thousand pounds of pork at the rate of \$21 a barrel, and 190 pounds in a barrel, but the Department wanted to hold me for 200 pounds to the barrel. In making my bid, I understood the Government would go by the rules of the trade.

Q. Has the Government followed that rule heretofore—200 pounds?

A. Yes, sir; and so did the trade of the United States all over until the convention was held in Louisville, Ky., last September, a year ago, at the National Pork-packers' Convention, they adopted the Chicago standard.

By Mr. HARRIS:

Q. I suppose that is adopted upon the theory that 190 pounds will make 200 when salted?

A. Partly. It is also because pork cures better in 190-pound lots—that amount is enough to put in a barrel. I made no other contract for pork except that one for 1,000 barrels. Mr. Threlkeld inspected it all, and there was no pork went off that was not inspected. A barrel of pork will weigh on an average 330 pounds; that is, 200 pounds of pork. The rest is brine and barrel. The barrel will weigh about 55

pounds. In transporting it, it wants to be cared for all the time, sometimes to be recoopered. When we store pork we drive the hoops three or four times during the year.

Mr. THRELKELD. I understood Mr. Slavens to say in conversation that he had an understanding with the Commissioner to the effect that he would not be too hard on him with regard to the grade of pork to be delivered, so that it should be sound, sweet pork.

Mr. SLAVENS. I never had any conversation with the Commissioner in regard to the quality of the pork. Mess pork was understood; but in regard to the times of delivery, I had an express understanding with him.

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### TESTIMONY OF PRESLEY G. WILHITE.

By the CHAIRMAN:

Question. Were you engaged in the milling business last year?

Answer. Yes, sir; have been for twenty years.

Q. Where?

A. I was at Lee Summit, Jackson County, Missouri.

Q. Did you furnish, last year, Mr. J. H. Martin some flour that was shipped to Cheyenne?

A. Yes, sir.

Q. Do you recollect how much?

A. I think I furnished him, as near as I can well recollect, about twenty-three or twenty-four hundred sacks.

Q. How large were the sacks?

A. One hundred pounds.

Q. Was it put up in double sacks?

A. Yes, sir, all of it in double sacks.

Q. What kind of flour was that?

A. It was what is known here as XX flour.

Q. How was that flour made?

A. It was made from fall-wheat, all of it, except there might have been a very small quantity of spring-wheat in it; they do not raise much spring-wheat in this country; there might have been a few bushels of spring-wheat raised in this county, if any.

Q. Did he furnish you a sample of the kind of flour he wanted made?

A. No, sir.

Q. Did he tell you the kind he wanted made?

A. The first I knew in regard to the flour was he wrote me that he wanted me to furnish him a good, sound, sweet flour of what is known in this country as a low grade. Any article of flour in this market that is not choice family flour is termed low-grade flour.

Q. Did he tell you what he wanted with it?

A. No, sir; he said he wanted it shipped to Cheyenne, and instructed me to brand the sacks "Red Cloud agency" or "Red Cloud Sioux," I do not recollect which. I had furnished him flour the year before, and that is the reason I do not recollect. One was "Red Cloud agency" and the other was "Red Cloud Sioux." Either year before last or last year; it was in '74 and '72.

Q. Was the article of flour you made for him of sound wheat; a sound and healthy article of flour?

A. Yes, sir; it was all sound and sweet. Last fall, if you remember, was a very dry year, and we had no musty wheat; it was dry from

before harvest clear on to February. It was all sound, sweet wheat, that I ground for him.

Q. How is the difference made between first-class flour and this low-grade flour out of the same wheat?

A. Among millers there is what is termed a straight grade, and that is known as the first flour; the first and second being bolted at the same time.

Q. The second rate, then, is bolted closer than the first; is that what makes the grade?

A. It makes it darker, from the fact that there are more bran-specks in the middlings.

Q. Are not these middlings ground over again with other wheat to make this straight-grade flour?

A. Yes, sir.

Q. Then to make a lower grade of flour, how is that done?

A. To grind the middlings by themselves makes a lower grade of flour than to grind them with the wheat.

Q. How was this flour made that you furnished Mr. Martin?

A. The middlings that came from a bushel of wheat were ground at the same time, and went in with the flour. In making the Martin flour I reground the middlings that came from the wheat in with the wheat, which made what is called a "straight grade" of flour. If the middlings had been kept out, it would have reduced the quantity of flour one-eighth or one-ninth. Although a low grade of flour, it was sweet and wholesome, and made of a sound wheat. It was in this market XXX flour, but it went to the Government as XX flour.

Q. You have furnished flour to the Government for the use of the military at Fort Leavenworth?

A. Yes, sir, a great deal of it.

Q. Did you ever furnish any of this same kind of flour for the use of the military?

A. Thousands and thousands of bags, to General Morgan, during the last six or eight years, and never had a sack condemned—never.

Q. At what price did you furnish this flour to Martin?

A. I said I furnished twenty-three or twenty-four hundred sacks. I mean I furnished thirty-four or thirty-five hundred. The first two shipments—the first twenty-two or twenty-three hundred bags—I furnished, was at \$2.35 a bag, of a hundred pounds. The last eleven hundred and seventy-five bags—about five car-loads—I furnished him at \$2.25; that was the price delivered here, at the State-line, on the railroad. I have a great many friends out at Cheyenne; Mr. Nagle, a wholesale grocery-man, and other friends of mine, said I furnished too good flour; that the officers and a great many persons around there preferred it to spring-wheat flour, and they exchanged their flour for mine. Government officers used it in preference to the spring-wheat flour furnished them from Omaha. Mr. Martin told me so in Kansas City.

Q. Mr. Martin never told you that there was any fault found with it, or that any was rejected?

A. Yes, sir, not on account of the quality of the flour, but on account of some difficulty he had there with other contractors, influencing those who had the receiving of it; something of that kind; I don't recollect distinctly; he had some difficulty, and has had frequently for the last ten or fifteen years. He is a very shrewd, sharp, designing fellow, J. H. Martin is. If he gets after a man he never lets up on him, and something of that kind occurred—that they were trying to rule him out

or beat him, and he told me that some of the flour was ruled out on that account.

Q. He never made any claim upon you for any indemnity for furnishing him any bad flour, did he?

A. No, sir.

Q. Made no complaint to you that the flour was not good?

A. No further than about the last payment he was to make; the payment was delayed; the draft went to protest, and he said it was on account of his furnishing the flour to another party, and they refused to take it, and he was delayed in the payment; but it was not on account of the flour. That was the excuse that he gave me.

Q. He did not claim any deduction on account of the flour being bad?

A. No, sir; he paid every draft right up, until, I think, the last draft that came due; he did not pay it, and gave that as his excuse—that he had furnished the flour to another party, and the whole thing was confiscated; and he said that he lost \$1,200 by the parties.

Q. Did he tell you that the inspector of Indian supplies at Cheyenne had rejected some of your flour?

A. I think he wrote something about it; he wrote to me something about that, but he told me it was not on account of the flour, but on account of this other matter. I do not know what it was exactly.

By Mr. HARRIS:

Q. Was all of the flour of the same grade substantially—all that you furnished him?

A. Just as near as could be made.

Q. And all of winter-wheat?

A. Yes, sir; I do not suppose there was any spring-wheat in it.

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#### TESTIMONY OF S. B. ARMOR.

By Mr. ATHERTON:

Question. Will you state your residence and occupation?

Answer. My residence is Kansas City; occupation, beef and pork packer.

By Mr. HARRIS:

Q. Are you accustomed to buy Texas cattle for packing?

A. Yes, sir.

Q. What do you buy—those through cattle?

A. Anything, fat or lean as you might say; principally fat cattle, but we buy a good many lean cattle and tank them. We have done so several years, but that is not an every-year business with us. When the hides will pay for the bulk we sometimes buy them and tank them. We get the hides and tallow, and horns. When we can make it pay we do that.

Q. What large cattle do you usually buy for beef?

A. From four to six or eight years old.

Q. Do you buy oxen or steers?

A. We principally buy what we call steers. They are called beef-steers.

Q. And you buy them the same year that they come here?

A. Not always. We often buy those cattle that have been wintered over.

Q. Is your mode of buying cattle according to the weight or the head?

A. Both ways. We have some years bought pretty largely in the spring and summer on the plains and held them until October.

Q. Have you any experience in weighing cattle on the hoof?

A. Yes, sir.

Q. What is your mode of weighing?

A. Scales.

Q. Do you weigh them right off grass and water, or do you lot them before weighing? You are always buyers, are you not?

A. Yes, at certain seasons.

Q. When you buy by weight, do you buy right off grass and water, or do you buy after lotting?

A. If we buy those cattle in the country or on the plains by weight at some railroad center, where we receive them, our custom is to stand those cattle off feed and water for twelve or fourteen hours; that is the common custom in this country.

Q. What would four-year-old steers, through cattle, weigh in that mode per head?

A. That depends altogether upon their condition and the time of the year.

Q. Suppose they come through and arrive here in June or July in fair condition, and are kept on the ranges till September, October, or November?

A. Well, on the plains it takes a pretty fair lot of cattle to average a thousand pounds, cattle of four and five years old and upward, as a herd of cattle would naturally run.

Q. What, in your judgment, would be a fair estimate of the average of such cattle; I do not mean the best or the poorest—I mean fair cattle from Texas that have arrived in good condition and been kept over till September or October?

A. Well, I should say a thousand pounds. It takes a pretty fair lot of cattle to do that, however. That would be about a fair estimate.

Q. And that is your mode of weighing them?

A. Yes, sir.

Q. You have no interest, of course, in any of these Indian contracts for the supply of beef?

A. No, sir.

Q. Do you know anything about them personally?

A. I do not.

By Mr. ATHERTON:

Q. Did you ever sell cattle on the hoof?

A. No, sir. There might be an isolated case. I may occasionally sell a lot of cattle. These cattle would not weigh as much here as on the plains. The same lot of cattle would shrink 40 or 50 pounds.

Q. Have you ever put in a bid to supply an Indian contract with cattle on the hoof?

A. No, sir.

By Mr. HARRIS:

Q. What do you make of your slaughtered cattle?

A. Salted beef and pickled beef, packed in barrels.

Q. What do you pay for cattle on the hoof, such as I have been describing, per pound or per hundred pounds?

A. That is all governed by the quality of the cattle.

Q. Such cattle as you pack for beef?

A. We pay ordinarily from \$2.35 to \$2.75 per 100 pounds gross weight. That is on the plains in the fall of the year, in September. That would be, of course, according to the quality of the cattle. Some cattle we would not pay as much for, but we never buy any tanking cattle on the plains. We aim to get good cattle. We pack them in barrels.

Q. What is the ordinary value of beef as you pack it in barrels ?

A. Oh, well, it depends upon the quality. There are four or five different qualities that we make out of these cattle. Certain portions of the cattle would make mess beef—that would be barreled beef; or extra mess beef—that would be barreled beef. Then we make a grade of prime mess beef, and India mess beef, that goes into tierces. A tierce is 304 pounds.

Q. What is a 200-pound barrel of beef worth ?

A. If it was mess beef about a fair market value last fall would have been \$7 a barrel. Tierce-beef is a better quality, and according to the market value of beef last fall it would be worth about from \$16 to \$18 per tierce.

Q. What did you pay a head for cattle on the plains ? What has been the average price for beef-steers four years old and upward ?

A. If we buy in the spring and hold through the summer, we generally pay from \$20 to \$22 per head. We always aim to get a large class of cattle; they are better for our business. That is about the spring price. In the fall they will average about \$25 per head.

Q. Did your firm furnish any pork to Slavens last year ?

A. We sold him a car-load.

Q. What was it ?

A. It was mess pork.

Q. At what season of the year ?

A. I think it was in the month of September; I am not positive.

Q. Do you understand that that was the last car-load he furnished on his contract ?

A. No, I did not understand it was the last; I understood it was about the first.

Q. How many barrels ?

A. I cannot say positively whether it was sixty or seventy. Seventy we generally consider a car-load.

Q. Do you remember if he purchased 130 barrels in Saint Louis, and then purchased 70 barrels of you to make up the 200 barrels ?

A. I do not know anything about that.

Q. What was the character and quality of the pork ?

A. It was good. It was our own packing. It was mess pork. Standard mess pork calls for 16 pieces to the barrel, if I recollect the number of pieces, and at this time the standard of weight is 190 pounds.

Q. Did you furnish it at 190 pounds or 200 ?

A. I furnished it at not over 196 pounds of green meat; but this pork gains in weight. It takes up pickle enough to weigh the 200 pounds.

Q. There are, as I understand it, clear pork, mess pork, prime mess, ordinary mess, and prime.

A. Yes, and extra prime.

Q. Is that a lower grade ?

A. I think prime pork constitutes simply the shoulders, just as they are cut from the hog.

Q. Would you get any portion of the head in prime pork ?

A. That would depend upon how close they cut to the ears.

Q. What is the difference between mess pork and prime in value per barrel ?

A. There is usually \$5 or \$6 a barrel difference.

Q. Do you remember what he paid you for it ?

A. My impression now is that it was \$21 or \$21.50. It might be a half a dollar either way. I knew what his contract was, and knew he paid fully up to his contract. My impression is that it was \$21, but I could not state positively, without referring to my books.

Q. Do you know who inspected it ?

A. No, sir ; only from hearsay. I understood that Mr. Threlkeld, or his nephew, inspected it.

Q. Has your firm more than one house in the city ?

A. Yes, sir ; we have a house in Chicago ; Armor is the firm-name ; Plankinton & Armors, in Milwaukee ; Armor, Plankinton & Co., New York.

Q. Did any of these houses furnish any pork to Mr. Slavens last year ?

A. I was advised by our house in Chicago that they sold him pork.

Q. How much ?

A. I could not say how much, but several car-loads.

Q. What kind of pork did they sell him ?

A. Prime pork. I understand by correspondence with our house in Chicago, that they sold him shoulder-pork called prime.

Q. What was the value of that pork in market then ?

A. I think it was about \$16 a barrel at Chicago.

Q. What is the cost of freighting to this place ?

A. Thirty-five cents per hundred pounds ; about a dollar and ten cents per barrel.

Q. Was that pork inspected there or here ?

A. I cannot say about its being inspected there. I understood it was inspected here.

Q. Do you know who inspected it here ?

A. Mr. McCullough, the Board of Trade inspector.

WASHINGTON, D. C., *Friday, September 10, 1875.*

Present : Hon. THOMAS C. FLETCHER, chairman ; Prof. GEORGE W. ATHERTON, Hon. CHARLES J. FAULKNER, and Hon. B. W. HARRIS.

Hon. E. P. SMITH, Commissioner of Indian Affairs, and Professor MARSII were also present.

#### TESTIMONY OF BISHOP WM. H. HARE.

By Mr. FAULKNER :

Question. I call your attention to the following paragraph in the pamphlet containing Professor Marsh's charges :

Essentially the same excuse for the inferior character of these cattle was made by Agent Saville, in Washington, June 1, 1875, when questioned by Bishop W. H. Hare, in my presence, in regard to this particular issue. Agent Saville then stated, that the condition of these cattle was owing to hard driving, some forty-eight hours, with little grass or sleep, to hurry them through, as the Indians had had no beef for some time, he having kept back rations to induce them to be counted. These cattle arrived in the morning, and he weighed the most of them the same forenoon. Some few, that were wild, he did not weigh, but estimated. The issue was made on the same afternoon of the receipt. Among the cattle then issued were forty or more small and

“scalawag” cattle. Agent Saville was confident that these cattle, thin as they were, would weigh 850 pounds on an average. On my questioning this, he insisted that “those he weighed came up to that average, and that those estimated were fully as large. He, himself, weighed all of the herd that were weighed on the morning they arrived.” Memoranda of these statements of Agent Saville were taken down at the time by both Bishop Hare and myself, and at a subsequent conference were found to agree.

Now, do you recollect the extent of that interview that took place between yourself and Agent Saville, which is there referred to, and if so, give us the substance of it, as far as you can recollect?

Answer. I accept this statement with the exception of one or two words that do not affect its substance. I would omit the phrase “forty-eight hours.” I don’t deny it, but I don’t remember it. If it be a verbatim copy of the statement I stand by it, but there are a few words that I do not remember. I will read it over again. [Reading:] “Essentially the same excuse for the inferior character of these cattle was made by Agent Saville in Washington, June 1, 1875, when questioned by Bishop W. H. Hare, in my presence, in regard to this particular issue.” That is so. “Agent Saville then stated, ‘that the poor condition of these cattle was owing to hard driving some forty-eight hours with little grass or sleep, to hurry them through, as the Indians had had no beef for some time, he having kept back rations to induce them to be counted.’ That is so, except I won’t be sure about the words “forty-eight hours.” “These cattle arrived in the morning and he weighed most of them the same forenoon.” That is so. “Some few that were wild he did not weigh, but estimated.” That is so. “The issue was made on the same afternoon as the receipt.” That is so. “Among the cattle then issued were forty or more small and ‘scalawag’ cattle.” I won’t be sure about the number; he may have said forty, but I don’t remember exactly. “Agent Saville was confident that these cattle, thin as they were, would weigh 850 pounds on an average.” That is so. “On my questioning this, he insisted that ‘those he weighed came up to that average, and that those estimated were fully as large.’” That is so. “‘He himself weighed all of the herd that were weighed on the morning they arrived.’” That is so.

By the CHAIRMAN:

Q. Did you understand Saville to say on that occasion that these cattle would average 850 pounds, and no more?

A. Not to say so; but the impression upon my mind was, that they would not weigh more than 850 pounds. I thought that a man who wished to prove that the cattle were up to the standard would not state the lowest figure, but rather the highest figure which his conscience would allow. If, therefore, Saville again and again reiterated that they would weigh 850 pounds, it was clear to me that they would not weigh 950.

By Mr. HARRIS:

Q. Saville stated that in that conversation he was repeatedly asked by yourself or Professor Marsh whether the cattle would come up to 850 pounds as the minimum named in the contract, to which he said he thought they would, and more?

A. I don’t remember the “more.” I do not think he could have used “more.” I think that would have made an impression on my mind.

Q. Then as to the other part of his statement, that the question was put to him to give the minimum number of pounds, or the average number of pounds stated in the contract; do you know whether the contract was referred to in your conversation?



A. The contract was referred to—not visibly produced, but referred to verbally.

Q. I state to you as well as I can remember, without being able at this moment to read his exact statement, the substance of what he said, in order that, if you think proper, you can affirm it or contradict it, either way.

A. I would not be willing to do more than to give my impression of it. There were a great many other things on my mind; this was with me a side issue. I am a minister; that was no particular business of mine, and having asked about it, I dismissed the matter from my mind, and attended to my usual affairs; and I don't wish to give anything more than as my memory serves me now.

By the CHAIRMAN:

Q. What I wish to arrive at is, whether or no you had any recollection that would enable you to say, when Saville talked about the weight of the cattle, whether he was speaking of their actual weight, or whether he was only combatting the statement that they would not weigh 850 pounds—merely disputing that statement as a fact?

A. He was disputing that as a fact—that they would not weigh 850 pounds. But I talked with him and with Professor Marsh so much previously about it, and I thought he never stated that they would weigh 950 pounds; and therefore, when I saw that it appeared from certain vouchers in the Auditor's Office that he reported that they averaged over a thousand pounds, my heart sank within me. But that is merely an inference of mine; I cannot present it as anything like evidence; I know nothing positive.

Q. I will ask you, Bishop, if you recollect the circumstance of a conversation between Dr. Saville and Professor Marsh in reference to the seven head of cattle that it was charged by Professor Marsh were very inferior—the same that General Bradley gave a certificate in reference to—if you remember Professor Marsh writing down something concerning it, and Dr. Saville stopping him, and telling him that he misrepresented or misunderstood him?

A. I do remember it.

By Mr. FAULKNER:

Q. Had you not better state, Bishop, what you recollect with reference to it?

A. I would rather be questioned.

Mr. FAULKNER. We would rather you would give the statement as it presents itself to your mind.

By the CHAIRMAN:

Q. Dr. Saville said in his testimony before us:

When I met Professor Marsh again it was in Bishop Hare's room in the hotel. Here this question came up again, and Professor Marsh stated, in substance, that I had said that I had received those cattle, and issued them too. I told him that I had not said so; that I said I thought I had not received for them, but I could not remember distinctly. He then asked me, "If you have received them, were they issued to the Indians?" I said probably they were. He then went to take it down, and then repeated over nearly what he says there in the statement. I stopped him and told him that he willfully misinterpreted or misunderstood me. I told him I thought he was trying to make up a case against me, and he did not care how he did it. By that time Bishop Hare got up and put his hand on me, for I was getting very angry. I said a good deal more, but that is the substance of what I said to him about it.

Now, what is your recollection as to that conversation?

A. Well, I do not think I can answer until I know what is said in Professor Marsh's pamphlet, which is there referred to. I am willing to

state informally, however, I understood the point Professor Marsh made was that Dr. Saville had said that he receipted for those seven head of cattle, and thereby made the Government responsible for them, while I understood Dr. Saville to say that he did not receipt for them, but simply received them. He made a distinction between the two words. He (Saville) represented that they were driven up with the rest of the cattle, and he had permitted them to be driven into the corral, and afterward they were issued to the Indians; that he did not receipt for them, although he received them. There is a distinction plainly implied between the two words. That is to say, if he had receipted for them the Government would be responsible and had to pay for them, while, if he merely allowed them to be driven in and did not receipt for them, the Government was not responsible for them. If a man delivers six barrels of merchandise to me and I receipt for them, I am responsible for them, and then if he afterward delivers four more barrels, and I do not receipt for them, I am not responsible for them. The difference was in the two words "receipted" and "received," Professor Marsh understanding that it was "receipted" and Dr. Saville that it was "received." It was in regard to that that the feeling was displayed. As to which Saville had previously said I do not know.

By Mr. HARRIS :

Q. This is what I find in our record of Dr. Saville's testimony taken before us at Red Cloud agency :

Q. In the same connection Professor Marsh says that "Agent Saville was confident that these cattle, thin as they were, would weigh 850 pounds on an average;" did you make that statement to him?

A. I shall have to explain that in the same way, by recalling what was said. Bishop Hare asked me if these cattle would weigh, every one, a thousand pounds, and I said, "No, they would not," and then remarked that the contract did not require them to be a thousand pounds in weight, and he asked me how much it was, and I told him 850 pounds, and he turned to me and said, "Did these cattle average 850 pounds?" asking a general explanation if they came up to the contract. I answered him in these words, "Yes, and more." Those I think were the exact words.

Q. Did you at any time claim in that conversation or any other that they weighed 850 pounds?

A. No, sir; not fixing the amount; only that they filled the contract.

I ask you now if that statement accords with your recollection?

A. I would omit the words "and more," but if I was put on my oath to deny that he said "and more" I should prefer not saying it, because it is merely a matter of memory, and a man's character is at stake.

Q. Then, Bishop, how in other respects does the statement agree with your recollection?

A. Exactly.

By Mr. MARSH :

Q. Do you remember his speaking of the "thousand pounds" and "the contract?"

A. I do.

By Mr. HARRIS :

Q. I want in that connection to ask another question: Do you know whether or not Saville at that time, in the presence of Professor Marsh and yourself, claimed that he was then speaking without his books, and without the means of giving you the exact figures in the matter?

A. I do not remember that he claimed it.

Q. Do you know whether or not that was the fact, whether he had any books by him, or whether you had a transcript of the books?

A. He did not produce any.

Q. Had you or Professor Marsh transcripts of his accounts ?

A. I had not.

Q. Perhaps it could not be so at that time, because I believe you afterwards saw the record of his statement of the weight of the cattle received on that day.

A. I saw it in Professor Marsh's statement.

By the CHAIRMAN :

Q. Bishop, have you read the pamphlet of Professor Marsh ?

A. Not fully. I took it up, but I was very busy with other matters and have not read it fully.

Q. Then you are not aware of what the charges are which are made in his statement to the commission ?

A. No ; not specifically.

Q. So far as you have read them and are aware of them, is there any information that you can give us that would be relevant to the questions raised there, going to show the correctness of any of those charges ; any testimony in support of them that you could give us ?

A. I would prefer you to ask me questions. I have nothing to say in answer to that general question ; but I should be very glad to answer any particular question.

Q. Well, then, are you aware of any frauds perpetrated upon the Indians by Agent Saville ?

A. I am not.

Q. Or upon the Government ?

A. I am not.

Q. Are you aware whether or not the number of Indians at the Red Cloud agency has been overestimated or overstated by the agent or by anybody else, by which the Government has been wronged ?

A. I am not.

By Mr. HARRIS :

Q. I want to ask you whether or not you have so investigated that matter as to have formed an opinion upon that subject ?

A. I examined that matter when I was at the agency in March, 1874. So far as I know, Saville's reports up to that date regarding the number of Indians were true. But there is no subject upon which men have such difference of opinion as upon the number of Indians. Regarding the time when Professor Marsh was there I have no information. I was not there. Upon the subject of the general question I would refer to what I wrote in my report: "In the third place, the testimony is abundant and unanimous to the point that these agencies, always the refuge in winter of northern Indians who have connected themselves with no agency in particular, were last winter the resort of a larger number than usual."

Q. Do you know anything in reference to the issue of annuity-goods at Red Cloud agency in 1874 ?

A. I do not.

Q. You are not aware of any circumstance that might be regarded as fraudulent in reference to the issue of goods ?

A. I am not.

Q. Do you know anything of the quality of the beef issued by the agent at the Red Cloud agency to the Indians ?

A. At what time ?

Q. At any time ?

A. Regarding the time covered by my report, you have here what I have said :

The commission took particular pains to inquire into the quality and weight of the beef furnished by the contractor during the current fiscal year. The testimony of many witnesses, and the personal observation of the members of the commission, convinced them that the cattle have been remarkably excellent in quality, size, and condition, and that their average weight has been, on the whole, considerably above that required by the contract. The average weight required by the terms of the contract for the six months beginning July 1, 1873, was eight hundred pounds, while the cattle actually delivered at Red Cloud agency during the time regarding which the incumbency of the present agent enabled him to testify weighed on an average as follows :

*First six months.*

Date.	No. of head.	Average weight.	Total.
August 8.....	20	1,050	21,000
August 15.....	383	1,010	386,830
September 1.....	483	1,040	502,320
September 15.....	561	1,056	589,056
October 1.....	647	1,063	687,761
October 15.....	633	1,043	660,219
November 1.....	290	993	287,970
November 15.....	410	963	396,470
December 1.....	507	975	494,947
December 15.....	508	946	480,568

The average weight required by contract during the six months beginning January 1, 1874, was one thousand and fifty pounds, while the average weight delivered was as follows, viz :

*Second six months, up to date.*

Date.	No. of head.	Average weight.	Total.
January 1.....	312	904	282,310
January 11.....	330	881	290,856
January 21.....	340	1,002	340,908
February 2.....	356	993	352,508
February 15.....	300	1,016	305,064
March 7.....	350	1,063	372,050
March 23.....	271	1,053	285,425

These latter figures are below those required by the contract, but not as much below as those for the first six months are above. The whole average has been in advance of that which the contract demanded.

I have read that report this morning and I stand by every word of it to-day.

Q. Have you any knowledge on the subject that is not embraced in your report ?

A. Do you mean up to the time that report was made, or since then ?

Q. Since that time.

A. No, I have no knowledge.

Q. Can you give us the names of any persons who have any knowledge on the subject ?

A. No, I cannot. I will say, gentlemen, that I stood by Agent Saville because I believed him to be an honest man in a difficult position, fretted by men some of whom had bad motives, until I met him here last June. Then I came to the conclusion that he was not the man for the place.

By Mr. FAULKNER :

Q. Was that conclusion based upon any facts, or upon his temper and character ?

A. Partly upon his temper ; partly upon the fact that he had been so bothered, and there were so many persons enlisted against him, that I believed his influence for good was gone ; and partly—I would rather what I say would not be put down ; it is not testimony ; a man's character is at stake, and I cannot say it if it is to be put down—but I will state what I was going to say for the benefit of the commission.

Mr. HARRIS. This is not the time or place for confidential communications.

Bishop HARE. Well, then, I will say, in the third place, that I thought the Episcopal Church should no longer be responsible in any way for an agent regarding whose character so many questions had been raised.

By the CHAIRMAN :

Q. Do you know of any frauds or wrong-doing on the part of any beef-contractor at the Red Cloud agency, or at the Spotted Tail agency ?

A. No, I do not.

Q. Do you know anything of the character and quality of some pork that was issued at Red Cloud agency in 1874 ?

A. I do not.

Q. Do you know anything of the quality of some flour that was issued there in 1874 ?

A. I do not.

Q. Do you know anything of any fraud or wrong-doing on the part of any contractor, in reference to flour furnished to either of those agencies ?

A. You refer of course to personal knowledge, not to what I have heard people say. I have no personal knowledge. I do not think I have any information on that subject that is not common rumor.

Q. Do you know anything of the character of the sugar, coffee, and tobacco issued at that agency in 1874 ?

A. I do not.

Q. Do you know anything of the suffering of the Indians in the winter of 1874-75 and the spring of 1875 ?

A. I do not.

Q. Do you know anything of the true distance from Cheyenne to the Red Cloud agency ?

A. I know there is a dispute regarding that matter, based upon the different routes they may have followed ; one leading across the Platte, at Nick Janis's ranch, which is the shorter route, and that by Fort Laramie, which is the longer. The distance, as I and my colleagues judged it to be, when we were there in 1873, from Cheyenne to Spotted Tail, is given in this report. I have no knowledge of the distance. I have traveled it four, five, or six times, but I have no accurate knowledge on that subject.

Q. Have you any knowledge of any instance of alleged frauds or mismanagement on the part of any person connected with the Indian Department, being brought to the knowledge or notice of the Commissioner of Indian Affairs or the Secretary of the Interior, of which alleged frauds or mismanagement no notice was taken by them ?

A. No ; none whatsoever. I have no knowledge of any such case. On the contrary, I have never brought to the attention of the Department what I thought to be a suspicious proceeding that it was not immediately noticed and attended to.

Q. Have you any knowledge or information of any fraud or mismanagement on the part of any other person connected with the Indian Department that I have not called your attention to?

A. I would like that question to be limited to officers in authority at Washington and Indian agents. As it is, it is too general a question, and I should have to ransack my mind for two or three years.

Q. Well, including agents now holding office, and about whom there are no investigations set on foot, against whom no charges have been made?

A. I would rather the question would be divided.

Q. First, then, as to officers and employés in the Department at Washington?

A. I can say perfectly fully and freely, regarding that, that all my intercourse with the Secretary of the Interior, the Assistant Secretary, and the Commissioner of Indian Affairs has tended but to win for them my respect and regard. I have never known of their being guilty of any fraudulent practice whatsoever.

Q. Or tolerating it in others?

A. Nor tolerating it in others.

Q. Now, in reference to the agents and employés in the Indian country, is there anything that you know of concerning them?

A. Before I give my answer to that question I would like to say that my relations with Indian agents are somewhat confidential. I go among them as a minister. They know perfectly well that I have official relations with the officers of the Government. Sometimes an agent tells me things confidentially, and I say to him, "You ought never to have done it. If you do it again I will report it to the Government." In that way an agent tells me confidential matters connected with his management. Now, I will give my answer to your question. It is this: I have no knowledge of fraud on the part of any agent now in the field. Regarding some, however, I have suspicions.

Q. Well, can you give us the names of any persons who, in your opinion, would be likely to afford us information going to establish any of the charges contained in Professor Marsh's pamphlet—persons who would be likely to know the facts or to know of the frauds, if they existed?

A. I cannot. The gentlemen whom you have questioned, the beef-contractors and such persons, I suppose, could give you information. Your question means that you wish to know if I have any knowledge as a secret. My answer is that I have no such knowledge or information.

By Mr. FAULKNER:

Q. Has anything occurred since you prepared that report, either from your personal knowledge or on satisfactory information, that would lead you to vary or modify the conclusions of that report so far as the administration of the agency at Red Cloud is concerned?

A. Nothing whatsoever to change my opinion regarding the administration up to the date of that report.

Q. I was not speaking of the date of the report; I was speaking of up to the present time. Has anything occurred since the date of that report, arising either upon personal knowledge or to your own mind satisfactory information, that would vary the conclusions of that report?

A. I have become very suspicious regarding the condition of affairs at that agency during the last year; but I have no knowledge.

Q. Has the Episcopal Church ever intimated to the Department any

want of confidence in the agent at Red Cloud agency, who, I believe, is of their own selection?

A. Never. I would like to add to that, that upon conference with the Commissioner of Indian Affairs last June, we both concluded that Saville had better vacate his place.

Q. Can you assign any reason why more progress has not been made in the establishment of schools and in missionary labors at that agency?

A. The agency and the administration of the agent have been the subject of constant attack, and the agency itself has been the resort of the wildest Indians. In the uncertainty which these two facts have produced I have felt indisposed to begin either schools or churches. Now, gentlemen, I am perfectly willing, at any inconvenience, to stay here longer if it is essential to the truth; but my time is up. I am going out of town, and I have but twenty minutes to reach the railroad depot, and the carriage is waiting for me. I would be very glad to stay if I can be of any service. But I would like to say that I do not like to be asked general questions in a public investigation. I am willing to confer privately with the commissioners and give them all the information and suggestions in my power. But I do not think I can, in justice to the character of others, answer such general questions as have been propounded.

The commissioners being desirous to hear further from Bishop Hare, because of his extensive knowledge in reference to the management of Indian affairs, prevailed upon him to remain, and the examination was continued.

The CHAIRMAN. I can appreciate your delicacy in this matter, but you might give us some suggestions that would be of use to us.

Bishop HARE. I have nothing to say on the Indian question which I would not state in the presence of Professor Marsh or any representative of the Indian Department, or to any gentleman who would be talking with me as gentlemen talk among themselves.

Some general conversation here followed, in the course of which Bishop Hare asked Mr. Faulkner why he had put to him the question as to whether anything had occurred since the date of his report that would lead him to modify the conclusions at which he had arrived in that report.

Mr. Faulkner replied that the question was suggested to him by the bishop's own remark that he had stood by Agent Saville until the time of his visit to Washington in June last, when he came to the conclusion that he was not the man for the place. The conversation then turned upon the condition of affairs in that Indian country at the time the bishop made the investigations upon which his report was based, and in this connection the Bishop went on to say:

BISHOP HARE. Several white men had been killed in the neighborhood of Laramie Peak within two days. So many murders had occurred that the whites became alarmed. I had private information from Indians which was threatening. Some men urged that these Indians had been driven to frenzy by wrongs perpetrated upon them by their agents, and hence there were warlike proceedings. I was telegraphed to by the Government, and asked to go out to Red Cloud agency and Spotted Tail agency (I was then at Yankton agency) and examine into the true state of affairs at those agencies. Those Indians had been put under my missionary care, and the agents were the nominees of the Episcopal Church. I felt bound to go, and out of my going there came this report.

I did not go to examine into the truth of Mr. Walker's report as my chief business. The question was altogether a bigger one; that is to say, gentlemen, some people maintain that the Indians never do wrong and never have committed depredations; that some white men must have been the immediate cause. That is all humbug. These Indians are very violent, very savage, and burst into war simply from the violence of their natures. Of course they are grievously outraged by white men, but not always by their agents. I have read this morning the report which I made a year ago last April, and I am pleased with it to-day. I will say, moreover, that in all my experience in the Indian country the rations that I have seen have been wholesome and good, but not first-class. At the Red Cloud and Spotted Tail agencies in March, 1874, I saw bad flour. So far as I could discover, it was the remains of flour sent there the previous year.

Mr. SMITH. I wish the bishop would give the commission some idea of his experience; how extensive it is.

Mr. HARRIS. A more pertinent question would be: What has been his experience with reference to the rations at Red Cloud and Whetstone agencies?

Bishop HARE. I was at Red Cloud and Whetstone agencies in March and April, 1874, and again in August of the same year. On the first occasion I made an extended examination of the supplies, and my conclusions were embraced in this report, as follows:

Your commission are of opinion that a due regard to the interests of the Government and the Indians demands that all packages consigned to agents for the Indians in fulfillment of contracts, should, without exception, bear the brand which marks them as the property of the Indian Department, and also the brand of the inspector, indicating that they have passed his inspection.

Their examination of flour in an unloaded car at the Cheyenne store-house, and of supplies in that store-house and at the agencies revealed the fact that this branding is frequently omitted. Many packages bore neither brand.

They noticed that barreled pork is supplied to a degree at Whetstone agency instead of bacon. The supply of the latter article at both Red Cloud and Whetstone agencies was exhausted, so that the commission was unable to judge of its quality. They examined the pork, however, and found it sweet and good.

The commission were not furnished with samples, and therefore could not determine whether the supplies were up to the standard required by the contract. They examined, however, the flour, sugar, coffee, and other supplies on hand at both agencies and in the store-house at Cheyenne. They were all of fair quality. Both the agents agreed that it would be better to provide baking-powders instead of saleratus, as the Indians do not know how to use the latter properly.

It is mentioned, however, somewhere in the report, that there was some flour that was poor.

Q. I would like to have you describe the flour which you say was poor. What was its character?

A. It was stuck together as if it had been wet. It was mildewed. The bags were very muddy, and the rats had eaten into the sacks.

Q. Were you informed whether or not that flour was being issued?

A. So far as I know it was issued to the Indians only for their ponies.

Q. Was there at the same time any flour of a different quality on hand?

A. Yes, sir. I ate it in bread. It was not first-class, but sweet and wholesome.

By Mr. FAULKNER:

Q. Do I understand you to say that that damaged flour had lain over from the previous year?

A. I do not recollect exactly, but that is my impression. I think this report of mine would make that appear. It is eighteen months since I



made this report, and I have not looked it over since then until this morning. I remember distinctly this: that I discovered that the agent then there was not responsible for the bad flour. It did not come there in his day. I did not touch the time anterior to the appointment of the agent who was then in office.

By Mr. ATIERTON:

Q. In speaking of the occasion of your investigation, you spoke of the Walker report. I would like to ask whether or not the Walker report was before you at the time you were making your investigations?

A. It was.

Q. Were your inquiries directed to the subject-matter of that report in such a way as to lead you to ascertain whether the charges contained therein were correct or incorrect?

A. My attention was so directed to it.

Q. I understood you in your statement that it was merely an incidental matter?

A. So it was. If I had been asked by the Government to go out and investigate certain charges made by Mr. Walker from hearsay, I would have declined, because it would have imposed upon me the necessity of inquiring into the quality of goods, &c., with which I am not familiar. The question is a bigger one, viz, "What in the world is the truth regarding the condition of affairs at the agency? One man says one thing, and another man says another?" I was told I was on the ground; that the Government had confidence in me; and I was given to understand that any recommendations that I or my associates might make as to the proper way of managing those agencies, whether by military officers, or in any other way, would be accurately and religiously observed.

Q. Your conclusions with regard to the charges contained in the Walker report are expressed in your own report?

A. Entirely. I believe that report of Mr. Walker was most unfair, and in its mode of inquiry, contemptible.

Q. Has your attention recently been called to a letter of Mr. Walker's in which he reviews your report in connection with his charges?

A. I noticed the heading of such a letter in the newspapers.

Q. Did you examine it particularly so as to notice the alleged discrepancies which he points out between your report and the facts as he alleges them?

A. I glanced over the letter, and came to the conclusion that its spirit was no more fair than that of his first report.

Q. I am not after the spirit now, but the facts of that letter. He makes some specific statement of alleged discrepancy between the facts as he found them, and the statements in your report. Has your attention been called to it so as to say whether this discrepancy actually existed or not?

A. I have not read his letter carefully enough to determine.

By Mr. HARRIS:

Q. I want to direct your attention back, Bishop, to where you leave the subject of Dr. Saville. You stated specifically that up to a period in June, when you met Mr. Marsh here, you had full confidence in Dr. Saville, and there you leave it. That implies, perhaps, that since that period of time you have not had full confidence in him. I want to ask you this question: whether any fact came to your knowledge in June,

which has shaken your confidence in him ; and, if so, what is that fact, or if not a fact absolutely within your own knowledge, yet what supposed fact had that effect upon you ?

A. My confidence in Dr. Saville is not so shaken that the opinion that other men hold of him ought to be affected by it.

Q. Well, that does not quite answer my question. I merely want to ascertain whether there is in your mind some fact, or supposed fact, which affects your opinion of him.

A. There is a supposed fact.

Q. What is it ?

A. The statement in Professor Marsh's pamphlet in regard to the weight of cattle, as it appears from the books of the Second Auditor of the Treasury. In that statement it appears that the cattle averaged a thousand pounds and more. I did not understand Saville to claim that they would average more than eight hundred and fifty pounds.

Q. Then it is that statement—the fact that the cattle were paid for by the Government at those rates, (for we can take it as a fact,) taken in connection with the statement of Saville in the presence of Professor Marsh that they would not weigh more than eight hundred and fifty pounds—which affects your mind ?

A. Yes ; and an appearance of something like equivocation in Dr. Saville. That is to say, Dr. Saville does not give a clear and concise answer to a question, but I must say, in justice to him, that I do not know anything which before a judge and jury would convict Saville of not being a thoroughly upright man.

Q. It is stated in the report of the Auditor that the contractor received pay for cattle of those weights within those periods. In the conversation with Saville about it before that report was made, or before those documents came to the Department, Saville, in a conversation with you, said he thought they would weigh eight hundred and fifty pounds, according to the contract. If that statement of his is the truth then you conclude that there has been a fraud ?

A. Because of an inference in my mind that they would not weigh any more.

Q. You reason from those two facts that there may be an error there, or a fraud on his part ?

A. Yes ; I do not consider it conclusive reasoning.

Q. Do you know anything now, except what you have stated, concerning the weight of those cattle, or have you any information except what you have stated ?

A. No information whatsoever. I am very sorry indeed I have said so much as I have on this subject. I do not think it is fair to Dr. Saville. These are things that while they may be talked of among gentlemen privately, yet such conversation is not matter of testimony ; and I would appeal to the chairman that all that matter should be stricken out of the record. It has been wormed out of me, and it touches Dr. Saville's character.

By Mr. HARRIS :

Q. That is the way we have had to get a good deal of our testimony. We have had to worry it out of people. I want to know whether you know of any other fact which has not been wormed out of you ? I am of that class who believe that the truth cannot always be got out of a witness except by worming it out of him. I want to know whether there is any other fact, or supposed fact, which has affected your opinion of Dr. Saville ?

A. I cannot answer that question. I will answer no question unless it is understood that it is answered by courtesy.

Q. Bishop, my question may not be considered entirely fair, because you have already stated your objection, but you said that up to a certain period you had known Dr. Saville; that you had believed him honest; that at a certain time your mind was affected. The same facts would probably affect the minds of the commissioners, or the same supposed state of facts would lead to inquiry, and that is my only object in putting the question.

A. My answer is that I know of no facts this day which would condemn Agent Saville as dishonest or corrupt. If it is a fact that he said they would weigh no more than eight hundred and fifty pounds, I should say he is dishonest.

Q. And, on the other hand, if he says they will weigh fully eight hundred and fifty pounds, then there is another state of facts?

A. Certainly.

By Mr. MARSH:

Q. Didn't you conclude in your conversation on that evening with me that he meant to claim that the average weight of the cattle was eight hundred and fifty pounds?

A. I did.

By the CHAIRMAN:

Q. May you not have been mistaken about what he intended to convey?

A. Yes. I wish to be understood as saying so.

By Mr. MARSH:

Q. How much time did your commission spend at the Red Cloud agency?

A. The commissioners arrived at the Red Cloud agency Sunday morning, March 15, and on Monday began their investigations into the condition of affairs there, and continued them until March 18, when they drove to Whetstone agency, and began a similar examination there. They returned to the Red Cloud agency Friday, March 27, and resumed their investigations, concluding them the following Tuesday. Then they resumed their examination at the Whetstone agency.

Q. How much time was spent in actual investigation at Red Cloud agency?

A. I should think ten hours a day.

Q. I mean the number of days also; especially the number of days in the investigation proper.

A. It is impossible to recall it accurately, but I should say at the rate of five hours a day, for five days, at the Red Cloud agency.

Q. Did the agent know in advance of your visit, and did he make preparations for your inspection?

A. He did know in advance; whether he made preparations or not I do not know.

Q. Have the recommendations made by your commission been carried out since by the Indian Bureau? I mean all the recommendations which you made, whether in your report or orally.

A. The recommendations are on page 20 of my report.

Q. First in regard to those mentioned in the report.

A. I am not informed.

Q. Do you know that any of these recommendations have been fully carried out?

A. Yes.

Q. What proportion of the recommendations that you have made do you know to have been carried out fully?

A. I cannot answer that question in that form. If you number the recommendations—number one, two, three, four, five, &c., I can give you all my knowledge about them.

Q. Well, I will take your recommendation, which we will mark No. 1, "That the agents at the Red Cloud and Spotted Tail agencies, and at any agencies hereafter established among the wilder Sioux, to be supported by a military force, which should, however, except under extraordinary circumstances, be at a short distance from the agency and not immediately adjoining. The relation of the agent and the commanding officer should be definitely determined. That an agency be provided for the Northern Sioux, and that, to this end, they be refused rations at the existing agencies, and a delegation of them be induced to visit Washington, and that the location of the agency be in the neighborhood of the Black Hills?"

A. I have no information as to whether that has been carried out.

Q. As to your second recommendation, "That all beef and other provisions be issued by orders on the issue-clerk, which orders should pass through the office, in order to their appearance on the books; that these orders be filed away for safe-keeping, and the books and papers of the agency be the property of the Government and not of the agent?"

A. I don't know whether those recommendations have been carried out or not. They are very strong recommendations, however, gentlemen, to appear in a report said to have been gotten up in the interest of the Ring.

Q. As to your third recommendation, "That brands of United States Indian Department and of inspector be placed upon all packages consigned to agents under contract?"

A. I do not know whether that recommendation has been carried out.

Q. Then as to the fourth: "Recommendation, as to beef for balance of the current year?"

A. I don't know.

Q. Had you seen anything in Saville's conduct before June, 1875, that made you think him morally weak?

A. I decline to answer the question, respectfully, to you. I would like to add, with reference to Saville's moral character, that it is "equal to the average."

Mr. HARRIS. That term "morally weak" has not been used before.

Professor MARSH. The bishop will understand what "morally weak" means.

Professor MARSII. I have nothing more to ask.

Bishop HARE. I wish to say distinctly, that in the conversation between Dr. Saville and Professor Marsh I understood the question at issue to be whether the cattle receipted for came up to the average required by the contract or not.

By Mr. HARRIS:

Q. I will ask you whether or not it was claimed on the one side that they did not come up to the average, and on the other that they did; was that the matter of controversy?

A. Yes.

By Mr. MARSH:

Q. I understood the issue to be somewhat different from that.

A. I should be very glad to have my memory corrected.

Q. Do you remember our conversation about the actual weight of the cattle before Saville came to your room ?

A. Yes, sir ; I think I do.

Q. Will you please state what that was in substance ?

A. I think I remembered your stating that in your opinion they would fall below the contract average ; but I understand the issue when Saville was present to be whether the cattle came up to the contract average or not. That is my memory.

Q. Did he say anything that led you to infer that he claimed more than 850 pounds actual weight for that lot of cattle ?

A. He did not.

By Mr. HARRIS :

Q. Did you understand him to be stating the result of that weight—the figures which he remembered as the average weight ?

A. Yes ; he repeated the fact, “ I weighed them.”

Q. The question is whether you understood him to be stating, when he referred to the weight, the exact average weight ?

A. No, sir ; not the exact weight.

Q. Did he say anything about that ? Did he leave upon your mind the impression that he had not then the weights, or that he remembered them, or whether he was giving the exact or the approximate weights ?

A. He left such an impression that if I discovered that they actually weighed 950 pounds, I should have been very much surprised.

Q. Upon this point the controversy between Professor Marsh and Dr. Saville is brought down to a few words, Saville saying, “ I said they would come up to the average and more,” and the Professor claiming that he said they would weigh that precisely. I only want you to give your best recollection upon that subject.

A. I omit the word “ more,” as I have said.

Mr. SMITH. I would like to have the Bishop state as to his habit and mine of comparing views, when we meet, respecting the integrity and efficiency of the administration of agents for which both of us are responsible.

Bishop HARE. Our exchange of views has been very free and full. But let me say to the Commissioner that I consider my responsibility of a very modified character.

By Mr. HARRIS :

Q. Do you know whether, from the statement of Saville, or from other sources, he has received anything in the shape of presents, or in any other way any compensation from any contractor or any person interested in furnishing Indian goods or supplies ?

A. I have no information whatsoever.

This ended the regular examination of Bishop Hare. In the informal conversation which followed he gave some account of his experience among Indians generally, his observations as to their character and customs, expressed his poor opinion of the “ squaw-men ” around the Indian agencies, and said the Government should adopt a firmer policy in dealing with the Indians.

WASHINGTON, D. C.,  
*Saturday, September 11, 1875.*

Present: Hon. THOMAS C. FLETCHER, chairman; Hon. B. W. HARRIS, Hon. CHARLES J. FAULKNER, and Prof. GEORGE W. ATHERTON. Hon. E. A. SMITH, Commissioner of Indian Affairs, was also present.

### TESTIMONY OF SAMUEL WALKER.

By the CHAIRMAN:

Question. Your place of residence, Mr. Walker, is where?

Answer. Washington.

Q. And your business is what?

A. Clerk.

Q. How long have you resided in Washington?

A. Four years and a half.

Q. Are you acquainted with Agent Saville, of Red Cloud agency?

A. No, sir; never saw him that I know of.

Q. Have you been to Red Cloud agency?

A. Yes, sir.

Q. At what time?

A. I arrived there on the 9th of November, 1873.

Q. Do you know of any instances of Agent Saville defrauding the Indians by withholding from them provisions which he charged against the Government as being issued to them?

A. Well, I furnished sworn testimony to that effect.

Q. Do you know it?

A. I was never there at an issue, but I furnished testimony to that effect.

Q. That is printed with your report, is it not?

A. Yes, sir. I have a copy of the affidavit.

Q. Do you know anything of it, outside of the evidence which you furnish with your report—anything of your own knowledge?

A. Of his keeping back provisions from the Indians?

Q. Yes.

A. No, sir; not of my own knowledge.

Q. Well, can you cite us to any persons who have actual knowledge of such fact, outside of those whose statements you took and submitted with your report?

A. Yes, sir.

Q. Please to give us the names.

A. I can give you the name of one other man, Otis W. Johnson.

Q. And how do you know that Otis W. Johnson has any information on that subject?

A. From the fact that he was an employé at the agency, and that he told me he had the knowledge.

Q. He told you so?

A. Yes, sir. Then there was another man; I won't be sure of his name. He had been Dr. Daniels's clerk, and knew of the facts. I will get his name.

Q. He knew of the facts of Saville withholding from the Indians provisions which he charged against the Government as having been issued to them?

A. Yes, sir.

Q. You will furnish us his name?

A. Yes, sir; I will furnish you his name.

Q. Did this man you speak of, Otis W. Johnson, state to you any particular fact in reference to the withholding of supplies by Agent Saville from the Indians which he charged against the Government?

A. Yes, sir.

Q. He stated to you particular facts?

A. Yes, sir.

Q. Did he state to you what Saville did with the supplies which he charged to the Government as having been issued to the Indians?

A. He did not.

Q. Did he state what supplies they were?

A. He said coffee, sugar, bacon, and flour.

Q. Now, this was Johnson who told you this?

A. Yes.

Q. What did he state that Saville did with them?

A. He did not say.

Q. Did Johnson state this to you as of his own personal knowledge?

A. Yes, sir; he was clerk, and assisted at the issue. He had been clerk in place of young Appleton, and had been an observer of operations at the agency.

Q. Now, what did he say?

A. Well, he said that the agent was issuing to the Indians supplies in very small quantities, and that those issues were charged as full issues on the returns.

Q. Is that all he said about it?

A. That is about all, sir; I could not remember very distinctly, because I did not use his testimony myself at the time.

Q. Why didn't you use his testimony yourself?

A. Because I did not find sufficient corroborative evidence. I did not take the evidence of any one man without corroboration; I did not use the fact in my report at all.

Q. Did he state what became of the supplies that were not issued to the Indians?

A. No, sir.

Q. Then, did he say that the Indians were defrauded out of any supplies?

A. He did not use that word.

Q. Well, although there might have been a partial issue only and a full issue charged at any particular time, might not the same supplies that were withheld then have been subsequently issued?

A. Yes, sir; but there is this point: that if a man issues half a pound and charges a pound on the return, the inference is that there is a fraud.

Q. We will make the inference; we only want from you the fact.

A. You asked me in such a way that I could not explain it in any other manner.

Q. What did that other man say on the subject?

A. He said that the number of Indians that were represented to be at that agency was vastly overrated.

Q. Did he say that he had ever counted the Indians?

A. Yes; he said he had counted the Indians, and their largest number was at the old agency, and there were not more than eight thousand at the outside. He had been clerk at the agency at the time the Indians first came into the old agency, the first great council that was held during Dr. Daniels's administration.

Q. Did you take his statement?

A. No, sir.

Q. Why didn't you take it ?

A. Because I went around among those men asking for information, and if I found it strongly corroborated, I used it; and if I did not, I did not take any one man's statement as conclusive evidence.

Q. Did you ever find any corroborative evidence in that country that that man had ever counted all the Indians there ?

A. No, sir; I did not take anybody's statement, but I went to a man who is Red Cloud's son-in-law, who is well acquainted with all the Indians, and I told him my object, and I asked him if he knew the number of Indians at Red Cloud agency. His name is Nick Janis. I supposed, from his long acquaintance with them, that he would know of the Indians; and I asked him about the different bands, if he could tell me, and where the Indians were, and he did tell me. I did not limit my inquiries to him, but went to every one who could give me any information on the subject.

Q. Did Nick Janis tell you that he had counted them ?

A. No, sir; he did not use those words, but he gave me to understand that his intimate knowledge with those bands and the number of times he was among them enabled him to know exactly what number was there. I have his statement from the original statement I took, as he gave it by bands.

The CHAIRMAN. We have his statement of the number taken since that time.

By Mr. FAULKNER :

Q. What is the number he makes it there ?

A. He makes it 1,290 lodges for the whole strength of the Red Cloud agency, and he includes in that all the Cheyennes and Arapahoes who were about the agency.

Q. Is that all the means you have of stating the number of Indians there ?

A. I asked his brother, Antoine Janis, and he stated the same. I asked Marton Gibbons, who has been acting agent there, and he gave the number as considerably under that; he said they did not outnumber 900 lodges.

Q. Did you ask for the number of Indians there at that time, or the number of Indians that came there at other times ?

A. I don't believe I understand you.

Q. In making the inquiry did you inquire of them the number of Indians that were within reach of the agency to get their supplies there at that particular time, or did you have reference to any other time ?

A. I referred to all the Indians that came to Red Cloud agency, belonging to Red Cloud's band or any other, and including the northern Cheyennes and Arapahoes. I will explain here, that before going out I was pretty well acquainted with some of the affairs of the agency, such as came to the office of the Board—accounts and returns.

Q. What Board do you mean ?

A. The Board of Indian commissioners.

Q. You were secretary of that Board ?

A. I was clerk and acting secretary very frequently.

Q. Well, can you say that in November, 1874, the census of Indians taken under the direction of the agent there was not correctly taken ?

A. I was not there. I don't know anything about it. I was not in the service at all at that time. I am talking about November, 1873; that is the time I was there; that is the time I am particularly interested in.



Q. You cannot say, then, whether the census of the Indians taken in November, 1874, was correct or not?

A. I don't know what it was, except from memory, without referring to the records. I have my opinion about it, if you want that.

Q. I only want to know what you know about this matter.

A. I was not there in 1874. I was there in 1873. I am willing to inform you about that.

Q. I ask you if, in November, 1874, you knew that the census of the Indians taken at that time was not correct?

A. As I stated before, I don't know what that census was, without reference to the report. After looking at that, I would tell you what I thought about it.

Q. Do you know anything about it? That is the question.

A. I don't see why you should question me about the census of 1874, when I was not there. I do not think you have a right to make me answer questions about the time I was there.

Q. If I ask you a question concerning something that you don't know anything about, it won't take you long to answer it.

A. I don't know about that.

Mr. HARRIS. Governor, in order to let the witness give an opinion, it is fair to state to him that there were 13,000 Indians there in 1874.

WITNESS. Understand me; I stated that I did not know anything about what took place in 1874, because I was not there. I don't know what was done.

By Mr. HARRIS:

Q. You said, however, if you knew the number, you could give an opinion?

A. Yes, sir.

By the CHAIRMAN:

Q. All I wanted was, whether you knew anything about the correctness of that census which was taken in 1874.

A. If it was 13,000, I believe the number was vastly overrated.

Q. Do you know anything about it?

A. Yes, sir.

Q. Well, tell us what you know.

A. Well, I know that the number of Indians, from the best information that could be got there, including those men who were familiar with the subject—

Q. When?

A. 1873.

Q. What was the number in 1874?

A. Unless you can account for the increase in some other way than by natural laws, you cannot show an increase of four thousand in a year.

Q. Is it possible that some other Indians may have come to the agencies in 1874 who were not there in 1873?

A. It is possible.

Q. Then there might have been more Indians there at that agency in 1874 than in 1873?

A. It is possible; yes, sir.

Q. Now, then, what is your reason for thinking they were overestimated?

A. My reason is this: that when I was at the agency the previous year, from all sources of information—everybody I could talk with who was at all acquainted with the affairs—I estimated the lodges to be not exceeding eleven hundred.

Q. Where ?

A. At Red Cloud agency ; and of course, unless there is some clear way of accounting for the increase, I would be inclined to think that thirteen thousand was a very great overestimate. Among other gentlemen with whom I was talking on the subject was Gen. John E. Smith, who was then commanding at Fort Laramie ; also Jules Ecoffee ; and Thomas Ried, who was then sub-agent for the Arapahoes and Cheyennes.

Q. Did you take their affidavits ?

A. Yes, sir.

Q. Do they accompany your report ?

A. They are filed in the Interior Department.

By Mr. HARRIS :

Q. They are not printed with your report ?

A. No, sir.

By the CHAIRMAN :

Q. Are those all the reasons you have for believing that the census taken there in November, 1874, was fraudulent ?

A. No, sir. The number of Sioux given in the report of the Commissioner of Indian Affairs—

Mr. HARRIS. Any published reports are within our reach.

By the CHAIRMAN :

Q. I want to learn Mr. Walker's reasons for thinking that that census taken there in 1874 was fraudulent.

A. On what report of mine are you examining me as to the number in 1874 ?

Q. I am not examining you with reference to anything at all in your report.

A. Or any other statement ?

Q. You stated that you did not believe that the census of the Indians taken in November, 1874, was correct. I was asking you for your reasons for so believing. Now, I would like to have all your reasons.

A. I gave them all. I was going to add one more, but it was connected with a report of the Commissioner of Indian Affairs. It is this: If you will take the number of those Indians reported on the provision-returns and compare it with the report of the Commissioner of Indian Affairs, you will find it is nearly double.

By Mr. HARRIS :

Q. For what year ?

A. 1873 and 1874 ; those two years. If you compare the provision-returns in the Interior Department with the report of the Commissioner of Indian Affairs, laid before Congress, of the number of Indians in his care during that year, you will find that the number rationed largely exceeds the number reported to be at the agency by his own report. For instance, in 1873 Agent Saville reported, November 8, that he had issued to 2,419 lodges.

Q. What are you reading from ?

A. My report, sir.

Q. The question I want to have answered is whether you are reading from a published document ?

A. I am giving the instances ?

Q. If you are reading from a copy of an official report, that is all I want. What report are you reading from ?

A. My report to the Board of Indian Commissioners, of December, 1873.

Q. And you are quoting from an extract from Dr. Saville's report ?

A. Yes, sir ; I am quoting from an extract from Dr. Saville's provision-returns for that month. On November 8 he reported that he issued to 2,419 lodges, or about 16,933 Indians.

Q. Is that his language, all of it ?

A. Yes, sir ; this is taken from his returns.

Q. Does he make the computation ?

A. Yes, sir ; his returns are on file in the Indian Office.

By the CHAIRMAN :

Q. Well, go on.

A. The report for that year does not show over 9,000 Indians.

Q. What report ?

A. The report of the Commissioner of Indian Affairs, which is made up from his.

Q. Does not the number of Indians at these agencies vary at different times ?

A. It may, sir.

Q. Is it not the case that at Red Cloud, in the winter, there come down from the North, from the Big Horn country, a great many Indians that are not about the agency and do not receive supplies during the summer ?

A. I went into that subject, too.

Q. Is not that the case ?

A. Yes, but not to the extent that is represented.

Q. What do you know about the extent of it ?

A. I learned at Red Cloud agency—I was told there that the northern Indians nearly all came there ; I was told by Mr. Appleton, who was acting agent.

Q. What did he tell you ?

A. That nearly all the northern Indians came there.

Q. To Red Cloud agency ?

A. Yes, sir. Then I went to Whetstone agency, and they said virtually the same thing there—that the greater portion of the northern Indians came to that agency, and they gave as a reason that it was near to the Black Hills ; that the Indians did most of their trading of skins there. I met a chief there who represented himself as Lone Horn. He showed me papers from Army officers stating the fact he was Lone Horn—certificates of good character that he carries round with him, and I asked him how many lodges he had there at Whetstone agency. He was chief of the Minneconjoux, who constituted the larger portion of the northern Indians. He represented that he had about 100 lodges there, and that there were somewhere between the Black Hills and the Whetstone agency nearly 200 lodges more that were coming in for the winter by slow and easy stages, on account of the squaws and papooses ; and they were hunting some at the same time. I asked him, too, if there were any other Indians up there in the Hills, and he said, no, there was not, and that, when the Minneconjoux had left the Hills, there would be no other Indians there during the winter. So that reduced the northern Indians to about 300 lodges, taking an Indian's view of the question. Now, if there were only 300 lodges of those in addition to the young men of the Red Cloud and Whetstone agencies, and young warriors, that of course reduces the number by which those agencies would be increased, to about 1,000. After you account for the Minneconjoux, 2,100, say, allowing

seven to a lodge, the simultaneous increase of both to about 14,000 cannot be accounted for upon any satisfactory basis.

By Mr. HARRIS :

Q. Supposing you had the facts ?

A. Supposing you had the facts.

Q. Supposing you did not have the facts ?

A. I tried to get at every source of information.

By the CHAIRMAN :

Q. Did you believe what Lone Horn told you ?

A. As to the number of his lodges ?

Q. Did you believe him ?

A. Yes ; I did.

Q. Did you believe all that he told you ?

A. Yes ; I did.

Q. Do you believe all that every Indian tells you ?

A. I did not have a chance to talk with them. I declined to talk with the Indians as much as possible.

Q. Why did you decline to talk with the Indians ?

A. Because my duty was to investigate the affairs of the agencies. I had no authority to make them any promises, and had no business with them except to ask some questions. If they answered truthfully, all right. And you must remember this, which is conceded by all, that when Indians give you estimates of their numbers, they don't give you the smallest number ; so when I repeat Lone Horn's words, I do not give you the smallest number of the Minneconjoux.

Q. Have you been among the Indians a good deal ?

A. Yes, sir.

Q. Talked with a good many of them ?

A. Yes, sir.

Q. Did you generally believe what they told you ?

A. Not all.

Q. What Indian tribes did you have experience among besides the Sioux ?

A. I have not had any experience among the Sioux. The only time I was at a Sioux agency was when I went on business there. I saw the Southern Cheyennes and the Kiowas and Arapahoes.

Q. How long were you at Red Cloud agency ?

A. I got there on the 9th of November ; staid there four days ; then went to Whetstone. I left Red Cloud agency on the morning of November 12 ; then I went to Whetstone.

Q. What date did you arrive there ?

A. The same day, somewhere about 3 o'clock, between 3 and 4 o'clock in the afternoon.

Q. What time of day did you leave Red Cloud ?

A. In the morning, immediately after breakfast.

Q. How long did you remain at Whetstone ?

Q. I left Whetstone on the 17th.

Q. Then you were there four days ?

A. Yes, sir.

Q. Then where did you go ?

A. I went back to Red Cloud.

Q. How long did you remain there, then ?

A. Two days.

Q. From there, where did you go ?

A. To Cheyenne.

Q. Now, of the statements that were made to you in regard to the number of Indians that came in there to Red Cloud and Whetstone agencies, which one of them do you believe?

A. Well, I don't know that I accepted any particular opinion. I formed no definite conclusion about it at all. I had a conversation with General Smith at the Washington House here, but I took the figures given to me and used them as nearly as possible to arrive at a correct conclusion.

Q. What figures do you refer to?

A. Nick Janis's, for instance, and those of Jules Ecoffee.

Q. Then you based your conclusion as to the number of Indians there upon the statements made to you by Jules Ecoffee, General Smith, and Nick Janis?

A. And Antoine Janis, Martin Gibbons, and the clerk of Dr. Daniels.

By Mr. ATHERTON:

Q. I don't understand you to say you received any figures from General Smith, but after a conversation with him you came to a conclusion?

A. I may not have said figures; but his opinion of the number after he came to Washington.

Mr. HARRIS. It is not claimed that General Smith made an estimate of the different tribes.

WITNESS. He mentioned a definite number of the Indians. He stated they claimed to have about 8,000 at the agency.

Q. During the four days you were at Red Cloud, how many hours did you devote to the examination of affairs there?

A. All the time, from daylight until 9 o'clock at night.

Q. What were you doing during that time?

A. Examining the employes, examining the accounts, talking to Appleton and the clerk, and everybody, from the agent down—everybody who was not too busy to be examined.

Q. Did you take their statements in writing?

A. No, sir; some of them I did, and some of them I did not.

Q. Did you base your conclusion upon any portion of your information that was not in writing?

A. Yes, sir, of course; I had to base my conclusion in a great measure upon what was not in writing. There was nobody there who could administer an oath, and I had to take statements, and if I found them corroborated, I used them; if I did not find them corroborated, I would not.

By the CHAIRMAN:

Q. I notice that you state in your report, that there was some corn bought there for which the price paid was above the market price?

A. Yes, sir.

Q. You arrived at your conclusion by the process which you state in your report, of talking with men who offered to furnish it for less?

A. Yes, sir; by examining the market-rates; going to a dealer in the article and asking what the value of it was then at retail, without stating my object at all.

Q. Do you know the cost of hauling 100 pounds of corn from Cheyenne to Red Cloud agency?

A. I don't think that is the way I arrived at the value of corn there. McCann was paid \$3.71.

Q. What can they be hauled from there for?

A. I am only quoting from the price of corn at Cheyenne.

Q. But the contract for delivering corn was so much per hundred pounds delivered at Red Cloud agency?

A. The Commissioner of Indian Affairs had the corn delivered at Cheyenne at  $\$2.26\frac{2}{3}$  per hundred pounds.

Q. Now, when you speak of the market-price of corn at Cheyenne as being less than this, do you mean the market-price when you were at Cheyenne, or the market-price at the time this contract was made for the corn?

A. The market-price at the time I was there. I made inquiries also as to the price paid at the time before that.

Q. Well, what was the market-price at Cheyenne at the time this contract was made?

A. I could not say now, from memory.

Q. I see you state in your report that the distance from Cheyenne to the old Red Cloud agency, by the route usually traveled by heavy trains, is only ninety miles?

A. Yes, sir.

Q. How did you arrive at that?

A. I arrived at that by the testimony of men who were performing the contract for McCann who was that year contractor. I also got it from livery-stable keepers in Cheyenne; but, as they might have been interested persons, we took the evidence of McCann's own men who were doing the work, so that we could not be accused of being prejudiced by unfair evidence. I took their evidence, and the testimony of General Smith, and the ambulance-driver at Red Cloud agency, who knew the road better than anybody there, having traveled it often.

Q. You say in your report that McCann charged the Government for one hundred and thirty-two miles.

A. Yes.

Q. Do you know whether he was paid for one hundred and thirty-two miles?

A. Yes, sir.

Q. He was?

A. Yes, sir.

Q. Do you know that?

A. Yes, sir.

Q. Do you know whether his contract that year for freighting was so much per hundred miles, or for the whole distance?

A. The contract for the first part of the year was for the distance from Cheyenne to the old Red Cloud agency.

Q. Had the change been made at the time you were there?

A. Yes, sir.

Q. Were you at the old Red Cloud agency?

A. Yes, sir; after the removal of the agency, there was a new contract for freighting. The first contract was at the rate of \$1.20 per hundred pounds per hundred miles; the new contract was at the rate of \$1.75 per hundred pounds per hundred miles; and that contract stated the distance to be two hundred and twelve miles. That contract was also let without advertisement, and it was disapproved by the Board of Indian Commissioners.

Q. Do you know any thing about the contract for removing the agency from the old Red Cloud agency to the new?

A. Yes, sir; I have a couple of documents here about it. McCann moved that agency; there was no contract for it at all. There was a kind of partial contract; it allowed him \$2.50 a day per yoke for the animals used.

Q. Where did you get that from ?

A. I got this from a copy of the voucher of McCann's, which he presented for payment, for removing the old agency ; he presented it at the Indian Office, and it was approved there—a voucher for the service of fifty teams, of five yoke of cattle each, for twenty days, at \$2.50 per day for each yoke of cattle employed. The total was \$14,375. It was sent to the Indian Office and approved there, then sent to the Board of Indian Commissioners for their action.

Q. What was the action of the Board ?

A. Disapproved it, sir.

By Mr. HARRIS :

Q. Do you know anything about the amount of time employed, further than the voucher shows ?

A. Yes, I do.

Q. What personal knowledge have you, or what other knowledge have you ?

A. I have an official letter of the agent who superintended the removal.

Q. What is the name ?

A. J. W. Daniels.

Q. Where did you get that letter ?

A. It was addressed to Dr. J. J. Saville by J. W. Daniels, the predecessor of Dr. Saville, and during whose administration the work was performed.

Q. That is a copy you made from a copy in the office of the Board of Indian Commissioners ?

A. Yes, sir. I want to call your attention to this fact: There is a difference between the statement that Agent Daniels makes and the voucher that Saville certifies to. In Dr. Daniels's official report, he only reports thirty ox-teams, of five yoke each, while Saville gives his certificates for fifty teams, of five yoke each. Besides the ox-teams in Dr. Saville's report, there are eleven horse or mule teams, some of them with two mules, and some with four mules.

Q. Does Daniels certify to any mule-teams ?

A. No, sir ; but ox-teams. Here are the two certificates :

*Inspector Daniels' certificate.*

CHEYENNE, WYOMING TERRITORY, August 27, 1873.

DEAR SIR : I send you a statement of the number of teams employed in the removal of the Red Cloud agency, and their time, prior to my leaving the agency, on the 19th instant.

D. J. McCann, for Compton, had 11 teams, 5 yoke.

Charles Hecht had 10 teams, 5 yoke.

L. Richards had 4 teams, 5 yoke.

John Freel had 5 teams 5 yoke.

Nic. Janis, one (1) 4-mule team.

Paul Montale, one (1) 2-horse team.

Frank Salway, one (1) 2-horse team.

Pete Bissinette, one (1) 2-horse team.

L. Langram, one (1) 2-horse team.

John Davidson had one (1) 2-horse team.

Morrison had one (1) 2 horse team.

John Wilson had one (1) 2-horse team.

W. R. Jones had one (1) 4-mule team.

C. Janis had 2 (2) 2-horse teams.

First trip : Compton, Hecht, and Richards loaded with supplies, mill and agency material, on the 29th July, and unloaded at the new agency August 5, 1873.

Jones loaded the 4th of August with herder's camp and office furniture, and unloaded the 7th instant.

John Freel loaded August 5th with flour, and unloaded the 12th instant.

Compton, second trip, loaded the 11th of August with flour, and unloaded the 18th instant.

Richards, second trip, loaded the 11th August with Indians and office furniture, and unloaded the 18th instant.

N. Janis, Montale, Salway, Bissinette, Zangraw, C. Janis, Davidson, Morrison, and Wilson loaded with Indians the 5th of August, and unloaded the 9th instant.

Hecht unloaded the three teams with the mill on the 6th of August.

Jones was to receive \$7.50 per day for going over.

J. W. DANIELS,  
*United States Indian Inspector.*

Dr, J. J. SAVILLE,  
*United States Indian Agent.*

*Agent Saville's certificate.*

D. J. McCann :

For the service of fifty (50) teams, of five (5) yoke of cattle each, for twenty-three days, from July 28, 1873, to August 19, 1873, both days inclusive, at two dollars and fifty cents (\$2.50) per day, for each yoke of cattle employed . . . \$14,375 00

I certify on honor that the above-mentioned number of teams were employed for the time specified; that the exigencies of the service employed the employment of the same, in the removal of the Red Cloud Indian agency from its former location on the Platte River to its present location on the White River; that I have not paid any portion of the amount; and that there is due D. J. McCann therefor the sum of fourteen thousand three hundred and seventy-five dollars, (\$14,375.00.)

J. J. SAVILLE,  
*United States Indian Agent.*

One voucher retained in Indian Office.

JANUARY 20, 1874.

Q. Had your Board, at the time the voucher was presented, any knowledge of the contract for the removal of the agency—any official information about it?

A. I am not aware that they had.

Q. Was it not the practice of the Board to reject such vouchers as related to matters of which they had no official knowledge or notice?

A. The practice of the Board to reject all accounts?

Q. Was it not a practice of your Board to reject vouchers in all cases concerning which they had not official information; that is to say, would they pass a voucher relating to a contract of which they had not a copy in their office?

A. They never kept copies, but they would not pass the voucher for a contract that was illegally let.

Q. Now, I again recur to the question whether they would pass a voucher in any case where they had not notice of the contract?

A. I don't know that I understand you distinctly.

Q. Then, would they reject a voucher in the case where a contract had not been let by advertisement? Was that their practice?

A. Yes, sir.

Q. And when you say illegally let, you mean let without advertisement?

A. Yes, sir.

Q. Do you assume that all contracts let by the Interior Department which were not made upon advertisement to be illegal?

A. No, sir; I do not.

Q. Well, now, the removal of the agency was suddenly made, was it not?

A. Yes, sir.

Q. And made in pursuance of no express provisions of the statute?

A. I never saw any.



Q. Do you know of any legal provision requiring advertisement for proposals to do that work ?

A. No.

Q. Did there not arise a controversy between the Commissioner of Indian Affairs and your Board as to whether they had a right to make that advertisement ?

A. Yes, sir ; that was a different affair.

Q. I mean concerning this removal ?

A. It was never presented to the Board.

Q. Was it never claimed, on the part of the Board of Indian Commissioners, that the Commissioner of Indian Affairs had not a right to make that contract without advertisement ?

A. I don't know what contract you refer to.

Q. The contract for the removal of the agency.

A. They did not object to the contract at all, as I understood it.

Q. Was that voucher rejected because it was made in pursuance of any legal contract, or because the amount was wrong ?

A. I could not tell you from memory ; but the face of the voucher shows it is wrong.

Q. Do you say that ?

A. Yes, sir ; it shows that Agent Saville certifies for fifty ox-teams being employed when there were only thirty.

Q. Your statement that it is wrong is based upon the fact that Dr. Saville's certificate differs from the letter of Dr. Daniels ?

A. Yes, sir.

Q. Upon the presentation of those two papers to your Board the claim was rejected ?

A. I don't say that that was the cause of it ; but I say there are the facts that Dr. Daniels removed the agency and certified to the number of teams that were used, while Dr. Saville gave a receipt for a different number than the agent who did the work.

Q. And upon that fact your Board rejected the claim ?

A. I cannot tell you what the action of the Board was without seeing the record.

Q. Could not you remember the action of the Board ?

A. I cannot remember the action of the Board.

Q. Do you know of any other fact which came before your Board prior to its rejection ?

A. I could not tell you from memory. If you will let me have access to the records of the Board, I will give you all the history of it. I have some of them here.

Q. You don't know from any information you derived at the time or subsequently what was the final conclusion as to the truth of who was right and who was wrong ?

A. I had information then that I did not use, and I don't care to use it now.

Q. I only ask you if you afterward ascertained which of those two agencies was correct, Saville or Daniels.

A. No, sir.

Q. Do you know now ?

A. No, sir, I do not ; but I believe Dr. Daniels was, because he did the work. There are the documents ; they speak for themselves.

By Mr. FAULKNER :

Q. Are you unable to state whether those accounts have been adjusted and paid ?

A. I have no information as to the action of the Board after disapproving them. They were not officially informed of the subsequent action.

Q. You are not able to state whether those accounts were subsequently paid or not?

A. No, sir.

By the CHAIRMAN:

Q. Do you know anything of the price of teams per day in that country?

A. No, sir; except what is contained in the contract of Charles Hecht with D. J. McCann.

Q. What is that report you were referring to?

A. It is a congressional report of the Forty-third Congress, first session, number 778, page 267. In that McCann agrees to pay Hecht \$6.50 per day for each team of five yokes of oxen, or about \$1.30 per yoke.

Q. Is that all the knowledge you have upon the subject of prices there?

A. I do not go any further; that furnishes evidence of the price the work was done for. It is between the contractor and his sub-contractor.

Q. Do you remember any correspondence that occurred between your Board and Dr. Daniels, or anybody else and Dr. Daniels, with reference to the removing of this agency, containing any proposals on the part of other persons to do the work?

Q. Our Board never communicated directly with the agents in advance of any action of the Indian Office. There was no practice made of interfering with the working of the Indian Office at all.

Q. Subsequently did your Board have information of proposals made by anybody else to Dr. Daniels to remove this agency?

A. I cannot say without reference to our records.

Q. You don't recall any?

A. There are a great many transactions in the Office, you must remember, and I was the only clerk there, and I could not remember them all. There is Daniels's evidence.

Q. Now, to return for a moment to the subject of your investigation at Red Cloud: You said that you were there four days?

A. I suppose I was there six days in all; two after I came back from Whetstone.

Q. In your report you state you remained there two days longer than you would otherwise have done, waiting for Mr. Bosler to bring in his accounts.

A. Yes, sir.

Q. So that the time necessary for your investigation there was only four days?

A. That is all, sir; that is, I had gone nearly as far as I could properly, without any aid, to get sworn affidavits or anything of that kind; and as I had plenty of business in Washington, I did not want to use more time there at the agency than was necessary.

Q. In this printed copy of your report there are divisions by headlines; for instance, here is one: "Indians cheated out of whole issues." Is that a part of the report?

Q. Not at all; that is put in by whoever printed this report. My original report did not contain that at all.

Q. Then you did not make that charge in your report?

A. I stated the facts as I found them. I furnished testimony on the subject.

Q. Here is another note of that kind: "False and fraudulent receipts for beef." That is put in in the same way, is it?

A. Yes, sir; I made the statement "false and fraudulent," but I had nothing to do with those headings.

Q. You state there that the agent did not receive 647 head of cattle on the first of October, nor 633 head on the 15th of October?

A. Yes, sir.

Q. Now, if the agent received these cattle on any other days, but dated his receipts on the 1st and 15th, in pursuance of a custom, then your conclusion here that they would be fraudulent would not be correct, would it?

A. Undoubtedly, sir; undoubtedly my statement is that he did not receive the cattle, especially the reported receipt of the 15th.

Q. Your statement is that he did not receive them at all at any time?

A. Part of them he did, but he did not receive on the 15th of October, or at any time, a lot of 633 head of cattle.

Q. Now, will you say that, between the 1st and 15th, he did not receive as many as 647 head of cattle?

A. I say, between the 1st and 15th, he did not receive 1,280 head of cattle?

Q. Will you say that before the 15th—at no time before the 15th, he received in different lots the aggregate of that number?

A. Yes, sir.

Q. What are your means of information on the subject?

A. In the first place, his official receipt shows that he received 647 head on the first of October. We will take that as basis. I say I do not believe he received them.

Q. Why don't you believe it?

A. In the first place, the chief herder told me that on the night of the 30th of September, the herd of cattle which was brought up for October 1st was stampeded, and that only enough were recovered to make the issue of the 1st of October. Subsequently they are said to have made an issue on the 8th.

Q. Did you learn from the herder whether these cattle had been received by the agent before the stampede, or did they stampede after the agent received them?

A. They were sent out for him to receive them, he said, late at night, and he refused to receive them, because he could not count them.

Q. Do you know whether the agent had received them from the contractor or not?

A. I can only make statements from the testimony I got.

Q. Exactly. I asked you the question if you knew whether the agent had received them from the contractor before the stampede or not?

A. I could not tell.

Q. You don't know that?

A. No, sir.

Q. Now go on with the grounds of your belief that he did not receive the cattle that he receipted for.

A. After the 8th of October, 1873, there were no cattle at the agency at all.

Q. How do you know that?

A. From the testimony of the acting agent; and there is other testimony on file with Bishop Hare's report. There were no cattle then at the agency, and there was no issue to the Indians from the 8th of October until the 21st. There was no herd at the agency at all between those dates; consequently there was no issue on the 15th.

By Mr. HARRIS :

Q. Where do you get the evidence that there was no herd there ?

A. In the first place I have a copy of an affidavit prepared by the acting agent for the chief herder to swear to. It is referred to in my report. To make the matter sure, you will find it over Saville's own name in Bishop Hare's report.

Q. I find that he states that he did have a herd. In his reply to your report, he says, "No issues were omitted in October, as there were four issues in that month at that time, on the 1st, 8th, 21st and 23d, only that the issue of the 15th was postponed to the 21st; my reasons for which postponement appear in my report of that month, to which I respectfully refer."

A. I say he made no issue between the 8th and 21st, but he says he received 633 head on the 15th. You will find in his own testimony that he had no cattle at the agency from the 8th of October to the 21st.

Q. He does not say so. He says: "The papers of the agency do not show that there was, on the 1st of October, on hand 17,914 pounds of beef, but did show on hand 11,068; that during that month there were received, on the 1st day of October, 647 head, averaging 1,063 pounds each, and on the 15th of October, 633 head, averaging 1,043 pounds each. That on the 1st day of October I did not have on hand sixty head of beeves, but only eleven, for which receipts were given, which eleven added to 1,280, would amount to 1,291, of which I issued 1,212 head during the month of October, leaving 79 head, which I had on hand on the 31st day of October, less 67 lost and killed by the Indians out of my herd without authority."

A. But at the bottom of the page he says: "On the 1st of October there were issued 267 head, and on the 8th there were issued 360 head. After this issue a part of the agency herd stampeded, and I then decided not to keep an agency herd, but requested Mr. Bosler to retain the cattle in his custody until I needed them for issuing, which he kindly consented to do, and also assisted me in getting up the cattle which had stampeded." Now, here is the statement of B. F. Walters, who was then issuing-clerk at the agency, and he says that between the 8th and 21st there was no issue.

Q. There is no controversy about that.

A. Yes; the point is, between the 8th and 21st he claims to have received 633 cattle; he had no herd at the agency from October 8; you have his own statement to that effect, and that he only got them from Bosler's herd as he used them. It is clear he made no issue of beef between the 8th and 21st, and he did not receive 633 on the 15th. He says that he only took them from the contractor as he issued them, after the 8th. Very well; after the 8th, his first issue was 185, which he issued on the 21st. On the 23d, he issued 399. Now, this is according to his own statement, or Mr. Walters' statement, taken from the agency books when I was present. If he had none on hand on the 1st, he obviously could not have had 633 head on the 15th of October.

Q. Without the aid of the 633 head of cattle could he have made the issue with which he is credited at all ?

A. No.

Q. The issue, you say, was correctly made ?

Q. I don't say that at all. I am using his statement to show that he made a false statement.

Q. Do you claim that the 633 head of cattle were never at any time received by the agent, or only that he issued a receipt at an improper time ?

A. I claim that the 633 head of cattle were not received in that month after the 15th of October, either in bulk or in two lots.

By the CHAIRMAN :

Q. You stated to me, when I asked you the question if you intended to say whether those cattle had never been received by the agent, that you did not know, but you did not believe that they were. You are now giving the grounds of your belief?

A. My reasons for stating specially is that the receipt of October 15 is false and fraudulent.

Q. Are there any other reasons aside from those you have stated?

A. Yes, sir.

Q. Let us have them all; we want to take the widest possible scope, and wish to get all your reasons.

A. When I was making inquiries about the deliveries, I found that the delivery of the 21st of October had not been weighed at all—that is, there was no record of the weight, and they had not been weighed.

Q. You were not there?

A. I was not there.

Q. Anything further?

A. No, sir. I think that is all on that point.

Q. Are those all the reasons you have for concluding that the receipt was false and fraudulent?

A. Yes, sir.

Q. Is it the same in reference to the other receipt of the 15th?

A. The 15th is the one I am speaking about all this time; the receipt of the 1st was cloudy and misty so far as I was concerned. The chief herder testified that he did not receive that number on that day, and subsequently there was an affidavit of Bissonet, showing that there was no issue on the 1st of October.

Q. Now, do you know anything, Mr. Walker, to the contrary, that it was not the custom on the part of the contractor there to deliver lots of beef as the agent required, taking a memorandum-receipt, or rather the person delivering the cattle taking a memorandum-receipt for the contractor, while the agent receipted to the contractor on the 1st and 15th, as of that date, for the cattle received up to the date of the receipt?

A. No, sir. I went there with the information that the contract required the contractor to deliver on the 1st and 15th of each month, and the agent to receive them. I never heard anything of memorandum-receipts, except from J. W. Bosler. He is the only one who has ever said a word about them to me. I never heard the agent claim that he gave memorandum-receipts. He never said a word of that to me. I asked his representative—I went to Mr. Appleton and asked him for his information on every subject on which I reported.

Q. My question was if you knew of any such practice.

A. No, sir; I don't think I ever heard of it.

Q. It may, however, have existed without your knowing it?

A. O, yes.

By Mr. ATHERTON :

Q. These statements of Mr. Bosler that you speak of, what time were they made?

A. He made them to me last night; I never heard of them before in all the operations of the Office.

By the CHAIRMAN :

Q. Did you ever talk with him before about it?

A. Yes, very often; I have very often had conversation with him on the subject of beef.

Q. Did you ever ask him about them before?

A. No, sir; I never supposed there was anything of that kind.

By Mr. ATHERTON:

Q. What office did you mean when you spoke of the Office?

A. The Board of Indian Commissioners.

Q. They would not come to the notice of the Board of Indian Commissioners in any case?

A. No, sir.

By Mr. FAULKNER:

Q. Mr. Walker, am I to understand you as discrediting the receipt of the 1st of October, because there was no issue made upon the 1st of October?

A. Yes, sir; and for the further reason that the cattle were stampeded the night before.

Q. But the cattle, as I understand you, were stampeded on the 30th of September?

A. Yes, sir; before they were delivered to the agency, before Agent Saville receipted for them. The chief herder said he refused to receive them so late at night, because he could not count them?

By the CHAIRMAN:

Q. That Saville refused to receive them?

A. No, sir; he himself.

Q. Where did you derive that information?

A. Saville's own testimony; I find that he confirms it here.

By Mr. FAULKNER:

Q. And you also discredit the receipt of the 15th of October, because there was no issue of beef on the 15th of October?

A. Not for that reason alone, but because there was not a hoof of cattle at the agency at that time.

By Mr. HARRIS:

Q. I call your attention to his statement in regard to the stampede of cattle, where he says, "On the 1st of October there were issued 267 head, and on the 8th there were issued 360 head. After this last issue, a part of the agency herd stampeded, and I then decided not to keep an agency herd, but requested Mr. Bosler to retain the cattle in his custody until I needed them for issuing, which he kindly consented to do, and also assisted me in getting up the cattle which had stampeded." Do you assume it was on the 8th?

A. Yes, sir; on the evening of the 8th; my information is positive on that subject.

Q. Here is the statement as I find it: "The stampede may not have taken place before the 15th." Now, if you have a fact which will supply that deficiency, we shall be very glad to have you furnish it.

A. Yes, I will give it you; the information is positive on that point. I have not got a copy of the affidavit here. I will bring it to the commission when I come again, but I refer you to the testimony of Mr. J. H. Bosler, on the same subject, page 27 of Bishop Hare's report. You will find there he says that he turned over, on the 8th, 633 head; that very soon after that the stampede occurred—the 8th or 9th.

By the CHAIRMAN:

Q. The cattle receipted for as having been received on the 15th of October, 1873—do you know that they were not received by Saville?

A. Yes, sir ; I do.

Q. Were you there ?

A. No, sir ; I was not there.

Q. Where were you on the 15th ?

A. I was in Washington.

Q. Then, how do you know the fact ? Will you cite us to that testimony ?

A. A statement of Mr. Appleton to myself.

Q. Where is the statement ?

A. It is here. I will give you some further evidence in regard to it.

Q. Where is the statement ?

A. I referred to it in my report.

Q. Where will we get the statement itself ?

A. I will bring it to you.

Q. Now, what else ?

A. And the corroborative testimony of J. H. Bosler.

Q. Where is that ?

A. Page 27 of Bishop Hare's report.

Q. What else ?

A. That is all, sir ; also the statement of Agent Saville himself, on page 23 of Bishop Hare's report, who evidently means that the stampede occurred on the 8th.

Q. Am I to understand you to say that there was a stampede on the 30th of September ?

A. Yes, sir.

Q. And one also on the 8th of October ?

A. Yes, sir. But one was a Government herd, and the other the Government had nothing to do with. The stampede of the 8th of October was of a Government herd, and the stampede on the night of the 30th of September was of the contractor's herd. The chief herder at the agency told me at the time that the contractor's herd stampeded.

By Mr. FAULKNER :

Q. You refer to the statement of Mr. J. H. Bosler, on page 27. I find that he says this : " We turned over to Dr. Saville, on the 1st of October, 647 head, and received a receipt for them." We would infer from that that the cattle had been received by the agent on the 1st of October.

A. The chief herder informed me that the contractor's herd stampeded on the night of the 30th of September, and that they only got up enough to issue on the 1st of October ; and I afterward got the testimony of the interpreter that there was no issue on the 1st of October—sworn testimony. It is uncontradicted to this day.

By Mr. HARRIS :

Q. Does not Saville claim that he did issue on that day ?

A. That is a simple statement ; that is not sworn to ; he don't contradict it in his own sworn testimony.

Q. Do you say that his statement does not contradict it ?

A. I say his statement is not as good evidence as sworn testimony.

Q. I ask you if Mr. Saville's statement, as published in your own report, does not contradict it ?

A. Yes, sir.

By the CHAIRMAN :

Q. Were you present to assist in the weighing of a herd of cattle received on the 18th of November ?

A. Yes, sir.

Q. Were the weights of the cattle on that occasion correctly stated in the voucher returned by the agent ?

A. I never saw the voucher that I know of, sir.

Q. Never examined it ?

A. No, sir.

Q. Were not the cattle weighed on that day ?

A. All except six head. It was late at night, and at the end of the issue there were five or six old oxen that they could not drive on the scales by any means. The corral was too large, and the herder could not drive these six old fellows into the chute.

By Mr. HARRIS :

Q. I will ask you whether the cattle you could not weigh were not the largest cattle ?

A. No, sir ; they were very old cattle, and they were large old fellows that you could not get on the chute anyhow. There had been some larger ones weighed.

By the CHAIRMAN :

Q. Since the date of this report of yours, has there come to your knowledge any other facts going to show any fraud on the part of the agent or any of the contractors at any of the Indian agencies ; and, if so, what ?

A. The testimony with Bishop Hare's report confirms that.

Q. I ask you if there has come to your knowledge, since the date of your report, any other facts than those which you yourself had in relation to frauds by the Indian agents or any contractor ; and, if so, what ?

A. The facts connected with the McCann contract came to my notice since, which are to my mind evidence of wrong on the part of the agent.

Q. Any others ?

A. I was not long enough in the office, officially connected with it, after that ; and I don't want to state what I don't know.

By Mr. HARRIS :

Q. Before Mr. Walker passes from that subject, I would like to have him give us the weight of the cattle received and issued November 18, 1873.

A. I will read from my report : " On the 18th of November 410 beeves, averaging 967 pounds, were received and issued. I was present and assisted in the weighing of the herd received November 18, and it was said by the whites and Indians to have been the finest herd received during the year."

By the CHAIRMAN :

Q. What time did you quit the service of the Board of Indian Commissioners ?

A. I resigned to date June 30, 1874.

Q. Since that time have you given any attention to this subject ?

A. Occasionally ; yes, sir.

Q. You have examined into it ?

A. Whenever the subject came up I always read it with interest.

Q. Have you written something on the subject ?

A. Occasionally ; yes, sir.

Q. You made investigations for the facts upon which you wrote ?

A. Yes, sir.

Q. Have you corresponded with and talked with others who have been investigating the facts in reference to this matter ?



A. I may have done so; yes, sir.

Q. And you know of no other instances of fraud on the part of an agent or contractor since the date of your report, other than the one you have talked about, (the McCann contract); or do you know of any persons to whom you can refer us who can give us any information of any other frauds on the part of any person connected with the Indian Department?

A. Yes, sir; Mr. Steele, of Wyoming Territory.

Q. Do you know what information he can give us?

A. He informed me that he could bring forward good and reliable men who would prove that Indian supplies have been sold at Cheyenne.

Q. When did he make that statement?

A. He made that statement in the early part of 1874.

Q. Is there any other person you can cite us to?

A. No; I believe not, sir, out there.

Q. Well, here?

A. None here.

By Mr. ATHERTON:

Q. Did Mr. Steele specify the kind of supplies he knew to be on sale?

A. I think he said coffee and sugar, and some of the oats for Whetstone agency were on sale there. I don't mention Jules Ecoffee and other men out there, because I understand you have seen all those. You are inquiring for new information, I presume.

Q. Have you read the statement of Professor Marsh, which this commission is called upon to investigate?

A. Yes, sir.

Q. Have you any knowledge in reference to any of the charges contained in Professor Marsh's statement which you can give to us, tending to establish the correctness of the charges?

A. Refer me to some particular one, and ask me about that.

Q. Any one of them or all of them?

A. Well, to begin with, he says, on page 4: "The evidence in my possession reflects unfavorably on both Secretary Delano and Commissioner Smith."

Q. Can you give us any information that will substantiate those charges?

A. He says he has reason to know that "they have long been aware of these abuses, but have made no sincere effort to reform them." Take the McCann contract, for instance; both of those gentlemen knew about the distance that McCann was paid for in that contract early in 1874.

Q. How did they get the information?

A. They got it officially from the Board of Indian Commissioners. That is, in the first part of it. They got some two or three affidavits which I sent in from Cheyenne. Those affidavits were made by the sub-contractors of McCann.

Q. Whom did you send them to?

A. To the office of the Board of Indian Commissioners.

Q. Well, what did the Board of Indian Commissioners do with them?

A. Transmitted them to the Indian Office.

Q. You know that fact?

A. Yes, sir.

Q. When was that?

A. November 24, 1873; the original affidavits were transmitted to the Secretary of the Interior. When I returned, the chief clerk of the

Indian Office, Mr. Clum, asked me if there was anything additional on the subject, and thereafter we transmitted a copy of Hecht's contract, the one I have before referred to, with some additional testimony on the subject. There was another affidavit, I cannot recall which it was now, but they are all here in this document. They had all this knowledge in their possession from the wagon-masters who were filling the contract for McCann. They testified that the distance was from one hundred and eighty-six to one hundred and eighty-eight miles, as did also the ambulance-driver at Red Cloud agency.

Q. Do you remember his name?

A. Jo. something.

By Mr. FAULKNER :

Q. Jo. Clymer?

A. I don't know his last name. This evidence was transmitted at that time.

Q. Are there any other matters that have been brought to the notice of the Secretary of the Interior or the Commissioner of Indian Affairs?

A. Yes; the over-deliveries of cattle at Red Cloud agency were brought to their attention by the Board of Indian Commissioners.

Q. What do you mean by over-deliveries?

A. Receiving more beef than the contract required; I mean that there were receipts given in advance of the specified weights in the contract and the requirements of the agency.

Q. You mean by that that they were notified that the agent received more beef than the contract required or was needed for issue at his agency on that day?

A. Yes. What I mean is, that he was taking from the contractor cattle in excess of the amount contracted for, which he did not need at all at the time he received them. The contract calls for so many millions of pounds of beef, and I mean it was received faster than it was required to be delivered to the Indians.

Q. When did they get a notice of that, and what was the notice they had?

A. The Board of Indian Commissioners notified the Secretary of the Interior in October, 1873, that there were frauds practiced at Whetstone agency—reported that to the Secretary of the Interior early in 1873.

Q. What were they?

A. Fraudulent delivery of cattle, and inferior flour.

By Mr. HARRIS :

Q. In what respect fraudulent? State that.

A. The fraud consisted, according to the report of Messrs. Kemble and Alvord, in the agent receipting for more cattle than he received, and the flour-contractor delivering flour which was inferior to the kind contracted for. It was so inferior as to be unfit for use. I have a specimen of it here, if any gentleman would like to look at it.

The CHAIRMAN. Yes; we would like to see it.

[Specimen of flour shown.]

Q. Well, any other?

A. About that flour and the other frauds: The Board declined to pass certain accounts in consequence of the frauds, because the commissioners were very positive in recommending a thorough investigation before any accounts should be paid to the contractors for flour and beef.

Q. The Board recommended that there should be no more payments to that contractor—G. M. Dodge?

A. He had the flour and beef.

Q. When was that ?

A. In August, September, and October, 1873, and it was for the contract for the year 1872-'3.

Q. Now, the Board recommended that no more payments should be made upon the contracts for beef and flour to that contractor, who was contractor for both beef and flour for that year, until the matter was investigated ?

A. Yes, sir.

Q. Do you remember the date of that recommendation of the Board of Indian Commissioners ?

A. Well, this book would indicate that it was September 27, 1873—the report of the Board of Indian Commissioners for 1873.

Q. Where did you get that sample of flour ?

A. I took it myself.

Q. Where from ?

A. From a pile of flour at Whetstone agency.

Q. When ?

A. On the occasion of my visit, in November, 1873.

By Mr. FAULKNER :

Q. Who was at that time agent ?

A. Mr. Howard ; he succeeded the agent who was charged with being implicated in the Dodge frauds. Risley is the one who was implicated in the Dodge frauds.

Q. Then that flour had been received there before Agent Howard came into office ?

A. Yes, sir ; it did not implicate Howard in any way ; he had nothing to do with it.

Q. Do you know whether at that time the flour had been paid for by the Government ?

A. No, sir ; not at that time. That particular flour might have been paid for ; but Dodge's account had not at that time been closed. That particular delivery may have been paid for, but the balance of the money due him under his contract was not at that time paid.

Q. Do you know whether the Secretary of the Interior or the Commissioner of Indian Affairs made any investigation into the subject ?

A. There was an inspector sent subsequently, but his report was so vague that the question again was submitted to Bishop Hare's commission.

Q. Do you know of any other frauds or mismanagement of Indian affairs that were brought to their notice ?

A. Yes, sir.

Q. What were they ?

A. There was the claim of G. M. Dodge for \$5,054.84, that was approved by the Indian Office.

Q. Do you mean by that the Commissioner of Indian Affairs ?

A. Yes, sir.

Q. Well, what was there wrong about it ?

A. It was what was called a depredation-claim, that could not be legally paid unless specially directed by Congress, and there was no proof of the fact that the beef was actually taken by the Indians submitted with it.

Q. Was the account for beef alleged to have been taken by the Indians ?

A. Yes, sir.

Q. Dodge was the beef-contractor?

A. Yes, sir.

Q. Had his herd up in that Indian country?

A. I don't know where he had it.

Q. Do you know where the cattle were taken from?

A. They were supposed to have been taken by the Indians at Red Cloud agency; that is, the assertion was that they were taken by them. It was returned to the Interior Department because there was no proof of the facts; and subsequently it was sent back to the Board of Indian Commissioners by General Cowen for reconsideration. It was again returned by the Board, pointing out the law on the subject that it could not be paid out of appropriations made for the subsistence for Indians, unless Congress specially provided for that particular claim, having evidence on the subject. It was subsequently submitted to Congress. The Board of Indian Commissioners disapproved it, deciding that it could not be paid out of a fixed appropriation, so far as the Indian Office was concerned; but action had been taken on it to pay it, and it was then submitted to Congress with the words "no proof," and then it was withdrawn. The Indian Bureau passed it. As far as it was possible for them to do it they settled the account and ordered its payment from the appropriation for the subsistence of the Sioux. When I was there the order was to state an account in the Indian Office, and there to designate the appropriation from which the account should be paid, and approve its payment. That approval indicated that the Indian Office was satisfied of the correctness of the claim; that is, the Commissioner of Indian Affairs or the acting Commissioner, whichever might be acting at the time the Indian Office approved it.

By Mr. SMITH:

Q. State the usual course of accounts before payment.

A. They are first stated in the Indian Office and then approved by the Commissioner of Indian Affairs, after which they are sent to the Board of Indian Commissioners. They approve or disapprove, as the case may be, and transmit the account to the Secretary of the Interior with their reasons for their action if they disapprove it. The Secretary then confirms their action or sets it aside, as seems best to him. After his action it goes back to the Indian Office for transmission to the Second Auditor of the Treasury, who makes a report on the claim to the Second Comptroller of the Treasury, who approves or disapproves that report, as the case may be; and the report as acted on is sent back to the Indian Office for a requisition drawn on the appropriation designated on the original account, which is signed by the Commissioner of Indian Affairs and the Secretary of the Interior, then goes back to the Treasury for record and approval by the Second Auditor and Comptroller, and afterward by the Register and Treasurer of the United States, who issues the draft on it.

Q. When this particular account came back to the Secretary of the Interior with the disapproval, what was his action?

A. He returned it to the Board with a request for reconsideration. That was the first action. The second action was, the Board indorsed on it a reference to the law which forbade its payment. All I know of it personally after that is, it was submitted to Congress with the words, "no proofs," and that, finally, it was withdrawn. The Secretary could not approve it; the law forbade it. The law stated that the Secretary of the Interior should prescribe rules for taking evidence on those depredation claims.

Q. Could the Secretary suspend or set aside the action of the Board ?

A. He could not set aside the action of the Board in that case. In general, the law gave the Secretary power to do so, but in this case he could not do so.

By the CHAIRMAN :

Q. Do you know that he wanted to overcome it ?

A. The fact that he submitted it a second time is pretty good evidence.

By Mr. SMITH :

Q. He did not submit any additional reasons ?

A. No, sir.

By Mr. HARRIS :

Q. Was the claim assumed that while the Indians had taken these cattle by force and used them they should be charged as cattle actually used ?

A. I don't know ; you can easily understand why such claims as that would bunch up.

Q. I am seeking to ascertain whether Secretary Cowen or anybody else made any suggestion why these cattle taken by the Indians should be paid for to the contractor as if regularly delivered.

A. There was a suggestion that the agent at Red Cloud agency, I understand, could take them up on his returns, and then they could get pay for them as provisions issued. Of course, that the agent could not do.

Q. The question I ask is, whether your Board were urged to pass the claim on the ground that the cattle had been actually received and consumed by the Indians, and that therefore they should be considered as actually delivered ?

A. I would not be positive whether that statement was made to them or not ; if so, I have not seen it, although I was in charge of the office at the time. I will say this, in explanation of that fact, that in some cases of those rejected accounts they were retransmitted to the executive committee without coming to the office of the Board ; this might be one of those cases.

Q. When you stated that the Secretary could not approve the bill, you stated it from your own view of what the law actually is ?

A. I stated the law.

Q. You gave your opinion of the law ?

A. This law distinctly says that those depredation accounts shall not be paid.

Q. And you are of the opinion that this was a depredation account, and could not be paid in any other way ?

A. Undoubtedly.

Q. Did you satisfy yourself whether the Indians received or took any cattle in that way ?

A. When the account is submitted for payment it is natural to suppose all the proof necessary is with it.

Q. Did you have any proofs ?

A. Nothing only the letter of the agent, that he believed it was so. That was the only account there was of it.

Q. Do you know whether at any time Indians have seized cattle in that way, killed and used them, when the agent has delivered a less number of cattle on the next issue-day ?

A. If he did, he took upon himself a responsibility he had no right to.

Q. I only ask you if you have any knowledge on that point?

A. No, sir.

By Mr. SMITH:

Q. I would like to ask if the law, according to the witness's interpretation, would not prevent any officer of the Government from approving that claim?

A. Undoubtedly.

Q. The Commissioner of Indian Affairs did approve it?

A. Yes.

Q. Therefore, it could be done?

A. His personal action shows that he was guilty of an illegal act on that occasion.

Q. The Secretary of the Interior could have approved it also?

A. He had no power to do so. The idea is that the Commissioner of Indian Affairs approved an account, and did it illegally.

By Mr. FAULKNER:

Q. Your idea is that the Second Comptroller of the Treasury has the power to check an illegal order of the Secretary of the Interior?

A. Yes, sir; so I understood it.

By Mr. SMITH:

Q. Is it customary in sending those papers to the Second Comptroller for his final action to have all the papers before him?

A. The account, as sent to the Second Auditor, as I understand it, should have every paper connected with the claim, so that he could have the whole thing before him.

Q. Then the accounting officer of the Treasury paid these accounts with all the facts that the Indian Office and the Secretary of the Interior had before them?

A. Yes, sir; but you will remember this fact, that there was an issue made as to the power of the Head of the Department to order the payment in his own Department, and that Secretary Richardson, who was in the Treasury at the time these payments were being made, informed the Second Comptroller that the Secretary of the Interior would be held responsible for those payments, but to pay such accounts as he decided to be paid. This particular account was never paid.

By Mr. FAULKNER:

Q. Can you state what the practice was before that decision of Secretary Richardson?

A. No, sir; the law under which the Board of Indian Commissioners was organized, and subsequent laws, require that accounts should be submitted to them for their action before the final payment, fifty per cent. of such accounts to be retained until their action was had. Under that law, when they rejected accounts, it was found by the accounting officers to be difficult to decide in every case exactly what they could do, and that probably led to the conference on the subject.

By the CHAIRMAN:

Q. Well, sir, do you know of any other instances of the Secretary of the Interior or the Commissioner of Indian Affairs, or any person connected with those branches of the Government, failing to do their duty, or being guilty of any wrong-doing?

A. Well, I am talking about the violation of the law now. The Commissioner of Indian Affairs gave A. H. Wilder a contract for transportation without advertisement, in 1873-'4, from Fort Randall to Whetstone

The first contractor offered to do the work for \$1.12½ per hundred pounds per hundred miles. The contract was awarded to him, and he declined to accept it. I heard that there had been improper influences used with him to get him to decline.

Q. Whom did you hear it from ?

Q. I heard it in Cheyenne, and it was H. W. Moore, the store-keeper, who told me.

Q. Who did he tell you used the improper influences ?

A. He did not say who.

Q. Did he say that he knew the fact himself, or that he heard it, or saw it ?

A. I don't suppose he saw it.

Q. Did he hear anybody make a proposition of that kind ?

A. I don't know ; when he stated the fact to me, he didn't say whether he knew it of his own knowledge or got it from somebody else. The first contractor declined to execute the contract, and Wilder got it for \$1.32 per hundred pounds per hundred miles. He wasn't a bidder at all.

By Mr. SMITH :

Q. Was there any bidder lower than \$1.32—any *bona-fide* bidder any lower than that ?

A. I don't know. The illegality consisted in giving the contract without first advertising it. Subsequently Wilder sublet the contract to Pratt, at Fort Randall, and Pratt sublet it to George Marshall, who was the man that declined the contract at first, and, as I was informed, at the original rate he had bid for it.

Q. Do you know whether the Commissioner of Indian Affairs had any knowledge of this subletting ?

A. I don't know, sir.

By Mr. HARRIS :

Q. Was there any formal subletting—any written assignment of the contract to Platt ?

A. It was testified before the Indian investigating committee that he did the work ; that Wilder paid him \$1.20 per hundred miles, for transporting to the agency.

Q. That answer assumes there was an assignment of the contract.

A. There is some evidence of that ; I will refer to it.

By the CHAIRMAN :

Q. Was there such an assignment of it as required the approval of the Commissioner of Indian Affairs, or was any assignment approved by him ?

A. It is not usual for these contractors to come to the Indian Office to make their assignments.

Q. I ask you if you know there was any assignment ?

A. What I know of it is the testimony of Pratt's partner, before the Indian investigating committee, that Wilder had it done at \$1.20 ; and the point of it is that Wilder, at the time that he got that contract, had not a hoof—had no transportation.

By Mr. HARRIS :

Q. The claim is made that there is a fraud in letting the contract. All I want is to put on record the clear evidence of this fraud.

A. The clear evidence of this fraud is that Wilder had not wagon-transportation at the point in question. By the subletting in both in-

stances the Government was defrauded ; first, out of 12 cents per hundred pounds per hundred miles transportation from Fort Randall to Whetstone, which Wilder got without performing any service ; the second instance was Pratt's commission as agent, for himself and Wilder, while the Government had a shipping-agent right there at the point.

Q. With transportation ?

A. He was an agent, and took charge of the freight for the agency.

By the CHAIRMAN :

Q. And this makes a clear fraud to your mind ?

A. It makes it clear to my mind that the Government was cheated out of the balance over what was paid to the men who actually performed the contract.

By Mr. ATHERTON :

Q. I would like to ask right here what point in this transaction fixed the charge of illegal action upon the Commissioner ?

A. Letting the contract to a person who was not a bidder at all, without advertisement.

By Mr. HARRIS :

Q. I inquire whether the Commissioner has or has not a right to refuse to take any bid, and has it in his power to reject any or all bids if, in his judgment, they are not at proper rates ?

A. It is stipulated in the advertisement, but the law requires him to let all his contracts after advertisement.

Q. Even though, after having advertised, he might reject all bids ? Do you say that, having strictly conformed to the law and advertised, he can then make a private contract ?

A. No, sir ; I don't say that.

Q. You claim, on the whole, he can never make a contract until he accepts some bids ?

A. If he finds that the bids are improper bids, he is not forced to accept those bids ; but he must advertise anew then ; that is my view of it.

Q. Then you are stating your view of the law ?

A. The law is clear of itself.

Q. I ask you if you are not now giving your view of the law ?

A. I first state the law as it existed, and that is my view of the law also.

By the CHAIRMAN :

Q. I will ask you, Mr. Walker, in case there is no bid, when he advertises, what he would do then ?

A. I presume it would be for him to consult with the Secretary of the Interior and the Board of Indian Commissioners, to get the best terms he could ; if he could not get anybody to bid under this legal advertisement, then it is his duty to consult with the Board of Indian Commissioners and Secretary of the Interior, to make the best contract he can for the Government.

Q. Now, in this case, if there was no other bidder than this man who failed to make his contract good after it was awarded to him, what would be the duty of the Commissioner then ?

A. To advertise again.

Q. That is your view of the law ?

A. Yes, sir.

By Mr. HARRIS :

Q. Well, in your judgment, would not the emergencies of the service



determine the question when it would be proper for the Secretary of the Interior to consult with those higher in authority to make a private contract ?

A. You said the Secretary of the Interior, sir, to consult with those higher in authority than himself.

Q. I ask whether or not if the emergencies of the service must not determine the question when it becomes proper for him to make a private contract ?

A. There was no emergency.

Q. That is not my question. I am not asking your opinion as to that emergency; only as to the power. I ask you whether the emergency of the service must not determine the question when it is proper to make a contract without advertisement ?

A. Yes.

Q. So, then, your judgment of law does give the Commissioner of Indian Affairs, with the advice of the Secretary of the Interior and the Board of Indian Commissioners, power to make a contract without advertisement ?

A. When there is an emergency. Of course it must be an emergency clear and distinct.

By the CHAIRMAN :

Q. Do you know of any other instances of mismanagement or fraud on the part of anybody connected with the Indian service ?

A. Well, yes; for instance, in 1873 corn was substituted for flour.

Q. Where at ?

A. At Sioux City.

Q. Who did it ?

A. The Commissioner of Indian Affairs.

Q. Well, what fraud was there about that ?

A. In the first place, the change was made without any contract. The Commissioner of Indian Affairs said it was done under the recommendation of the secretary of the Board of Indian Commissioners.

Q. Did he say that in writing ?

A. Yes. He sent it before the Indian Committee, but the secretary, in stating his belief on that point, had no authority to represent the Board, and he did not, in fact, do so.

By Mr. SMITH :

Q. Do you know that ?

A. Yes, sir; I know it from himself, Mr. Cree. He said he had no authority to recommend it as representing the Board. In a private letter to Mr. Smith he said he believed corn could be used advantageously.

By the CHAIRMAN :

Q. State wherein the wrong consisted in substituting the corn for the flour.

A. In paying extravagant prices for it. At Sioux City the rates which were paid to the contractor for that corn showed four different prices per hundred pounds for the same article. The contractor's name was Kelly. The price of the corn for Fort Peck was \$4.50 per hundred pounds delivered at Fort Peck. That price was supposed to be the price of corn at Sioux City, with the rate of transportation added for August. The rate of transportation from Sioux City to Fort Peck was \$2 per hundred pounds.

Q. Where do you get that from ?

A. The contract, sir.

A. Which contract?

A. Page 274 of the report of the investigating committee, document 778 of the Forty-third Congress and the first session. Which leaves \$2.50 per hundred pounds at Sioux City.

By Mr. SMITH:

Q. I would like to ask if there was any correction of those figures afterwards?

A. There was said to have been, but he never returned the money to the Treasury, as he said he would do.

Q. Didn't he offer to do something else?

A. He offered to furnish the difference in corn.

Q. Did he?

A. I don't know about the corn; but as far as the money is concerned, I do know that he never returned it.

By the CHAIRMAN:

Q. Was there a contract made by the Commissioner for corn at that price?

A. No, sir; there was not. It was a private arrangement of the Commissioner with Wilder.

By Mr. SMITH:

Q. In what did that arrangement consist?

A. Kelly says that he made a proposition. I call your attention to this fact, that at the rates paid for this corn there were four prices. Taking the transportation rate for August from the prices of the corn delivered at the agency, you will find that the four rates at Sioux City were \$2.50, \$2.10, \$1.90 and a fraction, and \$1.90 per hundred pounds.

Q. Does not the second also show that the price \$2.50 was by mistake and afterwards corrected?

A. Yes; but this shows afterward that the money was paid for this one. When Congress was investigating it, Wilder made a proposition to return the money; that is the fact. You will find it on page 209.

Q. Do you know anything more about it than appears in that document?

A. No, sir; I point your attention to the facts as they exist. Wilder said it eight months after it was paid. I give a statement of fact that Wilder, in reply to a telegram which you said you sent, but did not produce, made the correction.

Mr. SMITH. This witness does not make a fair statement of this transaction.

The CHAIRMAN. You will have an opportunity to make a fair one.

By Mr. SMITH:

Q. Wasn't this the arrangement: that the flour-contractor should deliver corn instead of flour?

A. Yes, sir; but you bought the corn at a price on a proposition of the contractors, which the original contract parties, with the exception of yourself, had no knowledge of.

Q. You say you have the August rates. Where did you get these?

A. The proposition that the telegram refers to is on page 208, which, in every case, cites the price of corn and the transportation to the agency at August rates.

By the CHAIRMAN:

Q. What do you mean by August rates?

A. The August rate is \$2 per hundred pounds, which is higher than the months in which the corn was delivered. In August the rates are higher than in July ; August, \$2, September and October, \$2.50, July, \$1.25.

By Mr. HARRIS :

Q. Does the reference to the freight-arrangement pertain to the August rates ?

A. No, sir ; nevertheless, when making my computation, it was a fair allowance to credit him for the latter months.

By the CHAIRMAN :

Q. Mr. Walker, we shall be glad to have you call our attention to any other matter that you know.

A. In the McCann contract, when the question of distance was before the Indian Committee of the House of Representatives, Commissioner Smith stated to the committee that the accounts of McCann for May and June were held up until the distance should be measured, and payments could be made for the whole transportation under this contract for the distance that should be found by actual measurement. Now, there has not been a dollar held back from McCann under that contract. He was paid every cent that was due him for the fiscal year 1873 and 1874 under his contract for transportation.

Q. You say "that was due him." Do you mean by that every cent he claimed ?

A. Yes, sir ; every cent that he claimed for the whole distance, two hundred and twelve miles.

By Mr. SMITH :

Q. Do you know whether there were not then or are not now other accounts equally good which have not been paid ?

A. I know that there were not then, not at any time during the fiscal year 1873-74, any equally good. But the specific statement of the Commissioner is that McCann's transportation-accounts for May and June, 1874, were held up for payment, and that statement is untrue.

Q. Were all his accounts settled ?

A. All his accounts under that contract were settled.

Q. At that date had he no account with the Indian Office.

A. At that date I cannot remember.

Q. At that date did the Indian Office owe him for services actually rendered ?

A. Not under this contract ; and the other accounts which you refer to are accounts which were disapproved by the Board.

Q. At that time, had not McCann rendered services to the Indian Office for which he had not received compensation ?

A. I could not say that.

Q. Was there not then due him actually for services rendered an amount sufficient to cover that claim ?

A. There was not ; there was no approved claim at that time of McCann's.

Q. I ask you if you know whether McCann had not then actually rendered the Indian Office services for which it was bound to pay, and which was sufficient to adjust that difference ?

A. He had not ; he had no approved just claim before the Department at that time.

Q. I ask if you know ?

A. A man may have a claim in the Indian Department which is not a just one.

By Mr. HARRIS :

Q. The only question is whether you will answer the question.

The CHAIRMAN. He did answer the question.

A. The definite statement was, that the accounts of McCann for May and June were held up.

Q. Is that all ?

A. If you will refer to page 217 of the same document, you will see that Commissioner Smith made a report to the Secretary of the Interior that the price allowed for corn under that agreement was the lowest market-price at Sioux City, with freight from that point to the respective agencies. That statement was made with reference to those four prices which I pointed out, and it was untrue.

By Mr. SMITH :

Q. Was it not also stated before the committee to be a mistake ?

A. No, sir ; you said you did not know it was a mistake, until your attention was called to it.

Mr. SMITH. It is in there subsequently, in the cross-examination.

WITNESS. I refer now to Executive Document 123, Forty-third Congress, first session, page 42. In reference to McCann's accounts, Commissioner Smith says the parties taking affidavits of other persons, freighters, have made the distance greater than thus presented, and that all action in the matter has been *ex parte*, and designedly so. He referred there to the affidavits submitted by the Board of Indian Commissioners, which were those of McCann's employés, and were *ex parte* only in the sense of being as favorable as could be for the contractor.

By Mr. HARRIS :

Q. Do you know whether the contractor or anybody else, who would be affected by your investigation, had notice of your intention to take the affidavits, so as to give him an opportunity to be present ?

A. The contractor's agent procured the affidavits. I went with the person who was acting as the contractor's agent, and asked him the distance.

Q. Did you write the affidavits ?

A. I wrote one of them, and he wrote the other when I was at the Red Cloud agency, and gave it to me when I came back.

By Mr. SMITH :

Q. Was not McCann in a quarrel with the contractors ?

A. The question is unfortunate for you ; he was in a quarrel in this way : he was paying them for a shorter distance than they supposed it was.

Q. Wasn't he in a quarrel with them about payment at all ?

A. Yes, sir ; he was paying them for a shorter distance than they imagined it was ; they wanted to get pay for one hundred and eighty-six miles, and he was only paying them for one hundred and seventy-five.

By the CHAIRMAN :

Q. Was he paying them by the hundred pounds per hundred miles, or so much for the whole distance ?

A. Part of Hecht's contract was that he was to be paid a dollar per hundred pounds for the whole distance ; then, when the new contract

was made, he effected different arrangements with them. Under the new contract, for the removal to the new Red Cloud agency, Hecht was to receive during December, 1873, and January, February, March, and April, 1874, \$1.20 per hundred pounds from Cheyenne to the old agency, and 12 cents per hundred pounds for each additional ten miles to the new agency.

Q. In speaking of the affidavits as being *ex parte*, what is it you wish to call our attention to in reference to the matter that is wrong?

A. As an indication of the fact that Commissioner Smith was making a special pleading for the contractor; that is all.

By Mr. HARRIS:

Q. I understand that they were employés of his, contending with him; were they in friendly relations with him?

A. Yes, sir; but still having a controversy with him. The question of distance was an unsettled point.

By Mr. ATHERTON:

Q. Was the interest of the employés who made the affidavits for or against the interest of McCann in the matter of the statement they would make about the distance?

A. For his interest, of course.

By Mr. HARRIS:

Q. Were they stating it less than the distance McCann was claiming it?

A. No, sir; they were stating it as a distance beyond what he was paying them for.

Q. Did they understand the distance as claimed by McCann?

A. Yes, sir.

Q. How do you then say that their statements are in his favor?

A. None of the contractors knew the distance the Government was paying him for; they understood that they were doing him a good turn. They thought it ought to be increased, and that he would pay them; that was their statement to me. I think those same men testified to those very facts before your committee, and I am sure of one thing—that they didn't know what McCann was being paid for.

Q. Then it cannot be said that they were in his favor or against him?

A. No, sir.

Q. Then, therefore, coming back to the question, were they not exclusively *ex parte*?

A. No, sir; I think not; not *ex parte* in the sense in which the Commissioner stated it, if you will read the whole letter.

WASHINGTON, D. C., Monday, September 13, 1875.

Present: Hon. THOMAS C. FLETCHER, chairman; Prof. GEORGE W. ATHERTON, Hon. CHARLES J. FAULKNER, and Hon. B. W. HARRIS. Hon. E. P. SMITH, Commissioner of Indian Affairs, was also present.

Examination of SAMUEL WALKER resumed.

WITNESS. I wish to complete my testimony on the McCann contract. The amount transported was about three millions of pounds for the estimated distance 145 miles.

Mr. HARRIS. Mr. Chairman, is this gentleman testifying from his own knowledge, or from records that are open to us? I certainly have sacri-

ficed to this matter all the time I can afford to give, and I cannot spend my time allowing the gentleman to argue from the public records, if he is so arguing from records which are open to us.

WITNESS. The letter of the commission asked me for information, and I give them all the information I have on the points.

The CHAIRMAN. Of course we do not want your mere conclusions from the testimony.

WITNESS. I just state the conclusion I would give to anybody on the subject. If you don't want it, of course I don't want to give it. The letter asked me for information on the points at issue. If you wish to place any restrictions on me and will tell me how far I may go, I will govern myself by it.

Mr. HARRIS. If he is reading from public records and arguing from them, it is not testimony; it is an attempt, if such be the fact, to argue from the testimony of other people and from the public records, and not to testify. Those records are open to us, and I don't think we ought to spend our time in hearing arguments upon them.

By the CHAIRMAN:

Question. What is the information you have to give us?

Answer. It is information upon the contract upon which I have given testimony; I am referring to my own testimony, and I wish to complete my evidence as to the McCann contract. I will state that these surplus payments made to him for distance beyond which he is entitled to, if it was 145 miles, amounts to an overpayment of \$57,000, and if it was 165 miles, he was overpaid \$39,900.

Q. Where do you get that information?

A. From the advertisement for supplies, and the amount of corn and flour, and beef, and sugar, and annuity-goods passed for the year.

Q. Do you state that there was that much transported?

A. Yes, sir.

Q. Of your own knowledge?

A. Not of my own knowledge, but to the best of my knowledge from the papers that went through my hands, in that year.

Mr. HARRIS. Of course I submit to the judgment of the committee, but I feel it to be an imposition upon me to be compelled to sit and hear arguments made upon facts which are not within the personal knowledge of the witness, but which are facts of public record, which we have called for, and which are in our possession.

The CHAIRMAN. What is the pleasure of the committee about it? Certainly if it is not the correct amount transported, we will be able to ascertain it.

Mr. HARRIS. I do not presume this gentleman is stating anything that is not in the public records. I presume he is stating it correctly, but we have it all.

WITNESS. The point of my testimony is, I am speaking of a period that is gone by, but my personal knowledge of that is asked for.

By Mr. HARRIS:

Q. What personal knowledge have you?

A. As clerk of the Board of Indian Commissioners. That is all. I was asked on the point as to whether there was any knowledge of the officers of the Interior Department, of any irregularity before Professor Marsh's statement was made. I said I knew of them, and proceeded to state them and my conclusions upon them. I suppose there is no objection to that.

Q. Your conclusions?

A. Yes, sir.

Q. You can state the facts. We don't want anybody's help about conclusions.

The CHAIRMAN. The conclusions we will arrive at ourselves, if you give us the facts.

WITNESS. Under those circumstances I will say that in coming here I was prepared to give you all the information I had, but I can simply refer you to the records of the Board of Indian Commissioners, and you can get everything I say. I refer you to letters D, W, and K, for 1872, 1873, and 1874. Those letters will give you all the information I have. They are in the office of the Board of Indian Commissioners. They are letters received from the Commissioner, and they refer you to the originals from the Interior Department.

Q. Do you mean by letters the index letters?

A. Yes, sir. I mean the index letters; they are in file shape, so that the clerk can give you them.

By the CHAIRMAN:

Q. Well, go on with what you were proceeding to tell us.

A. No, sir. I cannot tell you anything more than you can find there. You can get all the information I can give you in those papers, and in a condensed form.

By Mr. HARRIS:

Q. I suppose all the information you have is derived from those papers.

A. Except from my personal visit to Red Cloud agency.

By the CHAIRMAN:

Q. And that is contained in your report?

A. Yes, sir.

By Mr. HARRIS:

Q. You are now referring us to the sources of the information which you are giving us?

A. Yes, sir.

By the CHAIRMAN:

Q. Then you have no other knowledge of any matters that are pertinent to the inquiry of this commission, except what we can find there?

A. Except what you will find in the files of the Board of Indian Commissioners—no, sir. Everything I have stated here will be confirmed by those documents, if the files are complete. I know they could be confirmed by those files when I left them.

Q. Are there any other matters within your knowledge, or the knowledge of persons to whom you can refer us, relating to any of these charges and specifications contained in Professor Marsh's pamphlet, besides those you have already referred us to?

A. No; except from public records which you have access to. All the information I have is from public records. Some, of course, is from private sources, but I do not feel at liberty to give those now. But the main part of my information can be confirmed by the public records as they stand now.

By Mr. FAULKNER :

Q. Where are the records of the Board of Indian Commissioners ?

A. On Seventh street, in the Second National Bank building.

Q. Can you make any further reference within your own knowledge ?

A. No, sir. Of course you have the report of the Board of that year. Their records will show the action of the Board on the accounts in 1873, and their opinion on them, I think, as they sent them to the Interior Department and to the Commissioner of Indian Affairs. We took copies of everything that was objectionable, and filed them away there for future reference.

By the CHAIRMAN :

Q. Now, Mr. Walker, in your statement to us on Saturday, the matters that you name there as going to establish the charge that the Commissioner of Indian Affairs and Secretary of the Interior have been aware of the abuses and have made no sincere effort to reform them, are made from what documents ?

A. The congressional documents I refer to are the Forty-third Congress, first session ; the report of Messrs. Kemble and Alvord ; and the fact that Commissioner Alvord communicated to me that he gave Secretary Delano knowledge of considerable more than he put on paper. I know that some of the Board of Indian Commissioners communicated with the Secretary on the subject.

Q. Do you know what their communications to him were ?

A. Yes, sir ; but they will all be found in those records I told you of.

Q. Are there any other persons whom you can name to us as being likely to afford us any personal information about these matters ?

A. The secretary of the Board of Indian Commissioners could testify, and he could corroborate all I could say on the subject—I mean the former secretary, Mr. Cree, the secretary who resigned the time I did.

Q. Are there any other documents which you can refer us to as going to establish any of these charges besides these that you have read from and have referred us to ?

A. It would take some time to think about that. By going over the files, I could probably refer to a good many papers.

Mr. ATIHERTON. I should be glad if Mr. Walker could give us a list of those papers.

WITNESS. It is so long, I could not make a list from memory. I refer you to those index-letters, because the transactions that were objectionable were in the name of Dodge, Kelly, and Wilder, and they were filed under the letters of D, K, and W, and also under the letter S, for the name of Slaven.

By Mr. HARRIS :

Q. Those were letters between the Commissioners and the Department ?

A. The names of contractors.

Q. The letters you refer to ?

A. The letters refer to the names of the contractors who had objectionable accounts.

Q. I ask if the letters were between the Department and the Commissioners ?

A. Yes, sir. You will find the original letters there, and copies of the Commissioners' letters to the Department.



By the CHAIRMAN :

Q. You have recently, I believe, been writing some letters published in the newspapers in reference to this subject ?

A. Yes, sir ; I would just say here about that, that they are all from records also ; you can find them in the same papers.

Q. I was going to ask you how many of those letters there were and where we might obtain them.

A. The *Capital* newspaper of this city contains some of them.

Q. Where are the others ?

A. They are spread all over ; I cannot tell you how many of them.

Q. Have you copies of them that you could furnish us ?

A. I don't think I have ; I don't think I have copies of all of them.

Q. You don't remember the number you have written ?

A. No, sir ; I do not remember all I wrote at various times on the subject.

By Mr. HARRIS :

Q. What articles and letters have you published since the 20th of July, or thereabouts—articles which you have prepared ?

A. I have written those *Capital* letters over my own name.

Q. Have you written other letters, since they have been published, under any other name ?

A. I have written other letters ; I do not wish to say what I have written.

Q. Did you write an article that appeared in the New York papers ?

A. I would rather you would not ask me on that subject—what articles I have written.

Q. Have you written any articles over the signature of "Fidelis" that appeared in print ?

[No answer.]

By Mr. FAULKNER :

Q. Is there anything further which you desire to communicate to the commission ?

A. No, sir.

By Mr. HARRIS :

Q. Who is at present the secretary of the Board of Indian Commissioners ?

A. I think Mr. Frank H. Smith is secretary, and Mr. Whittlesy is clerk.

By the CHAIRMAN :

Q. How long is it since you were clerk there ?

A. Last June a year ago I resigned, to date the 30th of June, 1874.

Q. How long had you been clerk there ?

A. Three years.

The CHAIRMAN (to Professor Marsh): Professor Marsh, is there any inquiry you would like to make of Mr. Walker ?

Professor MARSH. There is none.

## TESTIMONY OF DR. C. C. COX.

Dr. C. C. Cox, of Washington, D. C., having responded to the request for his appearance, the chairman invited Professor Marsh to make such inquiries as he desired of Dr. Cox.

By Mr. MARSH:

Question. When were you at the Red Cloud agency, Doctor?

Answer. Last summer, Professor; the summer of 1874.

Q. How long were you at the agency?

A. Going on to Whetstone, I think we stopped two days and a half. I think we were there over Sunday; I think we had service there; and I believe that, in returning, (I was not with the commission on the return-trip, I stopped there alone,) I was there about the same time, probably two days; at least two days; I think not more than that.

Q. Did you see anything indicating mismanagement at the agency?

A. I did not see the slightest evidence of mismanagement. I did not investigate any of the affairs of the agency. There were some matters left for the commission to look into which they attended to after I left. I went about through the stockade and into the stores of the parties who had goods to dispose of and distribute, I mingled with the Indians a good deal, I stopped several hours at Yellow-Hair's camp on my way from Whetstone to Red Cloud, and I saw nothing of the kind. Of course my attention was not directed to anything of the sort, but nothing came under my observation that led me to infer any mismanagement.

Q. Did you see any of the supplies at the agency?

A. I saw at Yellow-Hair's camp some bread, or rather short-cake, flat cake, made, I suppose, of the usual flour, and ate of it.

Q. Did you see any of the supplies?

A. I did not examine the supplies; I was in the stores, and I saw the general character of the supplies, but I did not inspect minutely any particular article of supplies.

Q. Did you notice the flour?

A. I did not see the flour at the agencies at all. There was some flour shown to me after I got to Cheyenne, on the way back, by Colonel Long, of the Army, who was, I believe, at that time appointed to inspect the flour.

Q. What did you think of that flour?

A. I am no judge of flour at all. He showed me several specimens, some of which looked rather dark in color, not very white flour; but I saw nothing else about it that would lead me to infer that the flour was of an inferior quality except the color. As I said before, I am no judge of flour, and, of course, I could not pretend to form an intelligent opinion on that point.

Q. Had you any conversation with any Army officers, in speaking about the flour or anything else, indicating that matters were not all right at the agency?

A. No, sir; not to my knowledge—never.

Q. And did you say that you should give the information on those subjects to the Department when you came back?

A. No, sir.

Q. Did you give any information to the Department when you came back?

A. I received a note from the Assistant Secretary of the Interior, stating that complaints had been made in regard to the flour, particu-

larly, and some other things, and desiring to know if I knew anything about them. I believe I have that letter in my scrap-book. Within an hour, I addressed a note to the Assistant Secretary of the Interior, to the effect simply that I had seen nothing in my observations at the agencies which led me to infer anything wrong about the supplies; that some flour had been shown to me in Cheyenne which was said to be impure, imperfect flour, but that I knew nothing at all about its real quality, and had no knowledge of any frauds or improprieties, if any such existed.

Q. Did you speak of the quality of this flour, particularly, in your letter to the Assistant Secretary of the Interior?

A. I really am not sure. I can get a copy of the letter from my office across the street in a few minutes if you would like to see it.

Professor MARSH. I would like to see it. Those are all the questions I wish to ask.

WITNESS. I would like, Mr. Chairman, if it would be proper, to state some impressions I have had in regard to the Indian matter, if it is a part of your investigation.

The CHAIRMAN. It would be proper, and we would be very glad to hear any observations or impressions that will aid us in coming to a correct conclusion in relation to this Indian matter.

WITNESS. Well, sir, I had never visited the Indian country before, and of course all my impressions are fresh and unmodified by any previous circumstances or conditions. I did not hear an Indian—I mingled with a good many of them—I did not hear a solitary Indian complain particularly of the quality of the articles furnished. There was a good deal of complaint, both in the council and outside, on all occasions, to the general effect that the needs of the Indians had not been fully supplied, and that the Great Father and his officers had violated all their promises and pledges to the Indians. That was the burden of their song from the time I entered the Territory until I left it. My impression was that a little less indulgence and a little more authority would be better for the Indian and the Government. A more determined set of chronic grumblers and complainers I never saw.

By the CHAIRMAN:

Q. Their complaint was as to the quantity and not the quality?

A. I heard no complaint as to the quality at all. Their complaint was, that the general needs of the tribes were not supplied, and that all the treaties and all the promises that had ever been made by the Great Father and his officers had been violated. They could not talk in the council—could not make a five-minutes' speech—without running into that rut.

By Mr. MARSH:

Q. Did you say nothing to Colonel Long condemnatory of the flour you saw at the warehouse there at Cheyenne?

A. Not at all, sir; I never said anything; I did not know anything about the flour; I may have observed that the flour looked very dark, no doubt I did, for the flour he showed me had a dark appearance. He exhibited to me at the hotel samples of flour furnished which he considered improper and impure flour. Not being an expert, of course I could not express an opinion as to the merits of the flour, except as to the color; and I did not.

Q. Your letter referred to the opinion of Colonel Long on the subject, or to what you saw yourself?

A. I think it did, Professor. I would like to get that letter and bring it right across to you.

[The witness procured and produced the letter, as follows:]

THURSDAY, *October 8, 1874.*

MY DEAR SIR: I have just read with some surprise the telegram to which your favor of this date alludes.

During my sojourn at Whetstone and Red Cloud agencies, I heard nothing of the irregularities or frauds referred to. In the councils held, and the private conferences with the Indians, the usual complaints were made by them of inadequate provisions for their need, and unfulfilled promises on the part of the Great Father and his officials, but no attention was paid to murmurs which are constitutional and chronic, and doubtless without foundation in fact. I did learn at Cheyenne that the flour furnished by the contractor was generally of very inferior quality, and had been condemned by Colonel Long, the military inspector, but knew nothing whatever of any improprieties or frauds on the part of the agents.

My office is crowded with visitors just now, and I am obliged to be more hurried than I desire. During my rides this morning, I will do myself the pleasure of calling upon you at your office.

Always, respectfully and truly, yours,

CHRIS. C. COX.

Hon. Mr. COWEN,  
*Assistant Secretary Interior.*

By Mr. HARRIS :

Q. I would like to ask you about Yellow-Hair's short-cake, which you tasted. What kind of cake was it ?

A. It was not exactly the kind of short-cake I should prefer to have on my own table, and I suppose I should hardly have eaten it if it had been shown to me in Washington. I found nothing objectionable in it except that it was a little close, sodden—imperfectly made. I don't think the Indians understand the use of yeast or rising-powders; and it was a little dark, but it was sweet. It tasted very well to me, because I was very hungry and very tired, and I did not inspect it very closely. I went upon Saint Paul's maxim—to eat what was set before me, and ask no questions.

By the CHAIRMAN :

Q. You saw nothing wrong with the nutritious properties of the flour ?

A. Not at all. I was in a very delicate state of health at the time, and my stomach would have revolted against anything very injurious in its quality.

By Mr. FAULKNER :

Q. You have not stated in what capacity you were out in the Indian country.

A. I was there as a member of the special commission to treat with the Indians in regard to two subjects: one the surrender of their hunting-grounds in Nebraska, and the other (which, I believe, is a stereotyped subject) the surrender of the unceded territory, though it has never been broached, I believe, by any commission until the present time. There was nothing said by our commission on that subject.

By the CHAIRMAN :

Q. I think you said that was your first visit to the Indian country ?

A. The first visit. I had never seen an Indian before except as he had passed through the streets of Washington.

WASHINGTON, D. C.,  
*Wednesday, September 15, 1875.*

Present: Hon. THOMAS C. FLETCHER, chairman; Hon. TIMOTHY O. HOWE, Hon. B. W. HARRIS, Hon. CHARLES J. FAULKNER, and Professor GEORGE W. ATHERTON.

Professor MARSH was also present.

The CHAIRMAN. (To the Commissioner of Indian Affairs) Mr. Commissioner, we invited you to meet with us this morning in order that you might make such statements with reference to the charges contained in the pamphlet of Professor Marsh as you may see proper to make; and we then propose to ask Dr. Bevier about such matters as Professor Marsh wishes to inquire of him. We may desire to recall you for the purpose of asking you some questions if we find that those we had designed asking are not covered by the statement you will make to us this morning.

Hon. E. P. Smith, Commissioner of Indian Affairs, then read the following statement in reply to Professor Marsh's charges:

#### STATEMENT OF HON. E. P. SMITH.

Sometime about the 20th of April last, Professor Marsh came to my office bringing packages of coffee, sugar, tobacco, and flour, which he said he had brought from Red Cloud agency. He explained that he was now fulfilling a promise which he had made to Red Cloud. That while at the Red Cloud agency, in October or November previous, he had found difficulty in getting permission of the Indians to go past the agency, in to their country in search of fossils; and as an inducement to Red Cloud to procure this permission for him, he had offered to bring any complaints which that chief should desire to make concerning his agent, to the President; and that, in pursuance of this agreement between him and Red Cloud, that Indian had made many grievous charges against his agent and his administration of affairs. And had also given him these packages of supplies as genuine samples of the food which his agent was giving him. In answer to my inquiries, he said that he had not in any way tested these samples by comparison with supplies which were then being issued by the agent, and that he did not put great confidence in Red Cloud's statement. Mr. Marsh also spoke of the confusion which he witnessed at the agency, of the agent's want of courage and coolness at the time of a threatened outbreak, and of his lack of system in issuing annuity-goods, clearly indicating, as Mr. Marsh thought, an incompetency on the part of the agent for his responsible position, admitting at the same time that the position was one involving responsibility equal to that of the governorship of the State of Connecticut. On this point we agreed in our views.

He made no charges of fraudulent transactions on the part of Agent Saville, except in the name of Red Cloud, saying that Red Cloud claimed and repeatedly declared that his agent was cheating him.

The interview, so far as I was concerned, was a pleasant one, and, as Professor Marsh stated to me, had been brought about because some time previous, when giving him a letter of credit to Red Cloud and the officers of the Bureau in his country, I had requested him if he should ob-

serve anything deserving my attention that needed to be corrected, to make a note of it for my information.

The next morning an account of this interview between Professor Marsh and myself appeared in a New York paper, giving an incorrect and entirely unfair version; which was made the text of very severe and unjust criticism of the Interior Department, and especially of my own official action, using Professor Marsh's well-known name and position to give force and circulation to the statement. In all these attacks of the press great emphasis was laid upon the quality of supplies which, according to Red Cloud's samples, had been furnished the Indians. The Indian's samples and his story of having been wronged were rarely mentioned except in connection with the name and character of the distinguished professor, who had volunteered to take them to the President in person, and who, by so doing, became in the minds of all who read the accounts the endorser of both the samples and the story, neither of which were true. The newspaper version was so far from being true, and the criticism and charges founded upon it so unjust that I was sure Professor Marsh would be mortified by the false attitude in which he had been placed toward myself, and I confidently expected as a matter of courtesy and honor that he at once would correct them, especially in view of the fact that all the information given to the press on this subject had come exclusively from himself, and that he was known to be in intimate relation with the paper in which it appeared. Mr. Marsh did not make any such corrections. On the contrary, he allowed the continued misrepresentations, based upon an incorrect version of the matter, and especially based upon the samples he had brought, to receive a very wide circulation of the press without any denial from himself. When a man has wronged another unintentionally or otherwise, two courses are open to him: to make reparation, or to endeavor to justify his action. Professor Marsh has seen fit to adopt the latter course.

A few days after Professor Marsh was invited before the Board of Indian Commissioners, to whom he gave a much more extended account of his Red Cloud observations and inferences; upon which statement the board immediately took action by appointing a committee of their own number to investigate and report the facts.

This committee, not being ready to proceed at once to the investigation, the Secretary of the Interior requested the chairman of the Board of Indian Commissioners to name suitable persons to form a commission to take the whole matter into inquiry, and report. Much time was consumed in the composition of this commission, owing to the inability of persons invited to serve.

Among those who thus declined were Hon. H. A. Bullock, of Massachusetts; G. W. Lane, of the Board of Trade of New York; Senator Stevenson, of Kentucky; Senator Washburn, of Massachusetts; Professor Seely, of Amherst College; and Senator Morrill, of Maine.

While this commission was being procured Mr. Marsh was in Washington frequently, and was present at a council held with Red Cloud and his delegates for the special purpose of hearing the complaints he had to make respecting his supplies and his agent. The opportunity given that chief and his band to state their grievances was most ample. The record of this council will show that Red Cloud's grievances, as presented in person, were not serious, and that no complaint was made by him against his agent until drawn out from him by the inquiry of Mr. Marsh, whether he "was *perfectly* satisfied with his agent." At one of the frequent interviews held with Mr. Marsh about this time, I called

his attention to the injustice which he had done Agent Saville in consenting to be the bearer of Red Cloud's complaints without having informed himself by personal inspection as to the character of the supplies at the agency whether the articles Red Cloud had given him were actually samples of the supplies delivered. Professor Marsh replied that I must recollect Red Cloud's position; that he was the acknowledged head of that people, in a similar relation to the Sioux that President Grant holds to the people of the United States, and that it would have hardly been in accordance with Red Cloud's notion of etiquette or propriety for him, the Professor, to seem in any way to question his word or fairness.

Relative to the allegations of inferior supplies furnished Red Cloud agency, I have only to say that the purchases were made on contracts entered into in pursuance of bids offered, and publicly read in New York on the second day of July, 1874. The sugar was furnished by E. C. Knight & Co., of Philadelphia; the coffee by B. G. Arnold & Co., of New York; the tobacco by Dohan, Carroll & Co., of New York; the flour by J. H. Martin, of Denver, Colorado. The award of these contracts to these parties was made in accordance with the advice of the board of Indian commissioners, who had before them all the bids, and upon the judgment of the inspector of the samples as to which offered the best value, and therefore constituted the best bids in each case for the Government to accept.

The inspector for flour was E. R. Livermore, of the Flour Exchange of New York City, who was recommended by the president of the exchange. His ability and integrity will not be questioned by flour-dealers in New York. The tobacco-contract was entered into after three inspections, resulting in the award being given to the parties to whom the second inspector, W. A. Robinson, had made it; the award of coffee was given on the inspection and recommendation of Thomas J. Barr; the sugar, on the inspection and recommendation of C. B. Kneval; the blankets were purchased on the inspection and judgment of C. B. Wilcox, all of New York City.

In making their award upon the bids and samples, these inspectors, I fully believe, were governed entirely by their own judgment in the case, and in each case their judgment was accepted and acted upon. When the contractors came to deliver the coffee, sugar, tobacco, and blankets, the question whether the articles were according to contract as to quantity and quality was left entirely to the decision of these inspectors. They inspected the goods and saw them shipped, and there can be no reasonable doubt that the articles actually purchased were delivered to the transportation companies in New York for shipment to this agency. These supplies are traced distinctly through Omaha and Cheyenne, and the agents receipt is returned for them. Samples of these supplies have been furnished the commission, with the statements of the several inspectors above named. These supplies are in my judgment fully equal in grade to those in use by the great majority of laboring people in this country, and are of a quality which ought to be satisfactory to the Indians. I believe the interests of true economy would not allow the purchase of a better grade of articles.

The sample of flour on which the contract was let, by the advice of Mr. Livermore, was sent to the flour inspector for Red cloud Agency, at Cheyenne, Maj. A. K. Long, of the U. S. Army. When the flour came to be delivered, I found from the complaints of the contractor that Maj. Long's inspection was close and rigid. With this I was pleased, and so informed him by telegraph.

The blankets were purchased of John Dobson, of Philadelphia. They were the well-known standard Mackinaw blanket, of superior quality, heavy, warm, and serviceable; a much better blanket than the soldiers of the Army use, and a far better blanket, both for wear and bed-covering, than the great majority of the American people are able to have for themselves or their families. They were all stamped indelibly U. S. I. D., so that there is no room even for a suspicion that the blankets bearing this stamp, which Mr. Marsh saw upon the Indians', were not the identical heavy, soft, warm Mackinaw blankets purchased for them in Philadelphia. Red Cloud asked Professor Marsh to tell his Great Father that the blankets sent to him were not fit for horse-blankets; Professor Marsh delivered the message to the President, *and did not inform him that it was not true.* Indian blankets were required to be marked, for the first time under that year's contract, and through the inexperience of the manufacturer in marking, a few of the blue blankets were injured by the stamping process; some of them to the extent of destroying the fabric, and thus making a hole in the blanket the size of the four letters. This is not true of any except the blue blankets, which were only one-eighth of the whole quantity furnished to that agency, and it is true only of a portion of this one-eighth. How great that portion is, I have not the information to state, but I do not believe it to have been large.

The above facts will show, I confidently believe, that the office took all reasonable and necessary means to protect the Government from imposition and fraud, and to secure the delivery of the proper articles for the use of the Indians.

At one of the interviews with Mr. Marsh he informed me that the Secretary of the Interior had requested him to make, for his use, a written statement of what he had seen and believed to be wrong at Red Cloud agency. I urged him to do so. He replied that he told the Secretary that if he desired such a statement, he should make the request to him in writing, which the Secretary had not done, and he would consider the matter whether he would furnish the statement or not. General Eaton, Commissioner of Education, was present at the interview and united with me in urging upon Professor Marsh to make such statement, in order that the Department might have the facts for a thorough investigation into all the complaints alleged. We were not able to obtain the consent of Professor Marsh to this request, yet he did not positively refuse it. I assured him over and over again that we were anxious to know what was the true state of things, and desired any information he could give us on the subject, and explained that it ought to be in writing, with reference to such sources of evidence as he could give us.

Mr. Marsh declined to furnish a written statement of frauds of which he had become aware, to myself. In answer to my request for such a statement, he replied he would give it to the commission appointed to investigate the matter. Pending the appointment of that commission, he sent the statement which I had requested to the President, publishing it at the same time in the newspapers. I am not aware of any reason assigned by him for such publication—a course unusual and in no way assisting either the President, Department, or the commission in searching for the alleged frauds.

Mr. Marsh assigns as his reasons for declining to give the statement to the Secretary of the Interior or to myself, that he had reason to suspect the Department was interested in covering up rather than in



discovering frauds, and that he had lost confidence in my integrity of purpose. To sustain this grave charge, which Mr. Marsh has taken the responsibility to scatter through the press and in his own publications copiously distributed through the mail, to all parts of this country, and even in Europe, no specific allegations are made. There are, however, three charges of fraud and wrong which he endeavors to fasten upon the Indian Office.

*First, a disposition to shield contractors by false statements.* For proof of this Mr. Marsh offers two dispatches, taken from the newspapers, as my statements. The first is as follows :

Commissioner Smith, of the Indian Bureau, says, in regard to the letter of General Bradley, published yesterday, that the cattle spoken of belong to the contractor; that they were sick, some of them with broken limbs, and that they were not issued to the Indians, and that there was no intention of issuing them, simply because they were in such a poor and sickly condition. It asserts that Red Dog's statement was incorrect, and that Red Cloud informed him this morning that Red Dog lied when he told the story to General Bradley and Professor Marsh. The Commissioner also states that General Bradley could have satisfied himself of this fact by a slight inquiry of the herdsmen or contractor, if he had desired to do so.

The second press dispatch on which I am convicted of falsehood and fraudulent intent is this :

It is stated at the Indian Bureau, with reference to the complaints concerning supplies furnished to the Indians at the Red Cloud agency, that all the flour sent there was inspected at Cheyenne, by Major Long, commissary of subsistence of the United States Army, and passed by him as equal to the accepted samples. It is therefore claimed that the samples of inferior flour brought here by Prof. Marsh, at the request of Red Cloud, were of some old issue, or, like the specimens of sugar and tobacco, have been damaged by exposure to the weather while in the Indians' possession.

In the first quotation from newspapers given above Mr. Marsh attempts to prove that I am false by Red Cloud's statement that he (Red Cloud) never said to me what is above alledged; and, secondly, by the statements of the half-breeds and squaw-men, that they did not interpret any such thing for Red Cloud, and therefore he could not have said it. If Mr. Marsh had made a slight inquiry respecting the dispatch, he could have saved himself the trouble of calling upon his Dakota witnesses. I never exchanged a word with Red Cloud on the subject. The reporter misunderstood me when he says that I told him that Red Cloud informed me. I said to the reporter that I had been informed that Red Cloud had so stated; and this fact entirely disposes of the "four falsehoods" and of the question of veracity raised by Professor Marsh between Red Cloud and myself.

Of the second dispatch, which Mr. Marsh thinks a sufficient ground to accuse me of fraud, I never had any knowledge whatever, until I saw it in his statement. The information purports to have been procured from the Indian Office on the 3d day of May. At that time I was not within two hundred miles of the Office, and had not been for a week previous, nor had I communicated with any one at the Office on the subject.

*The second charge of Mr. Marsh implicating myself is that I had already been made acquainted with the wrongs at Red Cloud agency, and had taken no measures to prevent them.* This I deny, and assert, on the contrary, that all previous reports of irregularities or wrongs said to exist at that agency, and all statements respecting the integrity of the administration of Red Cloud affairs, have received timely, full, and proper consideration by the Indian Office during my administration.

The first serious complaints made against agent Saville reached the

office in connection with the visit of Samuel Walker to the agency. The complaints were immediately made the subject of investigation by order of the Secretary of the Interior.

Bishop Hare, Rev. S. D. Hinman, inspector Bevier, and Hon. F. H. Smith, member of the Board of Indian Commissioners, were sent at once to inquire into the alleged wrongs. They made extended investigations. Bishop Hare and Mr. Hinman, as officers of the Episcopal church, had a peculiar interest in finding the truth. The report of this commission completely exonerated the agent from all complicity with frauds, and commended him for his satisfactory administration, in view of the many difficulties and embarrassments under which it was carried on.

On this report I acted, and gave the agent my confidence and hearty co-operation, notwithstanding the report of Samuel Walker, which Bishop Hare characterizes as contemptible. If I had been capable of doing otherwise I should have despised myself. J. D. Bevier, United States Indian Inspector visited this agency again the following September. His report of that inspection did not in any way reverse or recall the previous report which he had made respecting the findings of Samuel Walker. It related principally to subsequent transactions of the agent which he pronounced wrong and indicative of fraud. Inquiry showed, as I thought, that the inspector was mistaken in some quite important facts upon which he had based his statements, and agent Saville's explanation of his transactions which were the most seriously questioned, supported by testimony of other parties, seemed to me to be reasonable. I was also aware that just about this time and since his former report commending the agent, Mr. Bevier had had a personal grievance against agent Saville upon a matter not at all connected with his duties as inspector, and that it had led to quite unpleasant feelings towards the agent. This I supposed might account to some extent for the severe report which he now made. In frequent subsequent personal interviews on matters relating to his inspection tour, Mr. Bevier did not in any way of which I have any recollection, allude to the fact that he had changed his estimate of Saville. For these reasons the second report of the inspector while it gave me uneasiness and apprehension did not operate to destroy the confidence in the agent which his previous report and that of the other members of Bishop Hare's commission had inspired.

*The third instance of fraud, or connivance with fraud, which Mr. Marsh charges is in connection with the transportation service rendered by D. J. McCann, under contract with the Indian Bureau.* Mr. Marsh charges that by over-estimating the distance, the Government has been defrauded, with the knowledge of the Indian Office, to the amount of \$15,000. The facts are that the Government has not been, and can not be, defrauded one dollar on this transportation service; but by the care and caution of the Office, the Government is protected, and has been, from all fraud and loss, whatever may be the actual distance between Red Cloud and Cheyenne.

The facts relative to this matter are these: McCann and others bid for the transportation to the Red Cloud agency over a route which had been established at so much per pound per hundred miles. The distance had been already fixed in previous contracts, and it would naturally be supposed that bids of all parties would be based upon the distance recognized by the Department and by freighters at the time of the bidding. When the question arose as to the actual distance, and the transportation accounts were held up, pending the decision McCann addressed the following letter to the Secretary of the Interior:

WASHINGTON, D. C., *December 3, 1873.*

SIR: I have the honor to propose in the matter of difference as to the distance from Cheyenne to the Red Cloud Indian agency, that my accounts be allowed in accordance with the terms of the contract as to price and distance during the winter months, and that a sum sufficient to cover the cost of transportation for any distance less than that stipulated in the contract, which may be found to exist, may be withheld during the months of April, May, and June, 1874, till the question shall be determined.

The object in making this proposition is to secure the means for the prosecution of the work during the winter, while transportation is scarce and labor high. I respectfully inclose herewith a telegram received this day from the shipping-agent at Cheyenne, showing the demand for transportation and the need of funds.

Very respectfully your obedient servant,

D. J. McCANN.

To the honorable SECRETARY OF THE INTERIOR.

McCann's transportation service in May of 1874 amounted to \$6,323.66. His service in June amounted to \$8,905.31. Amount withheld for the two months, \$14,328.97. This sum was not paid to McCann until after he had entered into contract and given bonds in the sum of \$40,000, for its fulfillment, for transportation service in 1875.

There was no time in that year when the Government was not fully protected by this contract, and service rendered under it, against any loss that might be found to have occurred by over-estimated distance.

At the end of the year 1874-'75, the office was indebted to McCann on account of transportation for May and June, \$14,568.12. This was withheld until the 5th of August last, and until after McCann had entered into contracts involving \$100,000 expenditure, under bonds in the penal sum of \$51,000. Thus it will be seen that there has never been an hour from the time the question of distance was raised when the Government has not been able to compel McCann to make full and fair settlements on the actual distance between Cheyenne and Red Cloud agencies. At this time McCann is under contract to render service which will amount, at a low estimate, to \$95,000, a considerable portion of which service has already been rendered and is yet unpaid.

Office correspondence, which has been submitted to you, shows that the Indian Office took steps to procure a measurement of the distance, and that the route has been measured twice and the distance found to be 226 miles instead of 212 miles, the distance claimed by McCann. This result not being satisfactory to myself or to Agent Saville, I asked, under date of November 20, 1874, that the Secretary of War be requested to measure it by an officer of the Army. In accordance with this request an attempt to make the measurement was made by Second Lieutenant I. H. Winter, on the 31st day of December, 1874, which was unsuccessful on account of a severe storm. Subsequent to that time and during the spring and early summer months, it has not been practicable to measure the distance on account of the high water in the Platte, which prevented the passing of the river by the surveying expedition at the point where the transportation-route crosses. A request has recently been made of the War Department to complete this measurement at an early day. When it is done McCann's accounts will be adjusted on the basis agreed upon.

In conclusion of this portion of my statement, I desire to add that Professor Marsh is entirely wrong when he imputes to me any unworthy motives for the part which I have taken in relation to his complaints respecting Indian affairs. As I have stated, our first interview was to me in no way an unpleasant one, and I was not, at the time, aware that I had made any unfavorable impression upon himself. I did controvert his claim, as the representative of Red Cloud, that that Indian was being abused. His statements and complaints were so much after the old

stereotyped form, with which I had become familiar, and which every new man seems to learn by heart the first day out of Cheyenne, that I did not attach much value to them, and it is not unlikely that I showed the feelings which would be natural when I thought Professor Marsh had volunteered to be the bearer of complaints which were not well founded, and when I more than half suspected that the Indian had gotten the better of the Professor.

In a subsequent interview, after public attention had been widely called to his charges, Mr. Marsh told me that he came at that first interview simply to fulfill his part of a bargain with Red Cloud; that he was not a philanthropist nor a reformer; that that was not his line of business; that he was fully occupied in scientific pursuits, which left him no time or inclination to meddle with the Indian question, though he did not believe in the present Indian policy; but that having been crowded into this question he must go through. His reputation for good sense was at stake, and he would show that he was right.

The fact that Mr. Marsh, at no greater distance than New Haven, kept these dreadful tales of wrong and suffering, intrusted to him by the Sioux chief for safe conveyance to his Great Father, during all the biting cold of an unusually severe winter, from November to the last of April, without in any way endeavoring to call the attention of those who he must have supposed could right these wrongs, tends to show that he did not himself attach very much importance to disclosures made at Red Cloud, for it should be kept in mind in this connection that, according to his own statement, Professor Marsh, up to this interview in April, had entire confidence in myself as a true, determined friend of the Indians; and yet, during those six months, when the suffering from cold and hunger at the Red Cloud agency was greatly intensified, he did not so much as communicate with me by letter on this subject, nor in any way did he attend to Red Cloud's message until other business connected with his profession brought him to Washington in April, when, as he told me, he "*incidentally*" proceeded to fulfill his pledge to that Indian.

I am not aware of any expression, by word or otherwise, on my part, from which Professor Marsh was entitled to infer that I desired to prevent publicity or exposure of fraud in the Indian service. I did call his attention frequently, and, in what he may have regarded as severe language, to the fact that he was allowing the press, hostile to the Indian Bureau and to the Administration, to use his name in connection with statements, which were not true, and especially to parade the samples which he had taken from Red Cloud's hands as evidence of great fraud and corruption at that agency and in the Indian Office, when he had not at any time tested the fairness of those samples, though he had ample opportunity so to do while at the agency. I charged him with want of courteous and honorable treatment to me and the Department in allowing such public statements on his authority; without what I considered the slightest proof having been offered to me or any one else to sustain them, and when he himself did not claim to know from personal observation that the statements made in connection with his name, and his visit to Red Cloud and his bringing the samples to the Indian Office were true.

In making up their findings upon Professor Marsh's charges I ask the Commission to weigh well the suspicion and distrust which they have cast upon the Department of the Interior, the shock and horror which they have given to the minds of many of the best citizens of the country, and the destructive blow which they have struck at public confidence in the possibility of Indian civilization or

honest government. May I not also claim the personal right to ask your consideration of my own case, in relation to his statements. I have had but one desire or ambition as Commissioner of Indian Affairs, and that is to do something to lift 275,000 people out of a barbarous and semi-barbarous condition into Christian civilization and American citizenship. It was for this purpose alone, at a sacrifice of personal comfort and inclination, that I accepted and have consented to try to fill the very difficult, embarrassing, often discouraging, and always thankless office of Commissioner of Indian Affairs. I know that I despise wrong and meanness, and that in my estimation there is nothing meaner than to defraud an ignorant, helpless barbarian; and that no inducement could be offered to make me desire to shield from exposure and punishment any man guilty of such a crime. Up to the present time I have enjoyed the reputation among a large circle of acquaintances of being an honest man; that reputation is all that I have which is of any value to me. Professor Marsh has, in fact, though probably without intention, done all that a man in his high position could do to destroy my name and take from me that which I prize above all earthly things, the good opinion of good men. He has done this by sweeping assertions, which have been made without any proper inquiry as to the facts, and which by free expenditure of money and use of the press have been scattered over the wide world.

I ask you to find the *facts* in this case, nothing more. If they condemn me, if they throw a shadow of suspicion upon me, by all means declare it, and give the declaration full emphasis. If on the other hand the author of these charges is mistaken and has made the venture of this assault without proper inquiry, then that fact requires to be so stated that the wide-spread suspicion and distrust which have been created by the action of Professor Marsh, respecting the honest, hearty, effective, and hopeful effort for the elevation of the Indians, which the President and his officers and agents, with the cordial co-operation of the religious people of the country, are now making, may be remedied as far as possible.

Frequent reference has been made to the fact that the Secretary of the Interior in some cases overruled the action of the old Board of Indian commissioners where that Board had disapproved vouchers, and that such overruling was "illegal," "irregular," or "fraudulent."

Upon this point I invite your attention to the following provision of law defining the powers of the board and of the Secretary in regard to vouchers for Indian supplies, (Stat. at Large, vol. 16, p. 568:)

That hereafter no payments shall be made by any officer of the United States to contractors for goods or supplies of any sort furnished to the Indians, or for the transportation thereon, or for any buildings or machinery erected or placed on their reservations, under or by virtue of any contract entered into with the Interior Department, or any branch thereof, on the receipts or certificates of the Indian agents or superintendents for such supplies, goods, transportation, buildings, or machinery, beyond 50 per cent. of the amount due until the accounts and vouchers shall have been submitted to the executive committee of the board of commissioners appointed by the President of the United States, and organized under the provisions of the fourth section of the act of April tenth, eighteen hundred and sixty-nine, and the third section of the act approved April [July] fifteenth, eighteen hundred and seventy, for examination, revisal, and approval; and it shall be the duty of said board of commissioners, without unnecessary delay, to forward said accounts and vouchers so submitted to them to the Secretary of the Interior, with the reasons for their approval or disapproval of the same, in whole or in part, attached thereto; and said Secretary shall have power to sustain, set aside, or modify the action of said board, and cause payment to be made or withheld as he may determine.

Here is an express provision of law for such action by the Secretary in his discretion. It cannot therefore be illegal, irregular, or fraudulent.

Dr. Nathan Bishop, a member of the executive committee of that board which passed upon the Indian accounts, gives, in his testimony before the standing Committee of Indian Affairs, House of Representatives, of the 43d Congress, his views of this power and duty of the Secretary of the Interior over vouchers, after they had passed the inspection of the board, which is officially reported as follows :

By Mr. HARRIS :

Q. In all this matter do you treat or speak of anything as irregular which is not in violation of law ?

A. I don't think I should.

Q. Would you say that anything was irregular or improper which it was in the power of the Indian Department to do without your consent ?

A. I should not.

Q. Are you a lawyer ?

A. No, sir ; not practically. I once read law.

Q. In reference to what you have already said as to your regarding some proceedings as irregular, is it not a familiar fact that the Interior Department or the Secretary of the Interior, as a matter of law and practice, has the authority and the right to overrule the decision of your board ?

A. Certainly ; and if I had been permitted in the beginning to state what the Secretary of the Interior told me, it would have thrown a good deal of light on a good deal of the ground which you have gone over.

By Mr. McNULTA :

Q. What did the Secretary of the Interior say to you on this subject of examining and acting on the accounts ?

A. The Secretary of the Interior, at my request, understood, and I told him distinctly, that I should act in accordance with the law as I understood it, and that the discretionary power should be all left to him, as the law placed it in his hands. I told him that if an account was irregular, even though there was no indication of fraud, I should pronounce it irregular, and send it to him to act upon, in order that the exercise of the discretionary power might be by the party to whom that power was given by law ; and I may add here that the Secretary of the Interior requested me to state this if I had an opportunity—to state that I had exercised no discretion in dealing with the accounts, but had simply adhered to the law as I received it from good authority ; and I have never exercised discretionary power in any case, but have left it with the Secretary, where the law places it.

Q. You understand, then, that the Secretary has merely exercised that discretion which is placed in him by law in overruling your judgment in those matters ?

A. Yes, sir ; he had a right to do it, and take the responsibility.

Q. Do you know of any wrong act or purpose of his in doing so—anything outside of the legitimate exercise of that discretionary power ?

A. I do not, because I have never taken pains to inform myself.

Q. Then, as far as you know, the Secretary has just done what he had a right by law to do ?

A. I have never had reason to suppose that he has done anything that the law does not authorize him to do. Of course he takes the responsibility of his own acts.

It will be seen by this testimony that the board, fully recognizing the legal authority of the Secretary to overrule their decisions, adopted the policy to reject an account whenever it was *irregular*, even though there was no indication of fraud, leaving it to the Secretary to approve or disapprove, as he was fully empowered to do by law. The disapproval of an account by the board, therefore, does not, as Dr. Bishop says, indicate that it was fraudulent.

Many of the rejections of vouchers were based upon information in their possession of which the Department had no knowledge. For example, Samuel Walker's report was made December 6, 1873. The board were acting upon the statements in said report, while the Department had no knowledge of it, not being furnished with a copy of it until the 11th of February following. Subsequently, before the Committee on Indian Affairs of the 43d Congress Messrs. Bishop and Dodge of the board admitted that they had been deceived by Walker's report as to the number of Indians, and adopted the facts contained in Bishop

Hare's report upon the subject. You are respectfully referred to the testimony of Messrs. Bishop and Dodge upon this point in the report of the congressional committee, a copy of which has been furnished you.

The reasons assigned by this board for rejecting vouchers are frequently quite general. For instance, on page 12, report of 1873, they say, "affidavits in our possession go to show," &c., without furnishing the affidavits to the Department; "from investigation we are satisfied," &c., without giving any detail of the investigation; "the best information goes to show," &c., without stating what that information is. Page 13, they say "subsequent examination showed," &c., without stating what the examination had been. These expressions all referred to the investigation made by the board, the results of which were not communicated to the Department at the time the Secretary was called to act upon the vouchers to which the investigation referred.

Testimony has been taken relative to the substitution of corn for flour, and pork for bacon, at some of the Sioux agencies. This subject was thoroughly investigated by the standing Committee on Indian Affairs of the 43d Congress, and full statements will be found in their report above referred to. Corn was substituted for a portion of the flour upon the suggestion of Mr. Cree, then secretary of the Board of Indian Commissioners, in a letter written by him from the Indian country, where he was traveling in company with Mr. Brunot, the chairman of the commission. Mr. Cree stated that so great was the desire of the Indians for corn that they would exchange a sack of flour containing a hundred pounds for a peck of corn. I then thought, and still think, the substitution was a proper one, and have reason to believe that it has been useful and satisfactory to the Indians. The corn cost from 25 to 35 per cent. less per pound, and to the extent of the exchange was fully equal in value, pound for pound.

The substitution of pork for bacon was made on my own judgment, as a measure of economy. There is much less loss by shrinkage in pork than in bacon; it keeps cleaner and reaches the agencies in every respect in better condition for consumption than bacon. The pork costs less than the bacon and is worth more.

In considering the price paid for this corn it must be remembered that the transaction was a substitution and not a purchase. It is not improbable that by advertising, somewhat lower rates might have been obtained; but the flour contractor claimed that his existing contract should not be ignored, upon which at the time of the substitution there was a margin of profit to the contractor. To this margin of profit the contractor was in justice entitled. In making the substitution, therefore, the market price of flour was taken into consideration, and the exchange agreed upon allowed the same margin on corn that was then being realized on flour.

Still another class of claims rejected by the old board, and which the Secretary allowed, were those where beef had been received in excess of the one twenty-fourth part of the entire amount which the contract called for in any single semi-monthly delivery. When it was shown to the satisfaction of the Secretary that the beef had actually been delivered and consumed by the Indians, he waived the technical objection of the board and approved the vouchers. In all this class of claims there was no charge or evidence of fraud. In some instances this excess of the one twenty-fourth part was occasioned by the demand of the Indians which the agent had not the power to resist. In others it occurred from the agent receiving more cattle at a delivery than was required for immediate consumption in order to avail himself of the increase in weight

by feeding the cattle on prairie-grass. By this course, without additional cost for herding, a large number of cows were saved from slaughter and given to the Indians for use. It was claimed by me that if the contractor was willing to make the advance delivery and it was for the benefit of the Indians and the Government, there could be no objection. Certainly there was no fraud.

I fully believe that a candid examination into this matter will show that a very large portion of the vouchers which were suspended, or which, for any reason, failed to receive the approval of the Board of Indian Commissioners, were of this class, and that the transactions involved in the outlay which they represented were entirely honorable and for the benefit of the Indians and the Government.

Professor MARSH. Mr. Chairman, I request a copy of the statement of the Commissioner, and an opportunity to reply to some portions of it.

The CHAIRMAN. Of course you will have a copy of it when it is printed.

Professor MARSH. I should like to have Mr. Alvord's statement go on record, if it is here; I submit that as evidence.

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#### TESTIMONY OF HON. E. P. SMITH.

By Mr. FAULKNER:

Question. I observe that the treaty of 1868, made with the Sioux Nation, prescribes in one of its sections that a military officer shall inspect the supplies at the agency before they are issued. Has that provision of the treaty of 1868 ever been carried into execution by our Government; and, if not, why has it not been complied with?

Answer. I am not aware that it has been. I didn't know myself that that was a treaty obligation.

Q. Yes, sir; it is a positive requirement in that treaty that they shall detail a military officer at each of the agencies to inspect the goods before they are issued, and to be present at their issue.

A. My attention has never been called to it, and I am not informed that the Office has ever acted upon it. It would not be strange that a treaty provision which had not received the attention of the Bureau at the time the treaty went into operation, and had passed unnoticed for five years of office routine under previous Commissioners, should not come to my attention.

Q. Is there any necessity at all for these men who are called freight-contractors between the eastern cities where the goods are purchased and points of delivery like Omaha, Cheyenne, and other points? Will not the ordinary facilities afforded by the railroads as common carriers secure to the Government the safe delivery of goods from commercial points in the East to commercial points along the railroad in the West, without the intervention of freight-contractors?

A. Yes, sir; I suppose to some of the points it may be done, but with greater inconvenience to the Office and greater risk to the goods; while at some of the points it could not be done at all without sending an agent along to reship at those points, because of a requirement by law that the Government shall not pay freight over certain subsidized roads. When the freight gets to that road it stops until somebody comes there and gives a Government requisition and sends it forward.

Q. Still, could not you make an arrangement with your agent at Omaha, for example, by which it might be made his duty to see to the immediate transportation from that point to Cheyenne?



A. That I did last year, from there, but it occasioned a great deal of difficulty and a great deal of delay in the transshipment. Then another reason against that system is that I get through rates from the contractor at much less freight-charges than I can get local rates.

Q. Then would you regard it as a measure of economy to have a freight-contractor instead of resorting to the ordinary mode that a merchant, for example, living in Cheyenne, would adopt in having his goods transported ?

A. That merchant does exactly what I do ; he gets through-rates from New York to Cheyenne. That is exactly what I do. I advertise, and any railroad company or contractor says at what price they or he will give me through rates ; so far as I can avoid it I do not stop at Cheyenne. I want to go through to the agency, so that I can deliver goods that I have purchased and seen myself, and which have been inspected and sworn to by the inspector, and for which I have his certificate of shipment. I want to deliver them to the freight-contractor, take his receipt, and hold him on it, for those several packages until he gives me the agent's receipt, in Wyoming or Dakota or Nevada. That makes it a simple, clear, and safe transaction.

Q. Have you ever compared the expense of transportation through a freight-contractor with the expense of some other mode or arrangement for the transportation of goods from eastern cities ?

A. Yes, sir. I have compared my rates with the local rates. I go to through-rate men, and I find their terms are always more favorable than I can get in any other way. Then, by law, I have to advertise for bids for any service I want done.

Q. Does the law require you to have a freight-contractor ?

A. The law requires me to advertise for any service I need, if I have the time. When I need transportation from New York to Red Cloud I call for bids for that service, and on those bids the contracts are let.

Q. We can easily imagine the necessity of a freight-contractor as between Omaha and the interior ; but the difficulty in my mind was in seeing the absolute necessity of paying a freight-contractor for superintending the transportation of goods from any point like an eastern city, by common carriers, to some point in the West.

A. I don't pay him for superintending ; he gets lower rates than I can get, by applying to the several connecting roads, and being a private citizen, compensates himself for his trouble by the margin, and still leaves a considerable margin of advantage to the Government. I call for rates ; I don't call for a contractor. This year I made a contract with the Northern Pacific Railroad Company for rates to Dakota. They were the lowest bidders. If the Northern Pacific or Northwestern and Chicago, or any other transportation company, had been the lowest bidder to Cheyenne or Red Cloud, it would have got the contract.

Q. You are satisfied that the present system of forwarding goods through a freight-contractor is a measure of economy and safety to the Government ?

A. I have no alternative in the matter ; I am obliged to advertise for bids, and take the lowest responsible bidder ; and I am satisfied also that the Government is better served that way than in any other. You cannot go to New York and procure transportation to Red Cloud at anything like the rates I get, unless you make through arrangements from New York with all the connecting roads, clear to that agency.

By Mr. HOWE :

Q. Does your contract with the Northern Pacific require them to deliver goods off the line of the road ?

A. Yes, sir ; they deliver goods at the agencies along the Missouri River above and below Bismarck.

Q. I don't understand your allusion to difficulties which you said were interposed by the subsidized roads. Does the Government find any difficulty in shipping goods to Ogden ?

A. No, sir ; providing we have an agent who will take them up at Omaha and forward them. I cannot ship directly from New York through Omaha.

Q. Why can you not ship through Omaha ?

A. Because at Omaha I strike a subsidized road. A subsidized road won't deliver Government freight at Ogden unless I pay cash for the transportation, which I cannot do. The law does not permit me to pay cash. I can only give them a certificate of credit, and that they won't take on an arrangement for through rates. They say, "If you want to ship freight under the restrictions imposed upon the road by Congress, you must take up the freight at Omaha on a Government requisition." In that way I can ship ; but then the rates become excessive ; they are simply local rates. I should say they were from twenty-five to sixty per cent. higher than my rates are now.

By Mr. ATHERTON :

Q. Is the Government in that case in a worse position than a private freight-shipper ?

A. Yes, sir ; because a private freight-shipper can pay the cash, and I cannot—cash will get lower rates than a requisition.

Q. I mean, does the subsidized railroad make any discrimination against the Government ?

A. The railroad does not give the Government through rates as it does with a private citizen. The Government, however, gets from the road certain credit by way of canceling debts which are not considered first class.

By Mr. HOWE :

Q. When you substitute a private contractor for the railroad, then the Government pays cash ?

A. The Government pays cash.

Q. And dispenses with the credit ?

A. Yes.

Q. The credit is simply deferred ?

A. Yes ; the credit is deferred.

Q. Is that for the advantage of the Government ?

A. Yes, sir ; I think so. It would depend upon how you value the credit. If the credit of the company is at par, it is greatly for the advantage of the Government, and it would bear depreciation at least fifty per cent. before it would cease to be advantageous.

By the CHAIRMAN :

Q. I understand that the Government, in any event, pays 50 per cent. cash and credits the railroad 50 per cent.

A. No ; it does not credit the railroad anything for freight carried under contract. If it pays any cash, it pays it to the contractor.

Q. Is the whole amount of freight that the Government may ship over one of these subsidized roads credited to the railroad company on its indebtedness to the Government ?

A. If I ship as an officer of the Government the road receives no cash, but is obliged to take the whole amount in credit, according to a recent law.

By Mr. HARRIS:

Q. Does the railroad corporation claim the right to charge in all cases against the Government its highest local rates?

A. Yes, sir. That is, I cannot ship from New York to Cheyenne myself, as an officer of the Government, and avail myself of the through rates. I can ship from New York to Omaha at through rates, but then I have to pay local rates over the Union Pacific Railroad from Omaha to Cheyenne; but the freight-contractor shipping from New York may go over the Kansas Pacific, and thus get a competing route to Cheyenne, which I cannot have when my freight gets to Omaha. He can avail himself of through rates from New York to Cheyenne, while the Government can get the benefit of through rates only to Omaha, being compelled to pay local rates from there on. The Government could make terms equally as good as a private individual can by paying cash, but that I am not at liberty to do over subsidized roads.

Q. Suppose you shipped by Kansas City?

A. Then I strike a subsidized road again, and encounter the same difficulty.

By the CHAIRMAN:

Q. The road from Denver to Cheyenne is not subsidized?

A. I think it is.

By Mr. FAULKNER:

Q. Mr. Smith, do all your proposals for supplies embrace that provision, that the contract shall not be assigned or filled without the written consent of the Secretary of the Interior?

A. The form of the proposal is not stereotyped; it is not the same every year. Some years I think it has been in, and some it has not.

Q. What meaning or construction do you attach to the word "filled," as distinguished from "assigned"?

A. I think it is a very unfortunate word to be used in that connection. I struck it out this year.

Q. It is not in the present proposals?

A. No, sir. I should not suppose it to be the intent at all to compel a contractor to fill a contract personally; that would oblige a man to go to Texas, and drive his cattle to Red Cloud agency, and deliver them there in person. So far as I am able to give any meaning to that, I supposed it was intended to prevent the transfer of a contract, when a bidder gets an award, to any other party, except upon the authority and consent of the Department.

Q. Well, that provision is still retained so far as the assignment of the contract is concerned, but is abandoned so far as filling the contract is concerned?

A. Yes, sir. I could never myself give any satisfactory meaning to the word "filled" in that connection. Taken literally, it is absurd.

Q. Have you, therefore, even when you used it, ever practically sought to enforce that provision?

A. No, sir; not with that meaning.

Q. You construed the provision as meaning assigned?

A. Yes, sir.

Q. And gave no additional force to the word "filled," as used in the provision?

A. No, sir.

By Mr. HARRIS:

Q. Do you mean, Mr. Smith, that where no actual assignment had been made, where the contract stood in the name of the original contractor, you made no inquiry as to who in fact made the delivery or performed the services called for?

A. If the service was satisfactorily rendered.

Q. You treated it as if performed by the contractor, without inquiry?

A. Yes, sir.

By Mr. FAULKNER:

Q. Do you know whether the word "filled," as used by those who drew up the provision, was aimed at any particular individual or any particular class of abuses?

A. I do not; I found the word in the proposals that were published. When I came into office the proposals were all out for 1873-'74, and that phrase was in them.

Q. And has since been abandoned by you?

A. Yes, sir.

WASHINGTON, D. C.,

*Thursday, September 16, 1875.*

Present: Hon. THOMAS C. FLETCHER, chairman; Hon. B. W. HARRIS, Hon. CHARLES J. FAULKNER, Prof. GEORGE W. ATHERTON, and Hon. TIMOTHY O. HOWE.

Professor MARSH was also present.

The examination of Hon. E. P. Smith, Commissioner of Indian Affairs, was resumed.

By the CHAIRMAN:

Question. Mr. Commissioner, will you please to explain to us the manner in which Indian agents are appointed?

Answer. They are appointed by the President and confirmed by the Senate. The President has directed that all nominations of Indian agents forwarded to him by the Secretary of the Interior shall come first from some representative officer of the religious body to which that agency has been assigned for moral care and instruction.

Q. Do the Board of Indian Commissioners make any report upon these nominations?

A. No, sir; these nominations are made to the Secretary by the officers of the religious bodies direct.

Q. Then the Board of Indian Commissioners have no voice in the recommendation of Indian agents?

A. They have nothing to say about it, officially.

Q. How are the agencies apportioned among the religious denominations?

A. Do you mean—

Q. Who apportion them?

A. The apportionment was first made during the administration of Secretary Cox, following, as I believe, largely, and I think entirely, the recommendation of Vincent Colyer, who was then Secretary of the Board of Indian Commissioners. As I understand it, Secretary Cox asked Mr. Colyer to look up this matter for him, and, by corresponding with the several religious societies, adjust the assignment in the best way possible. Upon his report and recommendations the assignments were made, with perhaps some changes, but not to any great extent.

Q. Does the Board of Indian Commissioners recommend or suggest any changes in agents?

A. Yes, sir; whenever they think the good of the service requires such change.

Q. Has that Board ever made any recommendation in that respect regarding the Red Cloud agency?

A. Not to my knowledge.

Q. Is there existing at this time, so far as you know, entire harmony and accord in the management of Indian affairs between the Board of Indian Commissioners and the Indian Bureau?

A. Yes, sir; I think entire harmony.

Q. Has there ever been brought to your knowledge, as Commissioner of Indian Affairs, any charges against any member of the Indian Board for improper conduct as one of the purchasing-committee?

A. Aside from what I saw in Professor Marsh's statement, not any. If you mean whether I have heard any report—

Q. Have there ever been brought to your knowledge, I mean, any charges of that kind in such manner as would require notice of them on your part?

A. No, sir.

By Mr. FAULKNER :

Q. In that connection, let me ask this question: It has been stated in the newspapers that the agent of the Mission Woolen Mills of California in this city said the person who was sent to California to purchase blankets for the Indians made that company pay him \$1,200 in gold before he would make the purchase of the blankets. Have you any information in regard to this matter, or has the above statement in any form been brought to your notice?

A. Yes, sir; I saw it in the paper, and I had previously heard it somewhere else, I cannot say where now, and I called the attention to it of one of the commissioners who was in California at the time that this transaction purports to have taken place. In the first place, the newspaper item cannot be true, because there was no purchase made of those woolen-mills in that year; in the second place, the member of the Board of Indian Commissioners who was the principal one managing those matters on the coast, denied to me most positively that there was a shadow of anything to make the story out of.

Q. You say there were no goods purchased that year of the Mission Woolen Mills of California?

Q. That is as I understand it. He said there were no blankets purchased, or none of any account. I am giving this now from my best recollection. It is possible that I am mistaken, but I think I am entirely right in that statement as to the purchase.

By the CHAIRMAN :

Q. By the treaty of 1868 it is provided that the Sioux Indians shall be located on the Missouri River, and I believe a portion of them were at one time located on the Missouri. Can you give us the reasons, not particularly for the location of those Indians so far inland as they are located now, but the reasons, if there are any known to you, for the continuing of them so far inland from the railroad and river?

A. The particular reason is the utter refusal of the Indians to remove to the river—to remove in that direction.

Q. Have you any information to the contrary, that if the Government should locate its agency anywhere and refuse to issue rations to

the Indians at any other point, they could do otherwise than to go to that agency ?

A. No, sir ; I think not now, since we have troops on the reservation. But previous to that I don't think it would have been wise at all. I ordered the agency moved once in that direction. Spotted Tail issued counter orders. He was on the ground, and having a greater force than I had he beat me. At one time, when a slight move was undertaken by Agent Daniels under my orders, Red Cloud ordered it back, after the agency property was loaded on the wagons ; but now, with the military acting in harmony, Spotted Tail could be put on the Missouri River with great advantage to his Indians and to the Government. I am not prepared to say that it could also be done with Red Cloud, for want of timber-lands. But if the Poncas were taken out of the country they have been inhabiting, and where they ought never to have been put, being a part of the reservation given to the Sioux by the treaty of 1868, and belonging by right to them to-day as much as any country does to its inhabitants, and put with the Omahas in Nebraska, where they belong and where they are willing to go, then their present reservation would make a very suitable place for Red Cloud and all his Indians ; but he would be moved there only by force.

Q. Have you any information as to the means of subsistence of the Indians there that would lead you to believe that they could do otherwise than go to the agency ?

A. Yes, sir ; they could go off into the surrounding country and go up into the Big Horn and Powder River region, and subsist for quite a while hunting and depredating ; but eventually they would be compelled by force of hunger and pursuit of the military to go. I think it is entirely feasible, providing Congress will make the necessary legislation and appropriations.

Q. From your knowledge and experience in these affairs, do you think it is the true policy of the Government to make treaties and hold councils with Indians in regard to what the Government deems it best to do with them ?

A. It is only a question of expediency. If you have force enough to compel the Indians to do what they ought to, and which is manifestly for their good, the less you talk with them about it, by way of consultation, the better ; but if you have not force enough to give them to understand that they will be compelled immediately to obey, it is better to parley with them and gain their consent in some way. They call it a council ; you may call it talk or powwow ; it amounts to nothing more.

Q. In your judgment, would it not be good policy on the part of the Government to make such a display of force among the Sioux as to fully satisfy the Indians of the power of the Government to compel them to do what it desires ?

A. I think so by all means. I have always acted upon that principle, to compel Indians to do right, whenever I could reasonably expect to bring force to bear upon them.

By Mr. HARRIS :

Q. You don't mean expect ?

A. Yes ; because I don't know when I can have force and when I cannot. I have been oftentimes in doubt when I said a thing whether I could get force to carry it out.

By the CHAIRMAN :

Q. You are often in doubt when you have made an order affecting them whether you can get the force to carry it out ?

A. I have wanted to compel the Sioux, and Northern Arapahoes and Cheyennes, at Red Cloud agency, to give up the Indians among them who have murdered white men, and to withhold every ounce of food until they did it; but I have not been able to bring it about yet.

By Mr. HOWE:

Q. Will you please explain that?

A. In the first place, the military has not until recently been in position at Red Cloud in any adequate force; then there have been other important and somewhat delicate questions occasionally coming up, such as the relinquishment of the hunting privilege in Nebraska, and now the question of the Black Hills cession, which seemed to be paramount; and I did not deem it wise to strike in now and make any disturbance among them until we can adjust these other questions. But we are only holding them up until we can get at them in the best way.

Q. Are the duties of the superintendents of Indians laid down by law?

A. Yes, sir; in quite general terms.

Q. In addition to the duties indicated by the law, are there any other duties specifically set forth for them by the Department?

A. I think not, sir. We call on them to do anything that they can do at any time.

Q. Have the Indian agents at the agency, or the superintendents, power to call upon the military at their discretion to enforce their orders, or the orders of the Indian Bureau?

A. No, sir; I think not; and yet that question of jurisdiction is by no means defined as between the military and civil authorities.

Q. Have you experienced in the administration of Indian affairs any difficulty from a want, in agents, of the knowledge of the technical way of doing things by the military?

A. Yes, sir; frequently; not any serious difficulty, but a serious friction.

Q. What I mean to allude to particularly is, whether or not, in your observation, the military authorities are very technical and particular in regard to the manner in which they are called upon to perform services for the agents, and cavil about even the words used?

A. Yes, sir; I think there are instances of that; but it is not by any means necessarily so. That will depend entirely upon the state of cordiality between the military officer who happens to be in command at the agency and the agent. If they like one another, they get along harmoniously, but if they don't, any amount of technicalities will be in order. I have found that true at quite a number of posts and agencies.

Q. Well, if the Sioux agencies could be consolidated, and be put somewhere on the line of the railroad or on the river, would it not be a very large saving in the case of furnishing their supplies?

A. Yes, sir; so far as transportation goes, it would; but in my view of the matter it would be absolutely impossible to consolidate them with any view to do anything for them, except merely to muster them for daily rations. If they are to be handled with any purpose to teach them or their children any mode of living by which they can ever become self-supporting, they must be separated into small communities and put upon agricultural lands. If you should attempt to consolidate them you could find no place in Dakota where 40,000 Sioux could even get fire-wood, and cotton-wood timber for their ponies.

Q. Have you ever had an estimate of the number of ponies owned by these Sioux?

A. Yes, sir; I have the estimate. I think I have it officially, and

have heard it stated several times; but I haven't it in mind just now; it is a large number—I should say over 25,000.

Q. And do you know of any use that they have for them now?

A. No use, except to occupy their minds; they are of no other benefit whatever.

Q. Well, in considering the subject of Indians, by the Department and the Board of Indian Commissioners, have you any hope of civilizing to any considerable extent the adult Indians, or is your hope of accomplishing anything for them in the future entirely based upon the expectation of educating and civilizing the children?

A. Anything that deserves the name of civilization can be expected only of the children; but you must undertake a certain degree of civilization with the old people in order to get the children, unless you lasso them and put them in a corral, and send a schoolmaster to them.

Q. Can you tell, from your recollection, whether Agent Risley, formerly of Whetstone agency, has ever settled his accounts with the Government?

A. I don't know whether his accounts are through the Treasury. I think they are all through my Bureau, with perhaps a few suspensions. There are probably accounts of other parties, for expenditures authorized by Agent Risley, which are not through my Office, but not many, and these not properly his accounts.

Q. Is there any mode by which the Indian Bureau, without additional legislation by Congress, can so supply the Indian agencies with means for carrying on the necessary operations on their part that they may be able to pay for what they get and preserve the credit by which they may be able to buy what is necessary at reasonable prices?

A. Do you speak of the agents' personal credit, how they can get an honest living on their salary and keep out of debt?

Q. No, sir; I mean this: We find the fact to be that the agents have at various times been compelled to purchase articles for which they have given vouchers, but which vouchers have not been paid, or at least not for a long time; some of them not paid at all; in consequence of which I conclude that the credit of the agent in his community is destroyed, and that when he purchases anything, the seller fixes a price which will compensate him for those delays and for the chances that he takes of losing his claim entirely.

A. The only additional legislation would be to provide the means adequate for meeting the necessary expenditures; but there has been a great deal of very loose management in that direction. Agents, when they have been in a tight place, have ventured to incur liabilities, trusting somehow to get out of it. I found that practice running on to a very unsafe extent, and have issued peremptory orders to agents forbidding them to incur, in any circumstances, any liability for which they have not funds at their disposal to pay.

Q. Then, if an agent should be without funds in his hands, no matter what the exigencies might be, he would not be able to purchase anything?

A. No, sir; under those directions he violates the order at his own peril. Of course if he can show that there was such an exigency as would justify him, then he is relieved from the responsibility. I am satisfied that I have removed to a considerable extent the bad credit of Indian accounts in many cases. I have this to contend with, however, that there are many old accounts, dating back two or three years, for which I have no money, and have not been able to get any by a deficiency appropriation. These unmet obligations are still standing against



the reputation of the Indian Office for common honesty. But I am satisfied that I am quite steadily bringing the expenditures of the Office down to the funds placed at its disposal in annual appropriations.

Q. In your opinion, would it not be a matter of real economy for Congress to appropriate a sufficient sum to cover all this deficiency, pay up all the outstanding debts, and raise the credit of the agencies?

A. There is no doubt of it whatever, and there is no doubt now that there will be trouble before the end of this year for want of adequate appropriation to meet the necessities of the Sioux agencies. I am sure of it, unless those Indians can get more by hunting than they have got for the last two winters; that is, I have not money enough to feed them through the whole year; and, by law, I am forbidden to expend for any one month more of my appropriation than belongs to that month, so as to prevent the possibility of deficiency; and about November or December of this year you will hear of suffering at Red Cloud agency, and perhaps that the Indians are eating their wolves and ponies; and this time the report will quite likely be true.

Q. And are there no means in your power to prevent that?

A. Not by law; whether the Secretary of the Interior or the President will take the risk of violating the law of Congress, I cannot say; I propose to lay the matter before the Department.

Q. Have you ever considered the subject of issuing clothing instead of blankets?

A. Yes, sir; I have tried to procure the Army clothing condemned by the quartermaster and thrown upon the market.

Q. Don't you think the Indians' hostility to the soldiers is such that the experiment in the first place of getting them to put on white men's clothing had better be made with some other kind of clothing than that worn by the soldiers?

A. I have not tried to procure that clothing for the wild Indians; it is only for those Indians that have no objection to it, and who have asked for clothing. For mere covering, the blanket is much cheaper than clothing. I can make my money go a good deal further by buying blankets than by furnishing coats and pants, unless I can buy the condemned Army clothing. I think if legislation could be procured which would allow the Secretary of War to transfer to the Department of the Interior such clothing as the Army has discarded on account of style or other defects, it would be a very large saving to the Government, and of great benefit to the Indians. The sales which the quartermaster makes of this class of clothing net very little revenue to the Government.

Q. I see in the report of the Board of Indian Commissioners that certain vouchers were disapproved by the Board on account of the fact that they were vouchers given for corn that was substituted by you for flour. Will you please explain that transaction to the commission?

A. I made some reference to that in my statement which I made yesterday, but I will give a fuller statement.

Q. We are aware that the Indians like corn better than flour, and that they ought to have corn in place of some of the flour issued to them heretofore; we have become advised of that out in their country.

A. When the contracts were made in the spring of 1873, I had no knowledge—almost no knowledge of the condition of Indian affairs. I went to the lettings in New York, which had been already provided for by calling for proposals.

Q. You had just come into office?

A. Yes, sir; within ten days, I think, of the time of my coming into

office, so that all the purchases for that year, as well as all the administration of the Office, was an experiment with me. I might say here, perhaps, that I did not find in the Office—in the idea of the Office—much to help me in any plans looking specially toward the civilization of Indians. The business of the Office, like all Government matters, has been a routine affair. It ought to be said, in this connection, of Commissioner Walker, that no man could have been more earnest and sincere than he in advancing Indian civilization, but he had other matters on hand. He was Commissioner of the Census, and was absolutely unable to take up Indian affairs and put them on a new basis to any great extent, although there was immense improvement in all directions during his brief administration. I did not find, therefore, in the Office anything suggestive to me of any requirements of Indians, or any necessity, except what I could get from the accounts and vouchers of agents and the stereotyped annual reports; so that there was before me an entire *terra incognita*. In these circumstances, I depended largely upon the information which the Board of Indian Commissioners gave me, knowing that they had had these matters earnestly in hand for two years, and were studying the very question that had been on my mind and heart out among the Chippewas of Minnesota, and the secretary of the Board, Mr. Cree, and myself were in very frequent correspondence and in very cordial relations. He wrote me from the Sioux country, sometime in the summer, that it was a great mistake not to provide corn to a greater extent for the Indians.

Q. Who did you say wrote you?

A. Mr. Cree, and he presented the matter so strongly to me, that I saw at once that it would be a great economy and for the benefit of the Indians if a part of the flour which I had purchased could be exchanged for corn, and I immediately set about, doing it in the best way I could. I had myself, when inspecting the Sioux agencies along the Missouri River that summer, noticed the great waste which was made of bacon, in shipping it during the hot months, by shrinkage; I noticed waste also around the store-house, and determined to introduce pork as far as possible instead of bacon. For these reasons I opened negotiations with the contractors who had the bacon and flour contracts to give me, instead of flour and bacon, a certain portion of corn and pork. I found that the pork-contractors were willing to make the change. They let me have the pork at a lower rate than I was paying for the bacon; but when I came to the flour question, I found that the contractor had a margin of profit on the flour which he was not willing to surrender, unless I would give him the same margin on the corn, taken at the market-price. I thought that to be fair, and made the agreement with him to take a certain amount of corn in lieu of a certain amount of flour. I am satisfied that the corn thus taken was of vastly more benefit to the Indians than the flour which I gave in exchange would have been.

Q. Do you remember the price paid for the corn?

A. I do not; that whole matter is reported, with all the correspondence relative to it, in the report of the House Committee on Indian Affairs; and the figures are there. The statement of Mr. Walker the other night, that I paid four prices for the same article at the same place, is a mistake, as you will see. His mistake arose from the fact that he did not take into consideration that I was paying different rates for freight to different points. He reckons the costs of freight for August to all the agencies he names as the same, whereas they differ according to distance from Sioux City. The question was raised during Mr. Walker's testimony whether a certain quantity of corn, which it was

found the Government had lost by reason of a miscalculation on the part of a contractor when he made the proposition to exchange corn for flour, had ever been delivered at Fort Peck. I have in my hand the receipt of the agent for that corn, amounting to 83,560 pounds, and the statement of his issues of it to the Indians.

Q. This is the document you refer to ?

A. Yes, sir. As I recollect it, the price of corn at Sioux City, allowing for the margin of profit which the contractor claimed he was entitled to, was fixed at \$1.90 per hundred pounds, including the sacking ; double sacks.

Q. That was in lieu of flour at what price ?

A. It was \$3.17½ per 100 pounds.

By the CHAIRMAN :

Q. What position does Dr. J. W. Daniels occupy in the Indian Office ?

A. He is now special agent, in charge of the Black Hills commission.

Q. Has there ever been brought any charges, authoritatively made or otherwise, of dishonesty in Indian matters on the part of Daniels ?

A. None whatever, unless you will include newspaper statements by William Welsh.

Q. A report was made on one occasion by Kemble and Alvord in reference to the affairs at Whetstone agency, in which they refer to Dr. Daniels as probably being engaged in the same irregularities as had been going on under Agent Risley's administration at Whetstone. Were you ever able to learn that that was so, or did you ever make any efforts to ascertain the fact ?

A. No, sir ; it does not seem to me possible that both of those gentlemen could have seriously thought Agent Daniels implicated in fraud, because one or both of them recommended to me that Daniels, who had then become Inspector, should follow out the investigations which they had commenced, but were unable to finish. He was recommended to me as a proper man to push it through.

Q. By them ?

A. By Mr. Kemble, certainly, if not by Mr. Alvord also ; and Mr. Kemble, under my instructions, went to Daniels privately, or wrote to him ; at any rate, I directed him to give Daniels the fullest information on every point where he had any suspicion of wrong, and the best advice as to the means for ferreting it out. I have always supposed Inspector Kemble regarded Daniels as a thoroughly upright man. I don't remember anything to the contrary as to Alvord's impression of his integrity, but in a subsequent interview Mr. Alvord expressed his surprise that nothing wrong had been fastened upon Agent Risley or the contractors by Daniels's report.

Q. Do you remember what, if anything, was done by the Indian Office in reference to the report of Alvord and Kemble.

A. Yes, sir ; it was given to Inspector Daniels to investigate.

By Mr. ATHERTON :

Q. They recommended, as I understand it, a special investigation.

A. Yes, sir.

By the CHAIRMAN :

Q. That investigation was made by Daniels ?

A. Yes, sir.

Q. We have his report.

A. Yes, sir ; and you have my instructions also to Daniels what to do ; but this ought to be said, in respect to those instructions, that they

are not full or specific, or very emphatic. They consist, principally, in calling his attention to the report of Kemble and Alvord. They were purposely so framed on my part. On reading the report of Alvord and Kemble, I was quite sure that there was something there that ought to be developed and exposed. I was not sure that any instructions I should put on record in my Office to the Inspector would not get to parties implicated for their information and benefit as soon as they would to the Inspector, and for that reason I did not make my written instructions to Daniels specific, but I went personally to Mr. Kemble, and afterward wrote him and made a very strong point with him, that he should impress Inspector Daniels with the importance of finding the truth of those matters.

By Mr. AHERTON :

Q. Did your instructions contain, either expressly or by implication, authority for Mr. Daniels to seize, suddenly, the books and papers of the agency ?

A. I think not on paper, because that would be what I would not want the parties who had the books and papers to know that he was going to do; but I gave Inspector Kemble very specific instructions about such seizure regarding it.

Q. Do you remember whether you gave Inspector Daniels instructions what to do in case it should be necessary to seize the books and papers ?

A. No, sir; I do not think I gave Daniels instructions to seize books.

Q. I think you might refresh your memory by looking at your letter to Daniels.

A. I know it was on my mind, but I was cautious in the form of the letter to Daniels, because I supposed it might get to the parties interested, and so thwart the investigation. [Referring to his letter.] I see by my instructions the direction, "If you find it necessary to resort to seizure of papers or to other extreme measures, you will report promptly by telegraph to this Office."

By the CHAIRMAN :

Q. Do you know a man in Cheyenne by the name of French ?

A. I have seen a gentleman by that name from Cheyenne in the Office. I think he is the man who owns the store-house in Cheyenne.

Q. Yes; I. W. French. When did you first get acquainted with him ?

A. I think two years ago. It was in connection with letting his warehouse that he came to see me.

Q. Was it ever brought to your knowledge that he was a partner of or interested with McCann in any Government contracts ?

A. Not in any way whatever, except by Professor Marsh two or three months since, and I am not sure that he stated that specifically, but he stated his belief that French and McCann were closely connected.

Q. Did you have information before the time he was designated as a person to keep some samples of flour at Cheyenne that he was in any manner connected with any Indian contracts ?

A. Not in the least, sir. I did not know that he was the party designated by the store-keeper at Cheyenne until some time after, I think not until Mr. Marsh told me in April last.

Q. If you recollect, you may state now the reason for the order which you made at the time for reserving a sample of flour to be examined by the inspector, forwarding the flour on to the agency.

A. As I recollect it, there was immediate demand for flour at the agency.

No inspector had been appointed at Cheyenne. The contract for flour had been awarded; the sample on which it was awarded was yet in New York waiting the appointment of inspector. When the call came for flour, at once I directed the store-keeper at Cheyenne, Mr. Palmer, I think it was, to procure, through a competent party, a sample of the flour already delivered, and to retain such sample for comparison with the sample on which the contract was based, and not to give any receipt for the flour to the contractor until it was found that the sample retained was equal to the actual sample. From the information received I thought the exigency to be such as not only to justify but to require such action on my part, and depending on the integrity and competency of the store-keeper to procure proper inspection, I supposed I was entirely safe.

By Mr. MARSH:

Q. Admitting the necessity of flour at the agency, was there any need of sending on ten car-loads without any other inspection than this you named?

A. I am not aware that I gave instructions to send ten car-loads, and I could not say now from recollection what was the extent of the necessity, as represented. I am not aware that that amount was shipped at that time.

Mr. HARRIS, (to Professor Marsh.) Is there any evidence in the case that that amount was sent forward?

Professor MARSH. I think so.

The CHAIRMAN. Oh, no; there is no such evidence.

Mr. HARRIS. Oh, no; not at all; there was only a small quantity sent forward.

Professor MARSH. I understood it was ten car-loads.

By the CHAIRMAN:

Q. Has there been any correspondence between the Indian Office and the church authorities or other persons with reference to the nomination of any successor to Saville as agent at Red Cloud agency?

A. Yes, sir; Agent Saville has sent in his resignation; and the Rev. Mr. Rogers, secretary of the Board of Episcopal Missions, has been requested to nominate his successor. Action on Saville's resignation has, however, been held up until the result of this investigation, and this, as I understand, in accordance with Saville's request.

Q. Was the resignation received before this investigation began?

A. Yes, sir. He wrote the resignation while he was with the Sioux delegation in Washington.

By Mr. HOWE:

Q. At what time?

A. In May last.

By Mr. FAULKNER:

Q. Mr. Smith, what has been the conclusion of your agricultural experiments there in that Sioux country? Have they been such as to encourage the Government in further expenditure for plows, cows, and oxen?

A. By the Sioux country do you mean those two agencies—Red Cloud and Spotted Tail?

Q. Yes, sir.

A. If those two agencies were by themselves, and it were certain that those Indians would always remain there, I should say there was very little encouragement; but taken in connection with the main tribe, of

which they are only about one-third or a little more, there is a necessity that something shall be done—a beginning must be made though it is the smallest—in the effort to bring them into another condition. Those Indians cannot continue as they are. They must be brought to get a living out of the soil, either by herding or planting; and some sort of a beginning, though expensive, is necessary, because there must be a beginning, no matter how expensive it is. The question now is not whether you will begin, but what is the best beginning you can make.

Q. So far the experiment has been unsuccessful there?

A. Yes, sir. And that is what any one might expect from the surroundings; but if order and law could be established among them, they could be made more successful, though not to any extent in their present locality beyond the mere accustoming the Indians to some sort of labor.

Q. You speak of the relations of the civil to the military authorities. Have you known any instances in which the military have failed to respond promptly to the demand of the agent when there was a proper occasion for their interposition?

A. Oh, yes, sir; quite a number. I am not now speaking of Red Cloud and Spotted Tail; I am speaking of the Indian service. If you confine your question to those two agencies, I might modify my answer. Differences have arisen with the military at these points. I am unable to judge who was right; but Agent Saville and Agent Howard thought that the military did not quite do their duty. I could not well decide between them.

Q. In the communication that you placed before us yesterday, you say that, notwithstanding the unfavorable statements of Samuel Walker, yet after you had received the report of the commission of which Bishop Hare was chairman you gave your entire confidence to Dr. Saville. Was that based upon the confidence you had in the personal character of Bishop Hare or those who were concurring with him in that commission?

A. I had no acquaintance with Dr. Saville at that time, except by office correspondence. I could have known of him therefore in this respect only by reason of his nomination by the Episcopal board, which was made, as I understood, on the recommendation of William Welch of Philadelphia; I must have depended upon his credentials and this report of Bishop Hare.

Q. Well, were not Mr. Hinman and Dr. Bevier members of that commission?

A. Yes, sir.

Q. Did they not, as early as October, 1874, by letter and conversation with you, indicate their total change of opinion in regard to Dr. Saville?

A. I have no recollection of either of those parties having any conversation with me to that effect, nor have I any recollection now of having received any communication from them, except this correspondence and an official report of Dr. Bevier, which you have here.

Q. Was not the report of Dr. Bevier, in which he announces to you the character of that Appleton contract, laid before you as early as October, 1874?

A. Yes, sir; I think so.

Q. From his statement of that contract, could you draw any other inference than that the agent there was seeking to perpetrate fraud?

A. That is the inference I did draw from it, and which I was troubled about; and I was anxious to know what possible explanation he could

give for such transactions. My concern is shown in my letter in the expression "I don't understand," &c. And I also spoke to Bishop Hare about it on several occasions; and we agreed that Saville was entitled to a hearing in the case before being condemned, and he had it. When his explanation came it modified very much the impression I had received from Bevier's report.

Q. Did his explanation change the facts as stated by Dr. Bevier in his report?

A. Yes, sir; I think it did. Take his explanation about the capacity of that saw-mill and the amount of timber he sawed and you see it is not fair to make any sort of comparison between what a mill can be made to do in Minnesota or Colorado and what that mill could be made to do.

Q. Was there any action taken by the Department in reference to that transaction and its consequent bearing upon the fitness of the agent to hold that position, until the attention of the public was called to it by the letter of Mr. Marsh to the President of the United States?

A. There was no formal action taken except to ask an explanation of the agent. I consulted, as I have stated, with Bishop Hare, who was the representative of their board, and who had personal acquaintance with Saville, and was responsible to a certain extent for him, and rested there, so far as any movement for displacing Saville was concerned.

Q. Then you rested entirely on his own personal statement of the matter in opposition to the facts as reported to you by the inspector of the Government?

A. No; I found from the additional facts brought out by the subsequent statement that the inspector was mistaken. He did not state correctly and fairly the facts about the mill; he was misled himself and he did not give a fair statement in regard to the cost of sawing of those logs.

By Mr. HOWE:

Q. Explain in what respect.

A. The Inspector in his report, as you will find it—as he read it to you last night—does not speak of the capacity of the mill at all, but speaks of the price which is ordinarily paid for such labor at other mills, and makes a very severe implication against any man who would make such a contract as the Appleton contract. The fact is that the Red Cloud mill was crippled and broken down; that it required frequent repairs, which the contractor had to do; and during such repairs he would have to stop his work and keep his hands on pay in idleness. Saville reports the mill as capable of sawing only twelve or fifteen hundred feet a day, while an ordinary mill will turn out from ten to thirty thousand.

Q. What possible explanation could have been given to you in reference to the fact that he had agreed with his father-in-law to build the slaughter-house at the price of \$450, since it is ascertained that it was sublet for \$180?

A. I don't know that any explanation ever was given, unless it can be found in the fact that a mechanic can well do a job for a responsible man who will pay promptly, at a much less figure than for the Government, because in the latter case he is compelled to wait for his money until long after the work is done, and is not sure of it then.

Q. Do you know that this sub-contractor did not agree to wait until Mr. Appleton was paid by the Government?

A. I don't know, but it is a very common transaction in that country

for parties to procure service for cash at considerable discount from Government prices.

Mr. HARRIS. The papers which we have show that Mr. Appleton paid that bill in money.

By Mr. FAULKNER :

Q. Mr. Smith, I understood you in your statement to say that all the money due to McCann for the freight-contracts for the years 1873-74, and 1874-75, were paid in full of those contracts on the 2d of August, 1875?

A. No, sir; I did not make that statement, quite. That is a different statement from what I made; yet I think it substantially true. What I state is, that at the end of the year 1874-75, the Office owed McCann for transportation a certain amount. That amount was not paid to him until the 2d of August, when it was paid.

Q. When that was paid to him on the 2d of August, 1875, didn't that pay him all that he claimed on his freight contracts for the years 1873-74, and 1874-75?

A. That I don't know. I will look it up if you desire.

Q. I understood that to be a proposition in that communication, and that your justification in doing it was this, that you had entered into the contract for transportation with McCann, which afforded you a complete indemnity against these differences of distance, which were the subject of controversy between you and him.

A. Yes, sir; you have got at the fact I was attempting to illustrate, but not in exactly the form I was putting it. I was trying to show when I made the settlement that I did not pay for May and June service until August 2, because if I had paid it before that I would not have had any hold on McCann to any amount.

Q. The contract is at two hundred and twelve miles for those two previous years?

A. For the year 1873-74.

Q. Then your reliance for some future settlement with McCann, in relation to this point in controversy between you and him as to distance between Cheyenne and the Red Cloud agency, you supposed had sufficient protection in the new contract you had entered into with him for transportation for 1875-76?

A. Yes, sir.

Q. When was the contract entered into?

A. August 2, I believe. I am answering now from a memorandum which was prepared for me from the records by a clerk in the office.

Q. You supposed, then, that on the 2d of August, 1875, you entered with him into a new contract for 1875-76?

A. Yes, sir.

Q. Then what security could the Government possibly have on that day as indemnity for those matters you had paid over to McCann?

A. On the 5th of August, when the retained balance was paid to McCann, he had annuity-goods already on the way under his new contract; he was under bonds to carry that contract out, and I could compel him to carry it out, and when he came to receive pay for the service I could reserve this amount found due on the old account.

Q. But suppose that McCann had failed on that day?

A. Then I would have sued on his bond.

Q. What for?

A. For failure to carry out the contract.

Q. So you think you could have sued that bond for \$51,000 to recover



against McCann and his securities for the matters rising in the years 1873-'74 out of difference of opinion between you and himself as to the distance between Cheyenne and Red Cloud agency ?

A. His bondsmen could be held responsible for carrying out his contract. I should have shipped those goods immediately and called on them to make payment for the shipment.

Q. If he failed to carry out the contract of 1875-'76, undoubtedly his bondsmen would have been responsible.

A. I should have shipped goods immediately and charged the amounts to McCann for the service rendered. McCann's bondsmen would have been obliged to settle that account.

Q. Well, now, let me ask you, Mr. Smith, do you think that practice in the Department is one conducive to the public service ?

A. I think the action which I took perfectly protected the Department for all practical purposes.

Q. So it might, but has it not a pernicious effect ? Might it not induce the Government to give to a man a contract which, for other reasons, he would not be entitled to ?

A. I don't see how it would be possible.

Q. Does it not afford the contractor this inducement, to create a controversy with the Government for the sake of securing a new contract ?

A. It is possibly so ; I don't look at it in that light, however. I consider that McCann had certain rights in the case ; that this survey had been delayed, and he was not responsible for the delay ; that was the failure or misfortune of the Government ; the office had failed all along to get the measurement. I didn't feel like keeping the man out of his money an hour after I was sure he was entitled to it, and that he had made the Government entirely secure of a final settlement on facts and equity.

By Mr. ATHERTON :

Q. Under what contract was the transportation of July ?

A. McCann's. He had already performed service on this contract before it was actually signed ; he was carrying it on in good faith. There was not a shadow of doubt but there could be this amount held at any time against him.

Q. How long has it been since it was ascertained there was this question of distance between Cheyenne and Red Cloud ?

A. I think the question was raised in connection with the new contract made with McCann.

Q. When was that ?

A. Some time in the fall previous to this summer ; in November, I should judge, or October.

Q. November, 1874 ?

A. 1873.

By Mr. MARSH :

Q. How was this distance of two hundred and twelve miles first determined ?

A. McCann and I had quite a dispute over that. I have forgotten what computation he made ; he showed the figures of distance that had been allowed before to this point, which would make it two hundred and twenty miles. The new point was in fact an old point, that is, the old Whetstone agency was right by where the new Red Cloud agency is, so that it was a matter pending for official settlement, and he claimed that the distance conceded between old Red Cloud and new Red Cloud, added to the

distance which had been paid for by the Office, would make two hundred and twenty miles from Cheyenne to new Red Cloud.

Q. You stated, I think, in New York that this distance of two hundred and twelve miles was fixed by Commissioner Walker himself, who went twice over the road?

A. Of course I didn't state that of my own knowledge. My impression is that this distance, allowing the distance from Red Cloud to new Red Cloud to be eighty miles, was fixed practically by Commissioner Walker, after passing over the route from Cheyenne to old Red Cloud, and fixing upon a distance between those points. That was McCann's claim, that the distance from old Red Cloud to new Red Cloud had been allowed by the Government at one hundred and thirty-two miles, and that after the Commissioner had ridden twice over the route in an ambulance. I had the impression that this distance was thus fixed definitely to the Whetstone agency by Commissioner Walker; but I do not find any record to that effect, and I see that there was no occasion for fixing the distance to Whetstone agency by him, because that freight during his administration came the other way—from the Missouri River.

By Mr. HOWE:

Q. I understand you to say that at the close of the last fiscal year McCann had a claim against the Bureau amounting to something more than \$14,000 for transportation rendered in the last two months of the year?

A. Yes, sir.

Q. The claim was based upon an allegation that his transportation had been conducted over a line two hundred and twelve miles in length?

A. Yes, sir.

Q. That if the line was that long the Bureau owed him that sum of \$14,000; and if, in fact, the line was less than that, the Bureau did not owe him so much?

A. Yes, sir; \$14,000 was the sum retained and deemed sufficient to settle his accounts on the basis stated.

Q. And that you had withheld payment of that sum of \$14,000 to await the determination of the exact length of the line?

A. Yes, sir; that is the exact state of the case.

Q. And that controversy arose on a contract which commenced with the beginning of the fiscal year and closed with the fiscal year?

A. I think the contract commenced three or four months after the beginning.

Q. And it was the contract of that year, and terminated at the close of that year?

A. Yes, sir.

Q. That subsequently you made a contract with the same man to carry goods for the current fiscal year?

A. Yes, sir.

Q. That, having made that second contract with McCann for carrying goods, you waived the controversy touching the earnings under the former contract?

A. No, sir.

Q. You didn't waive that?

A. No, sir.

Q. But you paid him an amount which he claimed as if he had rendered a service over the whole line he claimed?

A. Yes, sir.

Q. And your supposition was, if I understand you, that you could, in settling with McCann under the contract for the current year, reclaim any amount of this \$14,000 that you should subsequently ascertain was an overpayment?

A. Yes, sir; that was what he agreed to; he did not put his agreement in writing, but he made the proposition before a witness.

Q. It is not in writing?

A. It is not in writing for that year, but it was an express understanding.

Q. Do you rely, therefore, upon the understanding, or upon any inherent power in the Department?

A. I was relying upon my power to make him do what he agreed to.

Y. But his agreement this year is to carry goods for such a price?

A. Yes, sir.

Q. And if he carries goods at the price agreed upon, is he not entitled to the money which you agreed to pay him?

A. No, sir; not if he agreed we should hold back part of it.

Q. Supposing he had not agreed to that?

A. Then he would not have got the \$14,000.

Q. If he carries all the goods for the current year that he has agreed to carry, you will not pay him the price you have agreed to pay; do you mean to say that?

A. Yes, sir; if he is found indebted to the Government, for any cause whatever, to any amount, it will be taken out of amounts found due him. If I am in doubt about any account, I notify the accounting-officers of the Treasury, and they don't pay any more until the doubt is settled. It would be absolutely impossible for him to get a cent from the Treasury, if the officers of that Department are apprised that there is an old account against him.

Q. You are quite sure that is so?

A. I am absolutely sure. They are frequently sending back accounts, with a portion of the claim suspended, because the claimant is indebted on a previous account, which has not been settled.

Q. Let us see about that. There has gone into the Treasury Department, for audit, an account for \$14,000 to Mr. McCann on transportation done in May and June, 1875. That has been audited and allowed, has it?

A. Yes, sir.

Q. That account is settled?

A. Yes, sir.

Q. The Indian Bureau, therefore, and the Treasury Department—the accounting-officers in the Treasury Department—have assented to Mr. McCann's claim, that he had transported so many goods from such a distance, and have paid him the money for it?

A. Yes, sir.

Q. Now, you are still quite sure that it is to-day in your power and in the power of the accounting-officers to say that he did not earn that \$14,000, and therefore they may offset it against his earnings this year under his present contract?

A. Yes, sir; there is not a shadow of question about it; from my experience with the accounting-officers of the Treasury, I know they never hesitate a moment to deduct from any account any sum a claimant owes the Government on any other account whatever.

By Mr. ATHERTON:

Q. From your statement, as I understand it, the books would not show that he owed anything?

A. No account for service to the Indian Bureau can get to the Treasury without passing through my hands, and when McCann's passes me it goes with the statement of what is still due on the old account.

By the CHAIRMAN:

Q. If his accounts were allowed and dated the 2nd of August, for services rendered up to June, had he also rendered any services under the new contract, for which he would be entitled to compensation only under that new contract?

A. He had not completed any services. He had services initiated, which, in all human probability, he would complete.

Q. And would the pay for the amount of that transportation which he was then engaged in moving be sufficient to indemnify the Government for any overpayment under the old contract on account of the difference in distance?

A. Abundantly.

By Mr. HOWE:

Q. I want to pursue this matter one step further. I understand you distinctly that, if you ascertain at any time hereafter that Mr. McCann's line of transportation is less than two hundred and twelve miles, and that therefore you overpaid him ten or twelve thousand dollars, you will refuse to pay him that as a sum of his earnings under his present contract?

A. Certainly.

Q. And you suppose the auditing-officers of the Treasury Department will support your view?

A. I know they will.

Q. You understand the current contract is one on which he may sue the Government of the United States?

A. Yes; he can come into the Court of Claims.

Q. And bring the Government in?

A. Yes, sir.

Q. Suppose you undertake to withhold \$10,000 which he owes under his existing contract, and he goes into the Court of Claims and sues the Government to recover that balance, has he got to aver anything more than that he carried so many goods, that the Government agreed to pay him so much money therefor, and that the Government has refused to pay him this balance of \$10,000?

A. No, sir; I suppose not.

Q. And if he maintains those allegations, what is your answer in the Court of Claims?

A. I should have no answer there.

Q. Then he would get a judgment on the whole amount?

A. Yes, sir; and he would be sued on his agreement to return the other, according to his written agreement with the Secretary.

Q. I don't understand that it was a written agreement.

A. Oh, yes, sir; there was a verbal agreement as to this \$14,000; but at the outset there was a written agreement, which he has signed, with the Secretary of the Interior, that after the distance is fixed a final settlement should be had on that distance.

Q. You are stating the contents of a written agreement from recollection?

A. You have it there.

Q. Now, see if you are quite right in stating the contents of that written agreement; see if he does not stipulate that you may reserve it from a particular fund, and that fund one earned under the contract

of last year, and that fund you have already paid over. Now, what would be your answer in the Court of Claims?

A. I would have none in the Court of Claims.

Q. And he would get judgment?

A. Yes.

Q. And the judgment would be paid?

A. Yes, sir.

By Mr. FAULKNER:

Q. What then would be the relief of the Government, Mr. Smith?

A. The Government could bring him into court on equity, under his agreement.

Q. Suppose it could; is it not a payment that his bonds would not be responsible for?

A. Yes, sir; no doubt of that.

Q. Then you have nothing but his individual responsibility to rest upon?

A. And the absolute fact that he was transporting goods; that he was already engaged in the transportation, and was thus already brought under my power, and was every day becoming more so, to this extent at least, that I could keep him from getting any pay on that large contract until he should get his case through all the delays of the Court of Claims, which would take him a long time, several years probably, and would break up his transportation business entirely, for he was depending on his monthly receipts from the Government, and place him in the attitude of a defaulter on his agreement with the Department; so that there was not, in my mind, the remotest probability that he would think for a moment of such a thing, of attempting to evade his obligations.

Q. Mr. Smith, you expressed an opinion in your remarks here before us that pork should be substituted as food for the Indians in lieu of bacon. Has not that been utterly abandoned by the Government as an article of supply to the Indians?

A. No, sir; I am forcing pork on the northern Indians as fast as I can compel them to take a certain amount of it instead of bacon every year.

Q. Haven't you ascertained by the experience of the Red Cloud agency that it is not a proper article of food for the Indians?

A. No, sir; I have abandoned it at Red Cloud for another reason; it is because it costs fully as much as or more than bacon delivered at that agency; but on the river I enforce it, because transportation is low in price, and that makes pork cheaper than bacon.

Q. Now, in regard to pork in barrels, how much of the weight is embraced in the mere liquor in the barrels?

A. About one-third of a barrel. One-third of what a barrel of pork weighs is not pork, but is liquor and salt and barrel.

Q. Would you regard that as wise economy on the part of the Government, paying so heavily for transportation, or paying for transportation of so much barrel and liquor instead of bacon?

A. If the additional transportation does not exceed the margin between the cost of bacon and pork, as it does not by considerable at several points, it is still good economy.

By the CHAIRMAN:

Q. It is because the transportation exceeds the margin that you abandoned the use of it at Red Cloud agency?

A. Yes, sir; for no other reason.

By Mr. FAULKNER :

Q. Mr. Smith, you were asked about the duties of the superintendency. Is it not a part of the duty of the Indian superintendents to examine and inspect the agencies?

A. Yes, sir; they are responsible for the orderly and proper conduct of the agencies under their charge, and that implies inspection and visitation.

Q. Do your superintendents ever perform that duty?

A. Yes, quite frequently; I have only two superintendents, though.

Q. I thought there were four.

A. Only two.

Q. Has the Superintendent who resides at Omaha ever visited any of the agencies?

A. Oh, yes, sir; visited all his agencies, I suppose. I know he visited two or three.

Q. Have you reports from his visits to different agencies?

A. He is obliged to make annual payments himself, at all these places. The money is sent to him and he makes the payment in person, and certifies to it.

Q. Why is it that the inspectors are not required to perform the duties which the law of Congress imposes on them, of visiting each agency twice a year?

A. Because it is impossible. We have not inspectors enough. Congress quite often requires things which cannot be done.

Q. Then it is not done because of the physical impossibility of performing the duty?

A. Yes, sir; but the requirement for this biennial inspection is now repealed.

Q. Is it your opinion that the office of superintendent is a rather unnecessary appendage to the Indian system?

A. It ought to be made general or abolished; that is, there ought to be something covering the whole field on a general system. An inspector, as he is now put at my disposal, has an advantage over the superintendent, because I can send him at will to any point to investigate. Previously I was obliged to give him a district and send him through it to all the agencies, and then give him another district.

Q. To what extent does the Government furnish the Indians with arms, if it does furnish any at all?

A. Up to the present time I doubt if the Government has furnished 150 stand of arms altogether. Possibly it would reach 200; but I have just recommended the purchase of 100 guns or more for certain friendly Indians, to use in defending themselves against certain wicked Indians. I have been trying to get them for some time.

Q. What Indians?

A. For the Shoshones and the Crows, to defend themselves against the Sioux. I desired to purchase guns for the Poncas also for the same purpose.

Q. Don't you think it would be a better policy to disarm all the Indians than to arm one band against another?

A. No, sir; they should be allowed and aided to protect themselves. I don't think the fact of the Poncas being armed would operate to invite hostilities by the other tribes. It would have the contrary effect.

Q. You mentioned in your examination, Mr. Smith, that the Board of Indian Commissioners had never recommended a change of agent at Red Cloud. Have they recommended a change of agent at any of the Indian agencies?

A. I think so; they have suggested it, I think, with the Poncas; and I think there is a suggestion now as to the change of an agent; I am sure there is.

Q. I understood you to say they had no power to make a change themselves.

A. Yes, sir; but their relation is such that their suggestion is acted on without question.

By the CHAIRMAN:

Q. About how large a band is that band or tribe of the Poncas?

A. About seven hundred and fifty or eight hundred.

Q. They are located in the northern part of Nebraska?

A. Yes, sir; in a very fine country.

Q. Why should they not be removed to the Indian Territory, away from the Sioux?

A. They should be removed. I have been working at it for two years and a half, and have their consent for them to go down with the Omahas, who are their cousins, and I need nothing but legislation to compensate the Poncas for the country they give up, and compensate the Omahas, for the country they take. As soon as those two things can be brought about, they will go. I propose to call the attention of the Secretary of the Interior to it again, and, if possible, procure congressional action this winter.

By Mr. FAULKNER:

Q. In the letter of Mr. Alvord, he states that, apart from his official report to you, he placed you in possession of some very important intelligence in regard to the corruption and abuses in that department, and especially gave you such proof of the conduct of the agent, that it ought to have insured his conviction if there had been a vigilant officer to look into it. What have you to say about that?

A. I should say that was his opinion, and also that I had the same impression that he did, that there was wrong there, and it ought to be found out and punished. I took the very measures he suggested, namely, to put it in the hands of Inspector Daniels, who was familiar with the whole thing, and I procured for Daniels all the information that he and Kemble had obtained, and sent Daniels to Kemble for other items.

Q. Was there any effort made to instruct the district attorney or any officer of the Government to institute criminal prosecution against the agent?

A. No, sir; there could not be on that report of Inspector Daniels.

Q. There is what he states, that, apart from his report, he gave you such facts as ought to have required you to institute criminal proceedings against him.

Q. That is his opinion. I would have instituted criminal proceedings if I had had any facts. He gave me only opinions and reports, without any proofs, because he said he could not get them. That was the object in sending Daniels, to find the proofs of fraud which Kemble and Alvord thought, and I thought, they had found. With these proofs I should have proceeded to prosecute the wrongdoers. In conversation subsequently he impressed me with the feeling that there was wrong there that ought to be righted, and I set about it, but it came to nothing. I was as much disappointed as he was. I have talked with him about it since, and expressed my disappointment. I have no data whatever from Inspector Alvord that are not in that report. I have no recollection of any being given me that are not there. Whatever he said to

me, if he did furnish any additional data, they were sent by him or Mr. Kemble, at my request, directly to Inspector Daniels. My injunction to Inspector Kemble and to Alvord was to give all the facts, put them in Daniels's hands, and help push the investigation. Those men were hearty about it. I think Mr. Kemble was more hearty in the prosecution than Mr. Alvord. He was going out there again, and would be on the ground to assist Dr. Daniels in the investigation. That matter, I ought to say, in justice to myself, was the first involving anything out of the ordinary routine that I struck on coming to the Indian Office. Everything was new to me, and my recollection of them and conversations respecting them may not be exact. I only give you the results of my best recollections and impressions. I know how I felt, and I know what I tried to do; and I know how disappointed I was when I saw that I had not done anything.

By the CHAIRMAN :

Q. The agent Mr. Alvord alluded to in the statement just read by Mr. Faulkner was Agent Risley, was it not ?

A. Yes, sir.

Q. And the agent at that time at Red Cloud agency was Dr. Daniels ?

A. Yes, sir ; Daniels had been appointed inspector, and was waiting for his successor to come to relieve him as agent.

By Mr. FAULKNER :

Q. In this letter, Mr. Alvord speaks of Graves's transportation contract as a fraud, which he developed fully before you, and caused the suspension of the payment of money due upon that contract. Has that money been paid since ?

A. No, sir ; it was suspended, and has not been paid, on account of the undoubted fraud in it.

Q. And is still unpaid by the Government ?

A. Entirely so ; it is rejected entirely as a contract. We are only trying to find the poor fellows who did the work, in order to pay them individually for their work. We propose to pay the persons who actually did the work, and ignore the contract entirely.

By the CHAIRMAN :

Q. That contract was made with Graves by whom ?

A. By Risley. It was never approved by the Department.

By Mr. HOWE :

Q. Do I understand you to say that each of the agencies in the United States have been assigned to some religious denomination for religious care and instruction ?

A. Yes, sir ; with possibly three exceptions. I explained afterward what that assignment was—what it amounted to ; it was not a formal assignment.

Q. What is it ?

A. The relation is defined by the privilege which the President gives to them to nominate the agents. They make the nomination on the understanding that they are interested in the welfare of the Indians, and are engaged, or will engage, more or less in the moral and religious elevation of the Indians belonging to the agencies thus assigned.

Q. Then the denomination secures the privilege of selecting the agent upon the understanding, expressed or implied, that the denomination will engage in civilizing and elevating that tribe. Is that it ?

A. Yes, sir.

Q. This assignment, then, does not amount to the exclusion of any other denomination from engaging in the same work ?



A. No, sir; not at all; but it gives this denomination the inside. They have the agent, and therefore they naturally have the employés, so they are in possession.

Q. As matter of fact, is it known to the Indian Office the extent to which the different religious denominations contribute to civilize such tribes as they select the agents for?

A. The amount is known in dollars and cents, and also the number of missionaries and teachers that they send.

Q. The Indian Office knows, then, the amount of money contributed by the Episcopal Church for the civilization of the Sioux Nation?

A. Yes, sir.

Q. Can you state what amount that is?

A. No, sir, not positively; my impression is, that it varies from \$20,000 to \$40,000 a year.

Q. How do you obtain this information?

A. I get the reports from the agents, and the reports from the society, also from the reports of the Board of Indian Commissioners. It is possible that amount is not for the Sioux Nation alone, but embraces all the agencies they have. Bishop Whipple, of Minnesota, has spent quite large amounts at White Earth.

Q. Is it communicated to the Office officially, or do you get it from their own publications?

A. I get it from their own publications, and also from those of the Board of Indian Commissioners. I also ask, as one of my questions to be answered in the annual reports of the agents, "How much money have benevolent societies expended for the elevation and comfort of the Indians?" But the answers to this question are not always reliable, because the agents have not always all the information.

Q. Do you embody this information in your annual report?

A. I embody all I get from the agents.

Q. What they tell you, you put in your report.

A. Yes, sir.

Q. Have you your last report here?

A. No, sir.

Q. Have you any one of your reports here?

A. No, sir; but I can get the information from my report and the report of the Board of Indian Commissioners.

Q. You say that the Sioux refuse to move to the Missouri River?

A. Yes, sir; there is a long report from the commission which was sent out to locate Spotted Tail a year ago; and it found the utmost difficulty to persuade them to remove at all; and in fact, when it did move, it went ten miles farther south and west, instead of north and east, as we tried to have it.

Q. It is known to the Office that those two agencies are outside of the reservation altogether, is it not?

A. Outside of the permanent reservation; they are inside of the reserved Indian country.

Q. They are on territory which they have expressly stipulated not to occupy permanently, are they not?

Q. No, sir; they are not in the Territory which the Government expressly stipulated they might occupy permanently, but they are within the territory which they expressly stipulated should not be occupied by white people, and which stipulation the Government agreed to.

Q. The second article of the Treaty of 1868 reads as follows:

#### ARTICLE II.

The United States agrees that the following district of country, to wit, viz: commencing on the east bank of the Missouri River where the forty-sixth parallel of north latitude

crosses the same; thence along low-water mark down said east bank to a point opposite where the northern line of the State of Nebraska strikes the river; thence west across said river, and along the northern line of Nebraska to the one hundred and fourth degree of longitude west from Greenwich; thence north on said meridian to a point where the forty-sixth parallel of north latitude intercepts the same; thence due east along said parallel to the place of beginning; and, in addition thereto, all existing reservations on the east bank of said river shall be, and the same is, set apart for the absolute and undisturbed use and occupation of the Indians herein named, and for such other friendly tribes or individual Indians as from time to time they may be willing, with the consent of the United States, to admit amongst them; and the United States now solemnly agrees that no persons, except those herein designated and authorized so to do, and except such officers, agents, and employes of the Government as may be authorized to enter upon Indian reservations in discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon, or reside in the territory described in this article, or in such territory as may be added to this reservation for the use of said Indians; and henceforth they will and do hereby relinquish all claims or right in and to any portion of the United States or Territories, except such as is embraced within the limits aforesaid, and except as hereinafter provided.

Are these agencies not on territory which the Indians expressly stipulated that they should not occupy permanently?

A. I should say No, to that. I should say that they are not in the Territory where they agreed to go, but they did not stipulate not to stay there. They have not stipulated not to live in Nebraska; they have stipulated to live in Dakota, and they are not in Dakota.

Q. What was the authority which located those agencies at Red Cloud and Spotted Tail? I don't know of any other way of designating the locality.

A. I think when Red Cloud was located it was supposed to be in Dakota.

Q. The question was, What was the authority which located those agencies at those places?

A. The action was taken under the direction of the Interior Department.

Q. Do you mean the Secretary of the Interior?

A. Probably to include his knowledge and consent, though I have no knowledge of the facts in this case; any such question as that would naturally come before him.

Q. You can ascertain definitely, can you not?

A. I think so; though, as I said, when the direction was given to locate Red Cloud agency, it was supposed to be in Dakota, but was afterward found to be in Nebraska.

By Mr. HARRIS:

Q. The line had not been run out yet, then, had it?

A. No, sir.

By Mr. HOWE:

Q. Who constituted that commission which went out last year to locate Spotted Tail agency?

A. Bishop Hare, Mr. Hinman, Dr. C. C. Cox, and C. B. Lines.

Q. Now, in this connection, I want to call your attention to the fifteenth article of the Treaty of 1868:

#### ARTICLE XV.

The Indians herein named agree that, when the agency-house and other buildings shall be constructed on the reservation named, they will regard said reservation their permanent home, and they will make no permanent settlement elsewhere; but they shall have the right, subject to the conditions and modifications of this treaty, to hunt, as stipulated in article XI hereof.

I submit whether that does not amount to a stipulation on the part of the Indians?

A. It has never been fulfilled on the part of the Government. It has not established their agency nor erected buildings.

Q. And therefore this last stipulation on the part of the Indians has not taken effect.

A. I should think, so far as that is concerned—

Q. Will you state why the Government has not constructed buildings?

A. They supposed they did, in the construction of Red Cloud agency.

Q. Was that the place mentioned in the treaty for the construction of the agency.

A. No, sir.

Q. Why has not the Government done that which you now say is a condition precedent to excluding the Indians from Nebraska?

A. I am not able to say officially, because this whole matter occurred before I came into acquaintance with Indian affairs; but from the record and history of it, I should say the agency was not established on the Missouri River, because it was deemed best to get the Indians moved from the Missouri over toward Cheyenne. Spotted Tail and his company moved over there on the representation that they would be demoralized on the river, and that it would be desirable that they should get away where no white men could come. The main body of the Indians that were around Laramie—Red Cloud's followers—have never been willing to move a mile in that direction. They moved but a short distance after great persuasion and threatening of force. It has not been an easy matter to handle such an intractable set of men, whom you cannot compel to do what they have agreed to do.

Q. Your understanding is that the stipulation of the treaty has not been enforced because the United States has not been able to do it?

A. Yes, sir; did not wish to make an issue and see whether they were able or not.

Q. The discretion which was exercised upon this point was the discretion of what Department of the Government?

A. It must have been the Interior.

Q. Are you sure it was the discretion of the Secretary of the Interior, or the head of the Indian Bureau?

A. I could not say from knowledge, but from my acquaintance with official matters I should say it must have been the Secretary.

Q. You judge that, but don't know it?

A. I don't know it.

Q. When you became Commissioner of Indian Affairs, did you or did you not ascertain the fact that the agency-buildings had not been erected on the Missouri in accordance with the stipulations of this treaty?

A. No, sir; I don't know that I had any reference to that stipulation, as to where they should have been erected. I found where they were—where the Indians were—and where, so far as I could see, they would have to remain for the present. I did not inquire further.

Q. You did not look to see what the obligations of the Government were?

A. No, sir.

Q. Nor how far they had or had not been observed?

A. No, sir; not in that respect.

Q. In some controversy you spoke of, in reply to a question put by the chairman, between yourself and Spotted Tail, you remarked that Spotted Tail beat you. What was that controversy? What was the precise occasion on which Spotted Tail beat you? What was the order that you issued and which he countermanded?

A. My order was to move over toward the Missouri River; I think about half way to the river.

Q. When?

A. In the summer of 1873—my first summer in office—and the agent started to do it, and Spotted Tail prevented it. There were no troops nearer than Fort Laramie, and it was at that time insisted that no troops should enter the Sioux country, as the treaty expressly stipulates.

Q. Where was Spotted Tail at that time?

A. He was at his agency.

Q. At his present agency?

A. No, sir; he has been moved since that.

Q. Where was he at that time?

A. He was on the White Clay River. I think he is on it now, only farther up the river. He was at the old agency, where Risley left him. I was never there, and can't give the exact location.

Q. Why did you direct his removal toward the Missouri, and not to the Missouri?

A. Because of the country that was reported to me to be suitable for grazing and for cultivation, which had been found there.

Q. Do you mean you had been informed the locality to which you directed his removal was a suitable one?

A. Yes, sir; a very desirable one in comparison to the one he was at at the time.

Q. Were you also informed at the same time that the place he was at was unsuitable?

A. Oh, yes sir; I had positive evidence on that subject. It was an alkaline, barren country.

Q. From whom did you receive that information?

A. From Agent Risley and Agent Howard.

Q. Do you remember the precise locality to which you directed their removal?

A. No, sir; I could not describe it only by the general direction, which I should say was east by north from where he was.

Q. Do you remember the distance you would have had to traverse in making the removal?

A. No, sir.

Q. Was there an estimate submitted to you of the cost of making the removal?

A. I think so. I talked with Howard, the agent, about the means at his disposal—the teams around him for doing it. I did not suppose it would be a very heavy cost. At any rate, my computation was that I was going to save that year in transportation more than enough to cover the cost of removal; that, I remember, was the agent's estimate.

Q. What time in the year was this?

A. I think this was in September.

Q. Had you made your contracts for transportation that year?

A. Yes, sir.

Q. Had you any evidence as to what you could get transportation for to the new agency?

A. The proposed location was on the route and shortened the distance right on the same road, as I understand it. I may be mistaken about that, but it is in the general direction of the traveled road to the Missouri River.

Q. Your contract for transportation was from Cheyenne?

A. No, sir; it was the other way, from the Missouri River that year.

Q. Do you remember whether, by the contract that year, you paid a given sum per hundred miles?

A. Yes, sir; I transported by the mile.

Q. You say Spotted Tail refused to comply with your direction?

A. Yes, sir.

Q. And you surrendered the direction to withdraw it?

A. Yes, sir.

Q. Did you make any question with him at that time that he had stipulated to go half way to the Missouri?

A. No, sir; I wasn't aware of it at that time, and if I had been my acquaintance with the Indian would not give me the slightest reason to suppose such argument would have any weight with him against his own wishes when he had the power in his own hands.

By Mr. FAULKNER:

Q. The provision of the Treaty of 1868 to which I called your attention yesterday is contained in the tenth article, and is this:

And the President shall annually detail an officer of the Army to be present and attest the delivery of all the goods herein named to the Indians, and he shall inspect and report on the quantity and quality of the goods, and the manner of their delivery.

A. I stated yesterday that I was not aware of that provision in the treaty.

By Mr. HARRIS:

Q. So far as you know, the President has never made any such appointments?

A. I have no knowledge of it.

By the CHAIRMAN:

Q. I saw recently a statement to the effect that the President had made an order, or that there had been detailed a military man as inspector.

A. That was at my request.

By Mr. HOWE:

Q. I understood you to say that, in your opinion, Spotted Tail's band might profitably be removed to the Missouri River?

A. Yes, sir.

Q. But that Red Cloud's band could not be removed unless the Poncas were removed from their present reservation?

A. I don't know of any suitable location for them, except that now occupied by the Poncas.

Q. What is the extent of their reservation, in miles, from north to south?

A. It is about two hundred miles square.

Q. What is the whole number of Sioux Indians with whom you are now dealing under the Treaty of 1868?

A. About 40,000.

Q. How is that number ascertained, as reported to you?

A. By the agents, on count or on estimate, or both; that is, sometimes a partial count and an estimate for the remainder.

Q. Have you an official statement of the different bands of the Sioux Indians, and of the numbers belonging to each band?

A. Yes, sir.

Q. Can you furnish us with that statement?

A. Yes, sir.

Q. Will you be good enough to furnish us with that statement at your earliest convenience?

A. Yes, sir.

Q. And specify the numbers in each band, and ascertain by count, and the numbers which are included in estimates?

A. Yes, sir.

[Witness produced the following statement.]

Table of statistics relating to population, education, &c., by tribes and their respective agencies, of Sioux Indians belonging to the permanent reservations in Nebraska and Dakota.

Name of agency and tribe.	Population.			Number of school-buildings.	Number of schools.	Number of teachers.	Number of scholars.	Number of Indians who can read.	Number of Indians who have learned to read during the year.	Number of church-members.	Number of Indians who wear citizens' dress.
	Male.	Female.	Total.								
NEBRASKA.											
<i>Santee Sioux agency.</i>											
Santee Sioux .....	360	440	800	5	6	6	100	100	20	400	800
DAKOTA.											
<i>Cheyenne River agency.</i>											
Two Kettle Sioux .....	1,007	1,259	7,586	4	4	11	138	75	3	.....	90
Sans Arc Sioux .....	798	980									
Minneconjoux Sioux .....	1,257	1,560									
Blackfeet Sioux .....	325	405									
<i>Flandreau special agency.</i>											
Santee Sioux .....			312	1	1	1	49	*	*	*	312
<i>Ponca agency.</i>											
Poncas .....			730	1	1	1	99	*	*	*	*
<i>Red Cloud agency.</i>											
Ogallala Sioux .....	}		12,648								*
Minneconjoux Sioux .....											
Sans Arc Sioux .....											
Northern Cheyennes .....											
Northern Arapahoes .....			1,092								
<i>Standing Rock agency.</i>											
Upper Yanktonai Sioux .....	}		7,322								
Lower Yanktonai Sioux .....											
Uncpapa Sioux .....											
Blackfeet Sioux .....											
<i>Spotted Tail agency.</i>											
Minneconjoux Sioux .....	390	392	9,610	1							*
Sans Arc Sioux .....	110	129									
Brulé Sioux .....	4,152	4,269									
Two Kettle Sioux .....	80	88									
<i>Crow Creek agency.</i>											
Lower Yanktonai Sioux .....	640	560	3,000	3	3	3	47	33	7	16	13
Lower Brulé Sioux .....	960	840									
<i>Yankton agency.</i>											
Yankton Sioux .....			2,500	6	7	10	706	*	*	*	*
Scattered Sioux not under an agent .....			5,000								
	10,079	10,922	136,508	21	22	32	1,139	208	30	416	1215

\* Report not yet received.

† With the exception of the scattered Sioux, estimated 5,000, and the bands at Standing Rock, estimated 7,322, the population is by actual count, and the estimate at Standing Rock is thought to be quite accurate, having been made on the number of lodges.

NOTE.—The above table is made up from latest advices in the Indian Office. The figures probably differ slightly, but not materially, from those which will be given by the reports of the respective agents for the year ending September 30, 1875.

Q. Suppose there are about forty thousand men, women, and children belonging to the nation, and two hundred sections of land between the north and south lines of their reservation, how many sections deep on the river would you require to give to each family of five persons a quarter-section of land ?

A. I could compute it if I knew the length of the river-front.

Q. Call it perpendicular for the purpose of calculation. It is not any less than perpendicular, at all events.

A. There would be eight thousand families, which would take two thousand sections, and would require ten sections deep on the river.

Q. Then a strip ten miles in depth, if the river were perpendicular, would give you a quarter of a section of land to every five individuals of the tribe ?

A. Yes, sir.

Q. So long as Indians depend upon the Government rations for support they might as well be all located on a single section as on any greater number of sections, might they not ?

Q. No, sir ; I should think not. Their support would cost a great deal more than it does now if they were depending on Government rations entirely ; but that is not true yet. So far as the mere feeding them is concerned they might as well be on a single section.

Q. But they do not depend now entirely upon rations ?

A. No, sir.

Q. What other resources have they for support ?

A. Buffalo, antelope, deer, rabbits, ducks, and other small game of one sort and another.

Q. Have you any means of estimating the amount of support derived from the chase by the Indians you supply ?

A. No, sir ; only by deduction. I know how much I give them, then I can estimate how nearly that will come to their actual subsistence.

Q. You give them a pound of beef and a pound of flour per day, do you ?

A. Not all of them. I issue to those who are present. Indians who are on the ground and call for rations get them. If a band is away at issue-time it does not draw, and that is quite often the case.

Q. You get provisions for that amount, do you not ?

A. No, sir ; I get the largest appropriation I can on my part, and the smallest Congress can give me on their part ; and they do not determine what they will give me by what I was obliged to use during the year previous. They keep me depending on the deficiency appropriation of the following year. I think that has been true with the Sioux people every year since the Treaty. There may have been one year as an exception.

Q. Does not the Treaty of 1868 require us to supply a pound of beef and a pound of flour to each Indian over four years of age ?

A. Yes, sir ; but it has expired now for two years.

Q. Was the money appropriated to furnish that amount of beef and flour up to the expiration of the four years ?

A. I don't know, sir ; that was before my time. I can easily find how much was appropriated for those years. I don't suppose it was.

Q. Has that money been appropriated since the expiration of the four years ?

A. Not to that extent.

Q. For what number of Indians did you ask an appropriation with which to purchase beef and flour, for the current year ?

A. I think, 35,000. I am not sure that in making the estimate I speci-

fied the number of Sioux. I estimated on the experience of previous years, but not on the numbers of Indians.

Q. Suppose the whole tribe numbers 40,000, what percentage of them do you estimate would be more than four years of age?

A. That would be the merest guess on my part. I should say the proportion would not vary among them from that of an ordinary white population.

Q. Do you understand what the rule is in other populations?

A. No, sir.

Q. Well, now, Mr. Commissioner, suppose the population to number 40,000, and all to be four years of age and upward, and you undertake to furnish them each with a pound of beef and a pound of flour per day, what sum of money would be required to do it at your present contract prices?

A. My present computation is that my beef would cost me about \$2,000 a day, and my flour about the same. About \$4,000 a day for beef and flour, without allowing anything for the services of issuing and carrying.

By Mr. ATHERTON:

Q. That would be \$1,460,000 a year.

A. Yes, sir; about a million and a half a year.

By Mr. HOWE:

Q. What is the appropriation for that purpose the current year?

A. About \$1,100,000. A portion of it must be expended for coffee and sugar. I have the transportation of coffee and sugar to provide for.

Q. Why have you got it to provide for?

A. The transportation appropriation is just half enough—not quite half enough.

Q. The question I put to you is, why have you got to provide out of this fund for sugar and tobacco?

A. Because I haven't any other fund.

Q. Why do you furnish them sugar and tobacco?

A. To keep them good-natured.

Q. That is to say, you cut short their beef and their flour, which the Treaty required to be furnished, and give them sugar and tobacco, which the Treaty does not require?

A. No, sir; the Treaty does not require any now.

Q. Which the treaty required?

A. Yes, sir. It has not been in operation since I have been acting. We are not governed by the Treaty at all now in these supplies. If you mean the Indian Office when you ask what I have done, I will keep up the personation, but I may not always be able to give a reason for what the Indian Office has done in the past.

Q. Haven't you any other fund out of which you do in fact purchase tobacco and sugar?

A. Yes, sir. I have another fund that can be used for that, if it is not required for anything else.

Q. What is that?

A. What is called the Sioux Beneficial Fund.

Q. How much is that?

A. I think I had \$200,000 of that last year. I am not sure whether it was two or one.

Q. Is \$1,100,000 the whole appropriation for feeding?

A. I think so, except when I get a deficiency appropriation.

Q. You have not this year?



A. Not for this year, but I had for last year.

Q. What was the appropriation last year ?

A. I think the same.

Q. What was the deficiency ?

A. One hundred and twenty-five thousand dollars.

Q. Haven't you this year an appropriation for transportation—— ?

A. Yes, sir; about half enough——

Q. An appropriation for transportation—— ?

A. Yes, sir, about half enough; I have an appropriation for that——

Q. Excuse me; an appropriation for transportation which should be added to the appropriation for purchases since you have included the cost of transportation ?

A. No, sir; it should not all of it be included in that estimate, because I have my annuity-goods to transport from New York.

Q. Well, a part of it should be added.

A. I am not sure whether it is not all exhausted in the other appropriation; but I think not. I think it might be taken out of the cost of the flour.

Q. Or added to the appropriation either ?

A. Yes, sir.

Q. What is your appropriation for transportation ?

A. I think it is \$95,000.

Q. Seventy-five thousand dollars.

A. I thought it was \$95,000.

Q. Are you aware what the beef and flour ration of a United States soldier is ?

A. No, sir; it is more than an Indian's ration.

Mr. HOWE, (to the chairman.) Governor, you know.

The CHAIRMAN. We have got it in our testimony. I have forgotten now just what it is.

Mr. ATHERTON. I think it is a pound and a quarter of beef and the same of flour; but I am not sure.

Mr. HOWE. It is a pound and a quarter of one or the other, and perhaps both.

WITNESS. Then the soldier has beans and other articles.

By Mr. HOWE:

Q. Well, I see by the Appropriation Bill, Mr. Commissioner, that the appropriation was made for 30,000 instead of for 40,000 Indians, for this current year ?

A. As I stated, I did not lay any stress on the number, whatsoever, but on past experience of cost, because I was not going by the Treaty, but by necessity.

Q. Would not their necessities depend entirely on their numbers ?

A. I judge of the necessities this year on what it proved to be last year, and then I regarded it as necessary that coffee, sugar, and bacon should come in; they would very largely increase the amount; then there is expense for services of employés and others, so that you can hardly figure upon the basis of a pound of meat and a pound of flour for each individual.

Mr. HARRIS. These two articles would cost more than you have money for.

By Mr. HOWE:

Q. But if two pounds of beef and two pounds of flour were squandered on each individual per day last year, you would not infer from that that two pounds of each were necessary this year ?

A. No, sir.

Q. Is this number, 30,000, the number given by you to the Committee on Appropriations?

A. I presume it went into my estimates. It is the stereotyped form of estimate, that has been kept up for a long time, never varying except, as to the amount of figures, and I presume that is the form that I gave.

Q. Well, Mr. Commissioner, in submitting your estimates to Congress, would you adopt a stereotyped number of Indians, or would you refer to your own census of the Indians?

A. I have to say, respecting that estimate of last year, it was made up during my absence, and went to the Secretary without my revision. Quite a number of things in it ought not to have been in the form they were, although there was not anything that brought loss upon the Government, but the form of the estimate is not, in quite a number of cases, a proper one. I have been over my estimate this year with reference to those particulars, quite carefully.

Q. Have you estimated the number of Indians this year larger than 30,000?

A. Yes, sir; I think I put it in 40,000.

Q. Were you not in the House of Representatives and the Senate pending the passage of this bill?

A. I was in the Senate.

Q. Did you make any suggestion that the number was too low?

A. No, sir; because the number, in my opinion, was not of particular consequence. I did not estimate upon the number; I could have expressed my judgment fully as well without saying anything about the number. I was asking for a certain amount of money because I thought I needed it; not because of the numbers, but because I knew what had been done with the money previously. My annual report to the Secretary shows between 34,000 and 40,000, as my estimate of the number.

Q. Well, on the whole, Mr. Commissioner, I understand you to be of the opinion that this large domain now included within the Sioux reservation is essential to that people to enable them to eke out a subsistence by the chase?

A. No, sir; I would not say that. I think there is a very large portion of it that is too poor even to furnish anything for the chase, and they could spare that very well.

Q. You believe that all the valuable portion of it is essential to them?

A. No, sir; I would not say that, either. I say they make use of any portion of it that furnishes game, and a use that is necessary, unless the Government is prepared to give them full rations every day.

Q. Well, if the Government should assume to give full rations every day to all the Indians of that tribe who are now in communication with you, what additional appropriations would you require?

A. I should say, if you mean to include coffee and sugar and tobacco—I am only guessing now—I should say two millions of dollars ought to go for feeding alone. I can give you the exact cost at the present prices, by reference to the amount of rations and the cost of each article.

Q. In your opinion, would it not be for the advantage of the Government to make that addition to this appropriation, and assume for the present the whole charge for supporting those Indians in order to clear them out from the western part of that Territory, and to get them into a compact position where you could know just whom you had to feed and whom you had not?

A. I have no doubt that it would.

Q. Suppose, then, the Government were to take that view of it, and assume the obligation, how long a time would elapse, judging from your experience, before 100 sections of land would be actually occupied by those Indians for agricultural purposes?

A. You mean 100 sections actually under cultivation?

Q. Yes; under cultivation.

A. That would depend entirely upon the good sense with which they were managed.

Q. Judging from your best experience in managing them?

A. It is an estimate only, but I should put it at two thousand years. I mean if we are to go on according to our past experience at Red Cloud agency.

Q. You say you have ordered these agents to incur no liability beyond the funds in their hands?

A. Or which they know to be at their disposal. I sometimes notify an agent, "There is to be expended at your agency this sum. Look over your field, know what you have to do, and send me in your plan for the year." And then this other order—"In no event incur liability for your agency for this year to exceed this sum which has been named to you." I am not able to carry out this strictly with the Sioux agencies, because I cannot determine beforehand the needs of this large tribe with any degree of definiteness. I have not got matters reduced so that I know what ought to be done this year here or there among the seven agencies. I have to go along from month to month depending upon the agents' estimates, and always cutting them down as low as I can. But those agents have been given to understand that they can not incur any liability without permission, unless they have funds in their hands, or on the way to them, of which they have had notice.

Q. I do not understand that there is any exception, then, to the order as you stated it?

A. No, sir; I think it is substantially as you represented it.

Q. When was that new law adopted by you?

A. It has always been a standing order of the Bureau that an agent should not incur liabilities; and yet the agents have done so without being called to account for it until I made the order more stringent and brought them to it.

Q. When did you make the order more stringent?

A. A year ago. Then about ten months ago, I think, the order went out as a general order. I had written to individual agents at different times calling their attention to the matter; and then I made a general order, and had a circular sent out.

Q. You will furnish us a copy of that order?

A. Yes, sir.

[A copy of the order in question was afterward produced as follows:

[CIRCULAR.]

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
*Washington, D. C., October 16, 1874.*

By the sixth section of the Indian appropriation act, approved June 22, 1874, it is directed that "no expenditure shall be made or liability incurred on the part of the Government on account of the Indian service for the fiscal year ending June 30, 1875, (unless in compliance with existing law,) beyond the amount of money previously appropriated for said service during said year."

In order to enable the Department to carry the above provisions into effect, all agents and disbursing officers connected with this Bureau are hereby forbidden to contract liabilities on account of the service of their respective agencies, unless such agent has funds at

his disposal applicable for payment of the same, and has also received special authority for such procedure from this Office.

A practice is found prevailing among some of the agents of issuing, without authority, certified vouchers, to be presented by the holders to this Office for payment. This practice must cease, and in no case must a certified voucher be given except upon special instructions from this Office.

EWD. P. SMITH,  
*Commissioner.*

Q. That order, as I understand you, was not a new order, but a re-issue of an old order ?

A. I don't know whether there ever had been a circular-order to that effect ; but, so far as I can find from Office correspondence, it was the understanding on the part of the Bureau previously. I didn't suppose I was issuing a new order, but calling the attention of agents sharply to what they ought to have known, and probably did know before.

Q. Well, is that the law of the Department now, that no agent can incur any debt against the Government ?

A. Not properly.

Q. Can he at all ?

A. Yes, sir. He can buy one hundred bushels of corn if he can get anybody to trust him as an Indian agent ?

Q. And if he buys one hundred bushels of corn, will the Government be bound to pay for it ?

A. No, sir, not in law ; though I think the Government would be bound in equity ; that is, if the agent, as a representative of the Government, goes to a farmer, and calls for one hundred bushels of corn, I think the Government should pay the farmer, and deal with the agent afterward.

Q. Well, I understood you to say to the chairman that you thought that the credit of the Department was depreciated by the existence of old debts unliquidated.

A. Yes, sir.

Q. And you thought it was the duty of Congress to provide for the payment of those debts in order to improve the credit of the agents ?

A. Yes, sir ; and I also think it should be done in order to satisfy those just claims.

Q. If the debts are due they ought to be paid. I don't suppose there would be any difference of opinion among honest men about that ; but if the agents are instructed by you not to employ their credit at all, and they do employ it, would it not be to the advantage of the Government to depreciate the claims ?

A. No, sir ; but to dismiss the agents.

Q. If the agents were dismissed others would have to be appointed.

A. Dismiss and appoint until agents could be found who would obey orders.

Q. If the agent ought not to employ his credit, what is the use of his having it ?

A. He ought not to have any occasion for credit.

Q. He is told by you, as I understand, that he has no occasion for credit ?

A. Yes, sir ; and yet, in the exigencies which come in the wild country, and oftener when you are dealing with wild men, there may be a time when an agent needs to use his credit. Then he would be justified in taking the responsibility of violating the order ; but I would not lay any great stress on that.

Q. You don't lay any great stress on what ?

A. On that statement, that there are occasions when he needs and legitimately can seek credit even under this order.

Q. Well, if you know there are such cases, when he can employ his credit, and must employ his credit, are you quite justified in laying down a law to say he shall not employ his credit?

A. Well, I don't know that, under all the circumstances, the order should be inexorable. I know there have been and may be again cases of emergency rendering it necessary for the agent to employ his credit, and the safest way is to put him upon his own responsibility, if he must violate the order.

Q. I understand you to say you have not money enough appropriated this year to feed the Sioux, and that in December you will be out of money.

A. Oh, no, sir; when I bring the Sioux Indians, in December, down to the money that belongs to December, it won't supply them; and a law of Congress obliges me to spend the money *pro rata* throughout the year.

Q. What do you mean by *pro rata*?

A. A twelfth of the quantity for each month, unless it is understood that some months will require a less quantity than other months.

Q. What law do you refer to?

A. It is a provision in the Appropriation Bill of last year.

Q. Why should the Indians require more of it in December than in November?

A. I put the month of December as an example; they will not, unless it is colder, and they get less game, or for some reason of that sort; and I put it so far off, because now I am not able to undertake the *pro rata* rate with them during the attempt to negotiate with them, when I have to keep them good-natured at all hazards.

Q. What is it you are doing to keep them good-natured at all hazards?

A. Giving them all they want to eat and drink.

Q. Regardless of the law you have just spoken of?

A. It is impossible for me now to put that requirement in force; for instance, at Red Cloud agency the number has very largely increased. I cannot say to the agent how much money he can spend; and I don't want to raise that question among his Indians until he gets through with this council; because I want him to do all he can to keep the Indians good-natured; so I take the risk.

Q. Just what risk is it that you are taking?

A. To exceed the power given me in the Appropriation Bill. I am using more than one twelfth of my fund for this month. I suppose, and as I understand from the communications of inspectors, this whole Black Hills business, which has broken in upon the Sioux problem this year unexpectedly, has created an exigency which will justify a necessity for deficiency appropriation. The expense of your commission and the expense of the Black Hills commission—the latter involves me in a large unexpected expenditure, in calling those Indians and making purchase of horses.

Q. What purchase of horses?

A. One hundred horses that Senator Allison, chairman of the Sioux commission, telegraphed for the other day. Those expenditures are using up the fund which Congress appropriated for the benefit of the Sioux; the Sioux Beneficial Fund.

Q. Then it is not using up the \$1,100,000?

A. No, sir; but that \$1,100,000 won't keep the Sioux at all. I put my beneficial fund in also, and with all the money I have got I cannot give

rations to the Sioux. I have not got enough to keep them through the year, in my best judgment. And, in addition to that, I have this unexpected large expense of this Black Hills business.

Q. You did not expect that the expense of the Black Hills negotiation was going to create a very great deficiency?

A. In the first place those Sioux, between thirty and forty of them, were brought to Washington. You cannot move thirty-five Indians and take care of them two months without expense. Then all those commissioners have gone out, the Indians have been called to a general rendezvous, and presents have been made to them. I don't know what it will all amount to. It will be a very considerable sum for me to spare, when I havn't any to spare.

Q. Well, what you mean by deficiency, then, is the sum occasioned by these extraordinary expenditures?

A. Yes, sir; it is an unexpected expenditure, and there will be a deficiency occasioned by it. Then I think there will necessarily be a deficiency occasioned by giving the Sioux enough to keep them from disturbance; at least, to keep them from hunger, certainly enough to keep them from complaints, such as even Professor Marsh did not hear when he was out there in that snow-storm.

Q. You said to Mr. Faulkner that you considered your agricultural experiments with the Sioux so far a failure?

A. Well, he confined his inquiry to the Red Cloud and Spotted Tail agencies. My answer would be materially modified if I included the other Sioux agencies.

Q. Is your experience with Red Cloud and Spotted Tail agencies a failure?

A. A failure, if raising a crop is the standard of success. But if making a beginning is the standard, it is all that any reasonable man could have expected in the circumstances.

Q. What beginning have you made with those agencies?

A. I have got them so that some of them ask for plows, and, as I understand, a few of them have taken out a small ditch and commenced planting a little. I don't know whether more than half a dozen of the Indians have done that. I suppose more of the half-breeds have done it than of the full-bloods. Last year was the first year when anything of the sort could have been done. It was physically impossible to undertake much, certainly, with the Spotted Tail and Red Cloud Indians until they got where they are now.

Q. Why more practicable now than while they were at other places?

A. Heretofore Spotted Tail has been on an alkali barren, where there was no water even to dig out for irrigation.

Q. Are you well assured that his present location is more favorable for agricultural purposes than his former locations have been?

A. I am only assured so by the persons who located them, and by the agent.

Q. Your agent has so informed you?

A. Yes, sir.

Q. In what respect does he ascribe greater advantages to the present location?

A. In that he is in a country where there are patches of ground that are susceptible of cultivation.

Q. Is there more water there than he had when he was on the White River?

A. I understand it is more capable of ditching than where he was before. A stream of water running between high banks is generally of no use for ditching.

Q. How long has Red Cloud been at his present agency ?

A. Two years. This is his second summer.

Q. Where was he formerly located ?

A. Down towards the Platte, and near Fort Laramie.

Q. Are you assured that his present location is more available for agricultural purposes than the old location was ?

A. No, sir; I don't know much about the old location in that respect. All that matter was discussed before I knew anything about it. The preliminaries of removal were gone through before I came into office. I am not acquainted with the country he left.

Q. You say he was moved two years ago ?

A. Yes, sir; two years ago.

Q. You have been Commissioner how long ?

A. Two years.

Q. You say the beginning which has been made by these bands in agricultural pursuits was in asking you for plows. Have you furnished any plows ?

A. Yes, sir; I think the agent has got some plows; more especially for the half-breeds.

Q. You don't know that he has furnished Indians with any plows ?

A. I think he has. Personal ownership of a plow is not a necessary prerequisite for Indian planting. The agent can plow for those who want to begin to farm. I think some of Spotted Tail's Indians have plows, however, but I am not certain. They talked about it frequently in their interviews with me this summer; of course it was the talk of children, who knew very little of what they were saying, but it shows the dawning of an idea of civilized life.

Q. In speaking about that Appleton contract for sawing lumber I understood you to say that Doctor Saville's explanation modified your views, especially as to the merits of the contract ?

A. Yes, sir.

Q. That you don't think Doctor Bevier gave a fair statement of the contract ?

A. No, sir; if Doctor Saville's statement is true, (and it seems to me quite probable,) then it was not fair in Doctor Bevier not to have taken that into consideration.

Q. What are those facts which he ought to have taken into consideration, in your judgment ?

A. That the mill was a crippled affair, only fifteen horse-power anyhow, (that is my recollection of it,) and breaking down frequently at that. It was not capable of anything like a fair day's work for a saw-mill.

Q. Can you explain how such a mill happened to be located there ?

A. I cannot; but it is one of the most natural things in the Indian service, that with a short appropriation you should get a cheap mill, and that when run by incompetent hands such a mill should get badly out of order.

Q. Was the appropriation for the purpose of the mill a short appropriation ?

A. I presume there was no appropriation for the purpose of a mill, but it was taken out of this Sioux Beneficial Fund, or some other.

Q. Are you or are you not aware that the Treaty of 1868 provided for the erection of a mill ?

A. Yes, sir; but that mill has never been erected according to the Treaty. The money has been appropriated, but has never been used. The sum of twenty-five thousand dollars was put to the credit of the In-

dian Bureau, but has never been used because we have never been able to locate the Indians where the Treaty and the appropriation required that money to be expended.

Q. Then, do I understand you to say that, after the Treaty had provided for the location of a mill and agency-buildings on one place, and the appropriation was made to meet the expenditure, you did not make the expenditure, but you did take from another fund appropriated to another purpose—?

A. No, sir; I beg your pardon—beneficial purposes—

Q. That you did take from a fund appropriated for beneficial purposes a sufficient sum to build an incompetent mill?

A. No; I did not make that statement, at least not in that form. In the first place, I don't know anything about it from any personal examination. I only said, probably, (and that would be from my acquaintance with the management of affairs,) that the agent who wanted the mill would get the best mill he could out of the money for that year—out of the money the Office informed him he could use for that purpose, and the Office would give him such money as it could spare for that purpose, and no more. This mill was purchased before I came into office.

Q. And you judge that was the actual course of administration, from your general knowledge of the administration of affairs in that office?

A. Yes, sir; the fact is, the Indian Office is always on short allowance. We almost never do what we want to, but what we can and must; we cannot often do what would be the reasonable, economical, right thing to do if a man was doing it for himself.

Q. Do you know what that beneficial fund has been in former years?

A. It is fixed by treaty.

Q. It has been previously \$200,000 a year?

A. I think so.

Q. Do you think it would have been better economy to have taken enough from that fund to put up a good mill—

A. If he could—

Q. And used less of it for other purposes, than to have taken a small mill that was not worth anything?

A. That depends upon what the other necessary purposes were at that time. It is a question of comparative necessity of doing something that must be done, and doing it as well as you can with what funds you have left for it. I should say that if you must have a mill and have not funds for a large one, it would be a good thing to buy a small one.

Q. Have you no idea as to what that mill did cost actually?

A. No, sir; I presume it cost fully what it was worth.

Q. Would the records of your office enable you to state?

A. Probably, the cost of first purchase will be found there, but that will depend upon how it was put up. If on contract, the whole cost will be easily found; otherwise it may be quite difficult to get the whole cost without going through all the agency-accounts of that quarter.

Q. Can you conceive or put in words any possible justification for an agent spending anything for the erection of a mill which when up and the engineer supplied cannot get out lumber for less than \$14 a thousand?

A. Yes, sir; I can conceive how a mill might be purchased and be a good purchase, and a good mill for the required use, and then be so wretchedly used for two or three years as not to be able to do anything, not to be able to cut lumber short of \$100 a thousand. I do not want at all to be understood as justifying the Appleton contract; I annulled it immediately on the Inspector's report.



Q. Mr. Commissioner, the Treaty of 1868 provided that the United States should furnish a pound of beef and a pound of flour daily to those Sioux Indians. I understand it is the custom of the agencies, instead of delivering beef, to deliver beef-cattle on the foot ?

A. Yes, sir.

Q. Can you state what is the origin of that usage ?

A. I suppose it dates back to the time of hunting buffalo. That is the Indian custom that required it, and which belongs to his life of the chase. The Treaty evidently refers to beef on the block. The wild Indian says he wants his beef on the hoof. So a computation was made from net to gross, and he is humored.

Q. Have you evidence that the Sioux Indians require their beef delivered to them on the hoof ?

A. Yes, sir.

Q. How does that evidence come to you ?

A. They have made their request themselves. I undertook to break it up at Cheyenne agency, on the Missouri River, and the agent has been in a fight about it ever since; and one of their most serious grievances which they required should be redressed at their visit here last spring, and as Lone Horn told me the principal occasion for their coming, and which almost broke his heart that he did not get, was that his agent killed his cattle for him, instead of turning them over to the Indians for them to shoot, as they had always done.

Q. Have the Red Cloud and Spotted Tail bands made similar demands upon you ?

A. They have not, but they would undoubtedly if I should undertake to bring them to take beef from the block. This has not been attempted there yet.

Q. Do you consider that a wise distribution of the funds ?

A. Yes, sir. I think, as far as the feeding-fund is concerned, the cost of butchering would equal, if not exceed, the saving in meat. If you keep an Indian hungry, he does not lose much meat, no matter how he gets it. But there is a barbarism about this mode of killing which the block would prevent; and, besides, the block would put an additional check upon the contractor, which is desirable.

Q. Does not the Indian, when you deliver him beef-cattle instead of beef, get either less beef than he is entitled to, or don't he get something, such as the hide and the tallow of the animal, which are not beef, and which he is not entitled to ?

A. Yes, sir. I don't know but he might; but that is given to him by weight. He takes it in lieu of meat.

Q. Well, if the value of the hide and tallow is deducted from the weight, then the Indian loses necessary food, does he not ?

A. No, sir; the tallow is worth more to him for food by the pound than the beef.

Q. Does he use it for food ?

A. Yes, sir.

Q. Does he use the hide for food ?

A. He sells it to the trader in exchange for other things that he wants.

Q. Does he use the hide for food ?

A. If he gets food by exchange, he does. He does not eat the hide.

Q. Then the value of the hide, or the weight of the hide, is deducted from the food which he needs ?

A. I don't know as it is deducted from that which he needs. He is supposed to get what he needs to eat at all hazards; he has no claim by treaty for anything to eat.

Q. Not now ?

A. No, sir.

Q. But he had ?

A. He cannot enforce his pound of beef.

Q. He had a claim before the four years expired ?

A. Yes, sir.

Q. And he has still what is equivalent to his claim, and better than his claim, if I understand you, and that is our obligation to furnish him enough to eat ; that if he don't get it out of \$1,100,000, he has to have more.

A. No, sir ; he has not our obligation for anything except to make him behave and make a man out of him, if we can.

Q. No ; but if the \$1,100,000 which we have gratuitously appropriated does not support him, you will ask Congress to appropriate more money ?

A. Yes, sir.

Q. And you will ask it upon the ground that the Government ought to appropriate more.

A. Yes, sir ; from a moral point of view, and for reasons of economy in controlling the Sioux.

Q. Of course. Now, in addition to the meat we have actually paid for, we shall furnish him, under this year's contract, with 30,000 hides, shall we not ?

A. I should guess more than that.

Q. Which he cannot eat at all. Have you any information as to what disposition the Indians make of those hides ?

A. The Indian claims the hide as his perquisite. He takes it, as I understand, to the trader, and drives the best bargain he can in exchange.

Q. Do you understand what kind of a bargain he drives ?

A. No, sir.

Q. Do you know what would be the market-value of those hides which he claims as a perquisite.

A. I do not.

Q. Would it be less than \$5 ?

A. Oh yes ; about \$1.50 or \$2.

Mr. FAULKNER. I can state the fact positively that they have sold them at the agency for \$3, and the trader reports that he gets \$5 to \$6 apiece for them ; but he has to perform upon them some labor.

WITNESS. There is another consideration about these hides that I may mention. The whole policy of feeding the Sioux has been on the idea that the Government has been disposed to temporize with them, gratify them, keep them good-natured, keep them quiet, as at least the cheapest way of dealing with them for the present, and this use of hides is a very gratifying one to them, so that it is as a sort of sop thrown to a wild animal, just as a considerable amount of other expenditures that we have been making for Indians has been.

By Mr. HARRIS :

Q. Mr. Commissioner, one topic more, and that is about the education of the Sioux Indians ? What steps have been taken to promote their education ?

A. Until quite recently, with the exception of two of the bands, nothing deserving the name.

Q. What two ?

A. Those are the Yanktons and Santees.

Q. What have you done for the education of those two tribes ?

A. The Government has done much less for them than the missionaries.

Q. I was speaking of the Government.

A. The Government has expended the amount named in the Treaty, which I don't recall now, upon the missionary societies furnishing teachers, or paying salaries of the teachers which those societies furnished. But there is a provision in the treaty for the pay of five teachers, or a provision that those teachers shall be furnished.

Q. There is no special provision for educational uses among those, is there?

A. Yes, sir; five teachers, the appropriation is made for.

Q. Read it.

A. "For pay of physician, five teachers, one carpenter, one miller, one engineer, one farmer, one blacksmith, \$10,400."

Q. Whom is that for?

A. That is for eleven employés named, but I don't know what portion of this sum is for the teachers.

Q. But that appropriation is not made for the benefit of the Yankton and Santee Sioux exclusively?

A. No, sir. You were speaking of the educational advantages; and those five teachers, as I understand it, have been employed mainly among the Yanktons and Santees, because the other bands were not ready for teachers. Five teachers are not enough for these seven Sioux agencies.

Q. You have had, then, the five teachers so employed among those two bands.

A. I suppose so; that is according to the Treaty, and I suppose service has been performed. I am not speaking from the record.

Q. Do you know anything about the schools which have been maintained at these two agencies?

A. Yes, sir; I have been in some of them, and I have reports from them regularly. I knew about them two years ago.

Q. You visited them two years ago.

A. Yes, sir.

Q. Did you find five schools?

A. I think I found six.

Q. Five of them were kept by teachers paid out of this fund?

A. I think they were all paid out of that fund, but I am not sure. A single school may have three or four teachers. There must have been at that time, including the missionary teachers, ten or twelve teachers in these schools.

Q. How many scholars did you find in attendance?

A. I am not able to state.

Q. Didn't you notice?

A. Yes, sir; but I don't remember.

Q. Did you notice anything indicating the proficiency they made?

A. Yes, sir; I remember children reading and writing and working examples in arithmetic.

Q. Indian children?

A. Yes, sir.

Q. Of the full blood?

A. Full blood, speaking English.

Q. You found that at those agencies?

A. Yes, sir.

Q. Could you say anything about the number?

A. I should say from 150 to 200.

Q. Reading and speaking the English language?

A. No, sir; I would not say that.

Q. Could you say anything about the number you found who could read and speak our language ?

A. No, sir ; I ought to say this : Not a great many were speaking the English language, because the method of the missionaries among them is, I think, an unfortunate one ; that is, teaching them mainly in their own language. I have had an issue with the teachers on that. I want them to teach Indian children the English language.

Q. What is the fact ? Which language was taught in those schools ?

A. The Indian language was taught, and then as much English as they could teach in connection with the Indian. But my theory was, that they should teach the English language at any rate, and make the Indian incidental to that.

By Mr. FAULKNER :

Q. Is it not their plan to have the school-house divided into two rooms, in one of which they teach the Sioux language and the other English ?

A. No, sir, I didn't notice that.

By Mr. HOWE :

Q. Outside of those two agencies, I understand you to say that, until recently, no attempt has been made to advance them in civilization ?

A. No, sir ; not of any consequence until of late. The Cheyenne agency, I think, began a year or perhaps a year and a half ago ; I don't know but it was commencing when I was there, and at the Crow Creek agency there have been attempts at schools. Day-schools have been kept for a while, but, as a rule, are of very little value among wild Indians as compared with boarding and manual-labor schools.

Q. What movement has been recently set on foot to which you refer ?

A. The Episcopal Church has taken up the education of the Sioux very recently and in a very practical way, under Bishop Hare's management, and has entered into a contract to teach a certain number of schools for so much per year at different points.

Q. Entered into contract with whom ?

A. With the Indian Bureau.

Q. When was that contract made ?

A. There have been several made for the different points. It has been running through the last year or more.

Q. Are those contracts reduced to writing ?

A. Yes, sir ; signed by both parties ; signed by myself and by Bishop Hare as the representative of the Episcopal Church.

Q. Can you furnish us copies of those contracts ?

A. Yes, sir.

[Witness subsequently furnished the papers, as follows :]

#### SCHOOLS AT MISSOURI RIVER AGENCIES.

This agreement, made and entered into at the city of Washington, D. C., the 25th day of December, 1874, between Edward P. Smith, Commissioner of Indian Affairs, for and in behalf of the United States, of the first part, and William H. Hare, bishop of Niobrara, of the second part, witnesseth :

That the said party of the second part, for himself and his legal representatives, hereby covenants and agrees with the said party of the first part to take charge of and properly carry on for the term of six months, commencing January 1, 1875, and ending June 30, 1875, the schools hereinafter designated, viz :

First. A day-school at Choteau Creek, Yankton Indian reservation, Dakota, with an average attendance of twenty-five (25) pupils.

Second. A girls' boarding-school at Yankton Indian agency, Dakota, with from fifteen (15) to twenty (20) boarders.

Third. A day-school on the Yankton Indian reservation, at Swans, Dakota, with an average of twenty-five (25) pupils.

Fourth. A day-school at Ponca reservation, Dakota, with an average of twenty (20) pupils.

Also, at the Upper Missouri or Crow Creek Indian reservation, Dakota, the following schools, viz :

First. A day-school at Lower Camp, with an average of fifteen (15) pupils.

Second. A girl's boarding-school at the agency for ten (10) scholars.

Third. A day-school at the Upper Camp, with an average of fifteen (15) pupils.

Fourth. A boarding and day school at Cheyenne River Indian reservation, Dakota.

The said party of the second part further agrees to furnish suitable teachers for all the schools named, to furnish fuel, &c., for the day-schools, and fuel and clothing for the scholars, and everything necessary and requisite for the comfort and health of the scholars, and to properly conduct the boarding-schools.

The party of the first part agrees to pay or cause to be paid to the party of the second part, or to his legal representatives, for the faithful performance on his part of the stipulations of this agreement, as follows, viz :

For the Chotean Creek day-school, three hundred (300) dollars in money, and for each scholar one daily ration of beef.

For Yankton agency boarding-school five hundred (500) dollars.

For day-school at Swans, Yankton reservation, three hundred (300) dollars in money, and for each scholar one daily ration of beef.

For day-school at Ponca reservation, three hundred (300) dollars in money, and for each scholar one daily ration of beef.

For day-school at Lower Camp, Upper Missouri Indian reservation, three hundred (300) dollars in money, and for each scholar one daily ration of beef.

For girls' boarding-school at the Upper Missouri or Crow Creek agency, four hundred (400) dollars.

For day-school at Upper Camp, on the Upper Missouri or Crow Creek reservation, three hundred (300) dollars in money, and for each scholar one daily ration of beef.

For boarding and day school at Cheyenne River reservation, four hundred (400) dollars in money, and for each scholar one daily ration of beef.

The said sums of money are to be paid in two equal payments, to wit : One-half on the 1st day of April, 1875, and one-half on the 30th day of June, 1875; the rations to be furnished by the respective agents on the requisition of the party of the second part.

The said party of the second part agrees to furnish the party of the first part at the end of each month with a report showing the number of scholars in attendance at each school, their progress, and the condition and prospects of the schools generally.

It is mutually agreed between the parties hereto that upon the expiration of the provisions of this agreement, the same may be extended for the further period of one year, upon the same terms and rates of payment.

Each party reserves the right to terminate this agreement at any time after giving the other party, or his representatives, three months' notice.

In witness whereof the parties hereto have hereunto set their hands and seals the day and year above written.

EDW. P. SMITH, [SEAL.]  
*Commissioner Indian Affairs.*  
WILLIAM H. HARE, [SEAL.]  
*Bishop of Niobrara.*

In presence of—  
HENRY ST. GEORGE YOUNG.  
JOHN W. KENNEDY.

DEPARTMENT OF THE INTERIOR,  
*January 16, 1875.*

The action of the executive committee is hereby sustained.

C. DELANO, *Secretary.*

DEPARTMENT OF THE INTERIOR,  
OFFICE INDIAN AFFAIRS,  
*January 15, 1875.*

Approved.

EDW. P. SMITH,  
*Commissioner.*

BOARD OF INDIAN COMMISSIONERS,  
*Washington, D. C., January 16, 1875.*

Examined and approved.

F. H. SMITH,  
WM. STICKNEY,  
*Executive Committee.*

## SCHOOLS AT SPOTTED TAIL AND RED CLOUD AGENCIES.

This agreement, made and entered into at the city of Washington, D. C., 29th day of March, 1875, between Edward P. Smith, Commissioner of Indian Affairs, for and on behalf of the United States, party of the first part, and William H. Hare, bishop of Niobrara, party of the second part, witnesseth:

The said party of the second part, for himself and his legal representatives, hereby covenants and agrees with the said party of the first part to take charge and properly carry on the schools hereinafter designated during the time designated, all of said schools being in Nebraska and Dakota, and for the benefit of the Indian children thereof, to wit:

A day-school at Batin's point of timber, Yankton reservation, and about five miles below the agency, for the term of eighteen months from January 1, 1875, until July the 1st, 1876, (said school being now and having been in continuous operation under the charge of and at the expense of said W. H. Hare from said January 1st, 1875,) with an average attendance of twenty-five (25) scholars. All the following schools for the term of one year from July the 1st, 1875, until July the 1st, 1876:

First. A day-school at Spotted Tail agency, with an average attendance of seventy scholars.

Second. A day-school at the Red Cloud, with an average attendance of twenty-five scholars.

Third. A day-school at Lower Brulé, with an average attendance of twenty-five scholars. The party of the second part further agrees to furnish suitable teachers for all the schools named, and fuel and all things necessary and requisite for carrying on the same.

The party of the first part hereby agrees to pay or cause to be paid to the said party of the second part, or to his legal representative, for the faithful performance on his part of the stipulations of this agreement, as follows:

The day-school at Batin's point of timber, Yankton reservation, nine hundred dollars in money, in six equal payments of one hundred and fifty dollars each, payable quarterly thereafter at the time of the regular quarterly payments to agency employes, and one daily ration of beef for each scholar.

For the day-school at Spotted Tail agency, one thousand dollars in money and one daily ration of beef for each scholar.

For the day-school at Red Cloud agency, six hundred dollars in money and one daily ration of beef for each scholar.

For the day-school at Lower Brulé, six hundred dollars in money and one daily ration of beef for each scholar.

The said sums of money for the last three schools, at Spotted Tail, Red Cloud, and Lower Brulé, are to be paid in four equal payments of five hundred and fifty dollars each; payable quarterly thereafter at the time of the regular quarterly payment to agency employes: and the beef rations are to be furnished by the respective Indian agents on the requisition of the party of the second part or his legal representatives, and from the opening of the school.

The party of the second part also agree to furnish the party of the first part at the end of each month a report showing the number of scholars in attendance at each school, their progress and condition, and the prospects of the school generally.

Each party reserves the right to terminate this agreement at any time after giving the other party or his representatives three months' notice, after which termination all rights or obligations inuring thereafter under the contract shall cease.

In witness whereof the parties hereto have hereunto set their hands and seals the day and year above written.

EDW. P. SMITH.  
WILLIAM H. HARE.

Witness to Edw. P. Smith:

JOHN H. VOORHEES.

Witness to W. H. Hare:

S. M. MILLER.

BOARD OF INDIAN COMMISSIONERS,  
*Washington, May 8, 1875.*

Examined and approved.

F. H. SMITH,  
WM. STICKNEY,  
*Executive Committee.*

DEPARTMENT OF THE INTERIOR  
*May 18, 1875.*

The action of the executive committee is hereby sustained.

B. R. COWEN,  
*Acting Secretary.*

Mr. HOWE. That is all, Mr. Commissioner.

WITNESS. I have thought of a matter that I might have stated in

connection with the question of the treaty stipulation, that the Indians should be moved to the Missouri River. More than half those Indians that made that Treaty are on the Missouri, and have been settled there in pursuance of the treaty.

By Mr. HOWE :

Q. Let me ask you this question: Suppose you had said, or your predecessor had said, to the Sioux Nation, "Your obligation is to come to the Missouri River and be counted; and when you will come to the Missouri River and be counted we will feed you according to the stipulation of the Treaty, and not until then," what would have happened?

A. They would not have come.

Q. Would not any of them have come?

A. Yes, sir; a few would have come at first; not many; and others, when they got very hungry in the winter, would have come over and asked for rations.

Q. But if they did not come?

A. They would have gone south, down in the buffalo country on the Republican Fork, and lived off buffalo and off the citizens of Kansas and Nebraska?

Q. How long would they have lived there?

A. Until this time, unless the soldiers had got after them, and then there would have been a fight with the whole Sioux Nation.

By Mr. ATHERTON :

Q. We found at Red Cloud, Mr. Commissioner, that there were about \$5,000 in amount of vouchers outstanding for obligations which had been incurred in the erection of agency buildings. What explanation is to be given of that?

A. I don't know, sir; except that the buildings had to be erected.

Q. I mean of the fact that the payments have not been made.

A. That there was not money enough in the appropriation of that year to meet this balance due. I cannot pay with the money I have now in hand for liabilities incurred then.

Q. Is there no way of paying those outstanding vouchers except by appropriation of Congress?

A. No, sir. If I had plenty of money this year, I could not use it for that purpose.

Q. Since Dr. Saville has been there he has incurred an indebtedness of, I should say, (if my recollection serves me,) \$1,200 or \$2,000 for hay for the supply of the agency. Was not there an appropriation for that at the time the debt was incurred?

A. I cannot say whether there was any appropriation for hay. It would be determined by how much money there was on hand.

Q. Then, with regard to the mode of inspecting supplies. How is the present mode of inspection determined?

A. Do you mean who determines it?

Q. Yes. Under what provision of law are goods now inspected?

A. They are inspected under my order.

Q. And how is provision made for that; is it simply an order of the Bureau, or is there a provision of law requiring the appointment of inspectors?

A. No, sir; I am not aware of a provision of law requiring the appointment of inspectors of goods. I should say that a treaty is in force, and if the Indians claim it they ought to have it, and if it is for their good, they ought to have it.

Q. If it is not for their good it ought to be enforced until it is superseded by other legislation ?

A. No, sir; I would not put it on the latter ground. There are many stipulations in treaties that never can or ought to be enforced.

Q. We found there had been between the Bureau and Mr. Slavens, of Kansas City, some difficulty in regard to a pork-contract. Will you state what that difficulty was, and how it was settled ?

A. Mr. Slavens, in answer to my call for mess-pork, put in a bid, which was the lowest bid, and was accepted. When the contract was drawn, it specified pork only; did not say mess-pork. When the contract came to be filled, Mr. Slavens began to fill it with mess-pork. He put in as his first delivery 200 barrels of mess-pork of excellent quality, as I understand. Subsequently, pork went up beyond his contract-price, and he found on examination that the terms of his contract did not require mess-pork, but that he was required to give pork. He then put up another quality of pork, and the inspector passed it on the contract. That is his explanation. The inspector certified that so many barrels of pork had been delivered by Slavens "according to contract." I heard of the bad quality of the pork from the agent, and telegraphed the store-keeper at Cheyenne or the freight-contractor (I think it was the store-keeper) to send no more pork on Slavens's contract until it had been inspected at Cheyenne. I telegraphed also the inspector at Kansas City, asking him what sort of pork he had passed, and he replied, "Prime mess." I may have the terms mixed—prime mess or mess. He told me how many barrels he had passed as prime mess, and how many as mess. When I got the information, I knew what sort of pork I had at Cheyenne; that is, I supposed I knew, and suspended the requirement that it should be re-inspected there. I then found from Robert Campbell, a member of the old board of commissioners in Saint Louis, the difference in market-value between mess-pork and prime mess, and required Slavens to make good that difference in bacon at market-rates delivered at Red Cloud agency. He agreed to it, and the matter is just now consummated. I understand the bacon has been shipped to Red Cloud.

Q. What was the amount of the difference ?

A. That I cannot state from memory.

Q. Can you furnish it to us ?

A. Yes, sir; you have the whole correspondence.

By the CHAIRMAN :

Q. Is it adjusted at the difference that is stated in that correspondence ?

A. Yes, sir; it was so adjusted.

By Mr. ATHERTON :

Q. Can you give us a copy of the telegram stating that he had furnished the prime mess ?

A. Yes, sir; Threlkeld's telegram that he had passed prime mess. I think you have it from me already.

[See page 592.]

Q. I understand you to say, in the first place, the advertisement called for mess.

A. The advertisement called for proposals for mess-pork.

Q. How did it occur that the contract did not specify the same grade of pork that the advertisement called for ?

A. It was a clerical error in drafting the contract.

Q. Who is responsible for the clerical error ?

A. The clerk who drew the contract in the Bureau.



Q. The same error or variation occurred with the same man with reference to the advertisement and contract for flour.

A. It could not have been the same variation.

Q. Well, a similar variation. An advertisement was inserted in the papers asking for proposals for furnishing XX flour. If I recollect rightly, the contract only stipulated to furnish flour. Is that variation to be accounted for in the same way?

A. I should rather see that contract before I assented to that. The contract called for flour according to sample. It is specific.

By Mr. MARSH :

Q. Are not the printed proposals considered part of the contract?

A. No, sir; unless it is so stated in the contract. That is, they are not necessarily so.

By Mr. ATHERTON :

Q. Do you remember how much of the lower grade of pork was furnished on the contract?

A. Yes, sir. The following is a tabular statement of delivery and inspection of pork under contract with J. W. Slavens of date July 11, 1874:

Date of delivery and inspection.	Number of barrels.
August 20, 1874 .....	65 barrels pork, mess.
August 28, 1874 .....	135 barrels pork, mess.
September 24, 1874 .....	200 barrels pork, prime mess.
October 29, 1874 .....	200 barrels pork, prime mess.
November 5, 1874 .....	200 barrels pork, prime mess.
December 5, 1874 .....	200 barrels pork, mess.

Total number of barrels prime mess, 600; difference in market-values of mess and prime mess, \$3.50 per barrel on 600 barrels.....	\$2,100 00
For which Slavens delivers at Red Cloud agency, free of cost for transportation, 100 barrels mess-pork, worth (contract rate, \$21 per barrel at Kansas City)....	2,100 00
Add transportation on 100 barrels from Kansas City to Red Cloud agency at contract rates .....	918 06

Total amount paid by Slavens as indemnity..... \$3,018 06

Q. And can you state the difference in the market-value of that which was furnished and that which you supposed was to be furnished under the contract?

A. It is in the record.

By the CHAIRMAN :

Q. How did you arrive at the difference between mess-pork, the kind called for in the proposals, and the kind of pork he furnished?

A. The pork he furnished was prime mess, according to the statement of the inspector. That has market-rates, and mess-pork has market-rates. Robert Campbell gave me those market-rates, and on his information I made my computation.

By Mr. HARRIS :

Q. If it should turn out that the inspector passed pork of a lower grade than prime mess-pork, then you were to that extent defrauded by the contractor or by him?

A. Yes, sir.

By Mr. ATHERTON:

Q. Who proposed to settle it on the basis which was finally agreed upon?

A. I think I proposed the basis after learning the difference in marked value, and Mr. Slavens consented to it.

Q. Did the proposition come from the Bureau or from him?

A. If I recollect rightly, that was not his first proposition, but he was brought to it. I have forgotten what his first proposition was, but it was not as good as that by any means. I want to say in this connection that I never had any misgivings as to my inspector at Kansas City. He was appointed on the nomination of Robert Campbell, of the purchasing committee of the old Board of Indian Commissioners, on his personal acquaintance, for the year previous, and was continued in office at my request during the next year, because of the credentials under which he was first appointed. I never had any misgivings as to his true inspections. I was surprised to find that he should think of passing prime mess pork, after Slavens had put in mess pork, without consulting me at all; and when he stated that that which he did inspect was prime mess, I had no question about it in my own mind.

By Mr. FAULKNER:

Q. I find among the recommendations of Bishop Hare "That all beef and other provisions be issued by orders on the issue-clerk, which orders should pass through the office in order to their appearance on the books; that these orders be filed away for safe-keeping, and the books and papers of the agency be the property of the Government, and not of the agent." Does that recommendation meet your approbation, and has it been carried out as recommended by the commission of which Bishop Hare was chairman?

Q. I am not certain except as to the latter part. I know I have been issuing orders that all books and records belonging to the agencies shall be retained at the agency. When an agent is superseded the instructions to his successor are, to insist on retaining all the records, and the order to the outgoing agent is to turn over all records as the property of the agency.

Q. You have not, then, made any order to carry out the first part of that recommendation?

A. I don't remember that I have.

Q. We found a very general complaint, Mr. Commissioner, in regard to the kind of tobacco that has been issued to the Indians under the impression, I find, that it was tobacco to be smoked, which is the only form in which the Indians use tobacco, but was of a character and kind that is usually chewed; ought the Department, in view of a proper economy, to substitute another kind of tobacco in lieu of that which has been heretofore sent, and which is only suitable for chewing?

A. Yes, sir. I took that into consideration this year, and purchased a higher grade of tobacco. I didn't know previously, though, that the Sioux had found fault with the tobacco. I did find that the southern Indians in the Indian Territory, two years ago, when I was there, had found the same objection to their tobacco; and I changed that last year, giving them a lighter grade than I gave the Sioux.

Q. Have you proposed to furnish them a better kind of tobacco?

A. They have a better grade of tobacco this year than last year.

By Mr. ATHERTON:

Q. Is there any uniform system of book-keeping followed in the agencies?

A. I have lately published an account-book, with proper lettering and headings, and sent it to all the agents. The last went out three weeks ago from the office.

Q. Is there any penalty attached by law to carrying away the books of the agency by the agent?

A. The last Appropriation Bill provides a penalty for it.

By Mr. HARRIS :

Q. I want to call your attention to the report which has been circulated in the newspapers that an attempt has been made by you or your Department—General Cowen's name being mentioned—to cause the payment to Mr. Dodge of about \$5,000 for cattle said to have been taken by Indians from the herd. Will you tell what you know about that in a short way? I don't want to prolong the inquiry.

A. That claim came up in the Indian Bureau in the ordinary routine, and was passed upon by me, approving it, in the same way that claims of that nature had been passed upon by Commissioner Walker and his predecessor. Several claims of the same nature had also passed that Board of Indian Commissioners, and had been settled by the Treasury officers. I sent it in the routine, with my approval, to the Board of Indian Commissioners. They disapproved it, thus reversing their previous action on similar claims, for reasons which they gave; then it came back to the Secretary of the Interior, and the action of the Board was sustained by the Secretary of the Interior. Whether there was a return of that account to the Board for further inquiry as to its merits before the final action of the Secretary on it, I do not know; but the final action by the Secretary was the action sustaining the action of the Board.

Q. Was it true that the claim was afterward presented to Congress?

A. Yes, sir; then it was treated as a depredation claim, and is probably now waiting at the bottom of about five millions of others for its turn.

Q. Do you know that that has been withdrawn by Dodge?

A. I don't know.

Q. Did you have before you evidence which you considered conclusive, that the cattle had actually been taken by the Indians from the contractor?

A. Yes, sir; I had evidence that I thought was satisfactory, and I think there is no question raised on that point.

Q. Has there been any question about it, so far as the Board of Indian Commissioners are concerned?

A. Not that I am aware of. The main objection to allowing such accounts, as I understand it, is that it is a dangerous practice to pay that sort of claim because of the irregularity and want of check attending it. The cattle were not weighed, and there could be no assurance that the numbers were positively correct. I think the feeling of the Board was that that sort of payment ought somehow to be stopped. My belief was that the contractor was out this number of cattle; that the Indians had eaten them, and while they were eating these they were not eating or calling for the regular issue at the agency, and that this was the contractor's only chance to get his pay for cattle which had been of service to the Government in feeding Indians, and I was willing that he should have it.

Q. Do you think it was equitable to pay it under that arrangement?

A. Yes, I think it would have been entirely so; and yet I think the Board was justified in its action because of the liability of collusion in making up such claims.

Q. And you found no fault with their overruling it ?

A. No, sir. Here is a contractor's herd which he is required to keep within a certain distance of the agency ; the Indians know those cattle are for them ; they are passing by on a hunt, or coming in from a hunt ; they haven't anything to eat, and they cannot get anything until they get to the agency. They go to the herd and take cattle before the face of the contractor, and sometimes in the presence of the sub-agent who accompanies them. He cannot control them ; he sees them take the cattle and eat them ; and when he gets to the agency he represents to the agent that they have had so many cattle ; and the agent says "The contractor has got a fair case, and ought to be paid for those cattle as much as if I had taken them from him and given them to the Indians." That is the nature of these claims.

Q. In entering into a contract does not the contractor assume the risk that his cattle, or a considerable portion of them, may be depredated upon by the Indians ?

A. The contractor, of course, bids with the custom of the business full in mind. If the practice has been to pay for cattle thus taken, he would naturally count upon its continuance, and this risk would not enter into his proposal ; of course, you have got to stop somewhere ; and I am not at all sure that the action of the Board was not entirely right in stopping it there. They were taken by the very Indians for whom the money had been appropriated to purchase them ; the sub-agent saw them taken. I don't mean to say that all these circumstances were true of the Dodge claim. But there are several claims of that sort now pending. A claim of this nature was, I think, allowed by the Comptroller not long since.

Q. I noticed in some part of the evidence somewhere that, in conversation with Professor Marsh in May last, or whenever the interview in Washington was, you expressed an opinion that Saville was unfit to be an agent any longer ?

A. I should not put it in that form.

Q. I want to know what you did say.

A. Mr. Marsh expressed his opinion of Mr. Saville's incompetency to fill the position he held, from which I did not dissent, but replied that many of my agents were not large enough for the duties put upon them, and that he must not expect me to find a man competent and willing to fill the agency at Red Cloud for \$1,500 a year, when it required more executive ability to be agent at Red Cloud than to be governor of Connecticut.

Q. [Reading.] "And the President, on advising with the Commissioner of Indian Affairs, shall prescribe such rules and regulations for ascertaining damages under the provisions of this article as in his judgment may be proper." Are there rules and regulations concerning the proof of depredations prescribed in the last section of the first article of the Treaty of 1868, which I have just read ?

A. There are, but not now operative, and cannot be, because a law of Congress, which supersedes all treaties, forbids the use of any annuity or treaty money to be expended in payment of depredations. So that, if that claim is a depredation-claim, it cannot be paid. It can be paid only by treating it as an issue, and I was disposed to treat it as such.

By the CHAIRMAN :

Q. Please explain the matter of the Marshall contract for transportation for freight from Randall to Whetstone agency, given to A. H. Wilder in 1873.

A. At the opening of the bids for this transportation, the lowest bid was by George Marshall, at \$1.12 per one hundred pounds per one hundred miles. The next bid higher was \$1.37. The party making this bid was evidently in collusion with Marshall; he came to me immediately after the reading of the bids, called my attention to his bid of \$1.37, saying he expected to get it. I reminded him of a lower bidder, to whom the contract would probably be awarded, but he still seemed to think that the bid would come to him. It was awarded to Marshall at \$1.12; he declined to enter into bonds, and I found on examination that his bid was informal, and that I could not compel him to execute a contract. I notified him that he would hereafter be considered as a defaulting bidder by the Indian Bureau. I then determined to reject all bids, provided I could obtain a proposition lower than a dollar thirty-seven, which was the next highest bid. I made inquiry of several parties by telegram, letter, and by personal application. Mr. Wilder's offer of \$1.32 was the lowest, and it was awarded to him. I believe my action was strictly under the law; I know it was for the benefit of the Government, and I had no other motive in it. The fact that Wilder was able to procure the service from another party at 20 cents per hundred miles less than he received is no indication of fraud, and the fact that Marshall, who had been unwilling to enter into contract with the Government at \$1.12, while the scheme for raising the price to \$1.37 was pending, was afterward willing to do the service for Wilder at that rate, does not require to be accounted for by any supposition of fraud. When Wilder's accounts for this transportation service came before the old Board of Indian Commissioners they were disapproved, and will be found in a list of accounts, amounting to over \$400,000, reported to the President as disapproved by that board on account of being "irregular" or "illegal." I regard this transportation account of Wilder's as a fair specimen of a large portion of the accounts thus disapproved or rejected by that Board, and afterward allowed by the Secretary of the Interior under the discretionary power vested in him by law.

By Mr. MARSH :

Q. There are a few matters connected with the first part of the Commissioner's statement I would like to ask some questions about, one of which has been touched upon. I noticed in the first page of the statement you speak about a letter of credit which you gave me to Red Cloud. Will you please explain what you mean by the term "letter of credit?"

A. I mean a letter indorsing you as a safe man to go into his country, and asking him to show you all courtesy and assistance in your pursuits.

Q. When did you give me such a letter to Red Cloud?

A. If I remember correctly it was the year before.

Q. Did you ever give me a letter of that kind to Red Cloud?

A. Possibly it was to Spotted Tail.

Q. You gave me a letter to Spotted Tail, not to Red Cloud.

A. You are right, and the correction should be made in my statement, putting Spotted Tail in place of Red Cloud.

Q. The letter you gave me to Spotted Tail was in 1873?

A. Yes, sir.

Q. That, I believe, I wrote and thanked you for; but, as it turned out, I had no occasion to use it, though I was just as much obliged to you for it as if I had had occasion to use it. You say in the first paragraph, in speaking of the rations which I showed you from Red Cloud, "He said that he had not in any way tested these samples by compari-

son with supplies which were then being issued by the agent." Did make that statement to you ?

A. Substantially. I am not giving your words. I am only giving my impression of that interview.

Q. Did I not allude to supplies that I saw quite independent of the samples that Red Cloud gave me ?

A. Yes; but, at the same time, you said that you had not compared them.

Q. Did I imply in any way that those samples that Red Cloud gave me were all the information I had on the subject of supplies, as has been so often intimated ?

A. You did not state that.

Q. Did I imply it in any way ?

A. You did not lay any emphasis on any examination which you had made of supplies.

Q. Did I not mention to you the fact that I observed about the flour where I examined a specimen ?

A. Yes; but, at the same time, you told me you could not say at all whether that was like the flour that Red Cloud gave you, but your impression was that it was not good flour.

Q. Did I not say they were both dark colored ?

A. Yes; and that was all the fault you found with it. You said you could not say but that it was sweet and wholesome.

Q. But, so far as I observed, without a direct comparison of the two, they were similar ?

A. Yes; but, at the same time, you said you did not make a comparison; you were not a judge of flour, and could not tell whether the two were alike.

Q. I said I did not make a direct comparison.

A. I didn't understand you to use the word direct. You gave me to understand you did not compare the two.

Q. Referring to this interview, you state further; "The next morning an account of this interview between Professor Marsh and myself appeared in a New York paper, giving an incorrect and entirely unfair version of it." Did that account appear the next morning ?

A. That is my recollection; possibly the day subsequent, or possibly not until a day or two after. It was on the morning I went to New York. My remembrance of your visit is that it was the day before I went to New York; but I am not sure.

Q. Was it not three days after ?

A. I could not say.

Q. Is that the statement to which you refer as given the next morning ? [Newspaper slip shown.]

A. I should say so; but I could not be positive. The statement to which I refer was in the New York Tribune.

Q. That is from the New York Tribune of April 26. Is that the one ?

A. Yes, sir.

Q. Will you please read the statement, and tell me wherein it gives an incorrect and entirely unfair version of the interview ?

A. This is not the whole of what appeared in the New York Tribune of that morning.

Q. You refer here, a little further on, to what I said about the interview. Now, all I said about the interview, in any way, shape, or manner, that was printed, is contained in that paragraph. Will you please read the reference to yourself there, and see if it is not a perfectly fair de-

scription in few words, and if not, state in what particular, even the slightest, it varies from an accurate account of the interview?

A. By an examination of my statement you will see I make no reference to what you said about your interview with me. I speak of what appeared in the New York paper in connection with your visit to me; and your action or non-action with reference to those newspaper statements was what my statement says it was.

Q. Is there anything in that dispatch that is absolutely incorrect?

A. Yes, sir.

Q. Will you please point it out?

A. This may be true in form, but it is false in effect, and in the intent of the man who sent it. According to this statement, Professor Marsh told the President that Red Cloud said his blankets were not fit for horse-blankets. Professor Marsh knows that what Red Cloud said on this matter was a lie, and yet he allowed this statement and others of a similar character to go for truth, and be commented upon with very serious criticisms as if they were true, and all the time with Professor Marsh's name attached to them or associated with them as a sponsor for their truth.

Q. I refer to the portion in that dispatch relating to my interview with you. Is there anything in the account of that interview that is not strictly correct?

A. Yes, sir; it is in the same form with the rest of it. The whole dispatch is gotten up on that method—true in form, but false in effect. No man can read that statement and not be impressed with the belief that you represented to me and to the President a most deplorable state of things at Red Cloud, or gave me reason to believe there was a most deplorable state of things there, which was not true. There was no such state of things. Putting all that stuff into Red Cloud's mouth, and then indorsing it with Professor Marsh's name, makes Red Cloud's statement a pretty good paper for circulation, and that is what that dispatch does. An editorial comment on this dispatch in the same paper was much more objectionable than the dispatch itself, and I include that when I speak of the account of this interview which appeared in a New York paper.

Q. Now, do you mean by putting that all on to Red Cloud that I based my statements to you on what Red Cloud alone said?

A. I didn't say *you* were putting it all on to Red Cloud. I say the dispatch puts everything into Red Cloud's mouth, and then makes Professor Marsh indorse what Red Cloud has said.

PROFESSOR MARSH. I had no wish or intention that the results of our interview should be made public; it was merely by accident that that was the case. All I said about the interview was to give in few words just what occurred, and for that alone, of course, I am responsible. The dispatch was not written nor dictated by me, and for any remarks which newspaper-men might subsequently make in regard to it I do not hold myself responsible, but only for the accuracy of the statement concerning my interview with the Commissioner.

WITNESS. I have provided in my statement for exactly that state of the case: "When a man has wronged another, *unintentionally* or otherwise, two courses are open to him—to make reparation or endeavor to justify his action." A man is often as much responsible for what he does not do as for what he does do. You saw that I was misrepresented and injured in your name and by reason of what you had said, and you did not set me right.

Q. You state here, "The opportunity given that chief and his band

to state their grievances was most ample." This refers to May last, when Red Cloud and some of his band were in Washington. Did that chief and his band have ample opportunity to state their grievances?

A. I should think so; they talked nearly three hours. I got tired of it myself. After they had asked for white granulated sugar instead of Havana, and named many more grievances equally severe, and scarcely any more severe, the last-mentioned grievance they could think of was that the planks on their scales for weighing cattle were too thick, and they asked to have them shaved down so that they would get more beef. When they had got down to that complaint, I should infer that they had ample opportunity to state all their grievances.

By the CHAIRMAN:

Q. Did you have more than one interview with them?

A. We had one special interview, at which their agent was not allowed to be present, for them to tell exclusively what was the matter at Red Cloud agency. For this interview we devoted to Red Cloud, I should judge, more than two hours and a half.

By Mr. MARSH:

Q. Were all Red Cloud's Indians there?

A. All that he wanted; he made up the company for that interview.

Q. Did any Indian, except Red Cloud, have an opportunity to talk on that occasion?

A. Yes, sir; several other Indians talked.

Q. You say, "No complaint was made by Red Cloud himself against his agent until drawn out from him by the inquiry of Mr. Marsh, whether he was perfectly satisfied with his agent?" Did I not ask you to put that question to him?

A. You did; and I thought it was an improper question for anybody to put. I was not there for the purpose of inviting complaints, but simply to give Red Cloud the freest chance to tell all his complaints without the presence of his agent. I didn't want to ask him nor help him to make up a case against his agent. I didn't desire to have him make complaints, and declined to try to draw them out; but in reply to you I suggested that you put the question yourself, if you desired it; and you put it in that form.

Q. Considering that Red Cloud had many times made these complaints to me in very strong terms, was it not perfectly proper to ask him that question when he had an opportunity to benefit himself by answering it?

A. Red Cloud knew his opportunities. That was his appointment. He had three hours to tell his grievances. He had spent nearly that whole time and was not going to say anything against his agent until it was drawn out from him in this way. It is a matter of opinion only as to whether it was proper to draw it out of him, and I have given mine.

Q. Do you not know that the Indians of Red Cloud's band were very much dissatisfied with him for not stating his grievances more fully on that day, and especially in regard to his agent?

A. I do not; but I do know that some of them were extremely dissatisfied and very angry with him for saying anything against his agent, even after it was drawn out. They so told me. Some of the best men with Red Cloud were Saville's steadfast, loyal friends.

Q. You refer to Sitting Bull?

A. He is one.



Q. Do you not know that Agent Saville has systematically favored Sitting Bull at the expense of Red Cloud ?

A. I don't know anything to that effect, but I should say it would be a piece of good sense on his part to secure the favor of a brave, influential, and true Indian like Sitting Bull, and if Red Cloud was plotting against him, to do it at Red Cloud's expense if it could not be done in any other way.

Q. Did you not, immediately after that council, use very harsh language to me in the presence of several people in consequence of that interrogatory put to Red Cloud ?

A. No, sir ; not in consequence of that alone. It was on account of your whole bearing at that interview, which is fairly represented by that question.

Q. Did you not show great anger at me and use very harsh language indeed ?

A. I was very indignant at your course, and I presume I told you so. I did use severe language, for which I apologized to you afterward.

Q. Had you not previously, on occasions, used similar language to me in your own office ?

A. I did use language declaring that I regarded your course as extremely unfair and discourteous—a course very different from what I had a right to expect of you ; and this I told you very plainly.

Q. Did you not use insulting language to me in your own office ?

A. Possibly I did. I told you what I thought of your course as plainly as I could. I do not suppose I minced matters at all.

Q. This was before I had published my statement about Red Cloud affairs—when I was merely looking into the management of Indian affairs.

A. This was before your published letter to the President, but it was while those same attacks and this same bad and unfair use of your name in connection with these matters was being made, and, of course, with your full knowledge, and without any effort on your part to set me right. I claimed in the controversy I had with you that you knew the press was misrepresenting me, and that a single word from you to your friend in the Tribune office would change it all. That is what I claimed, and on that ground I demanded, as a matter of honor and ordinary fairness between men, that you should set me right. This you declined. I called your attention also to the fact that a statement which I had made to you, a concession in regard to Saville, which I never had made before in mortal ear, appeared within forty-eight hours afterward, in a garbled form, in the New York Tribune, and perverted to my injury.

Q. What was that statement ?

A. I don't recollect it now. I remember calling your attention to that fact.

Q. Did you at the same time give out dispatches to the papers concerning me that were erroneous ?

A. No, sir ; I did not. I endeavored to answer questions put to me by reporters in such a way as to set the facts before the public, in opposition to the statements, which were not facts, which were going through the press indorsed by connection with your name.

Q. Of the large number of dispatches sent out from your Department about that time affecting me, do you consider they were all accurate and true ?

A. It is impossible for me to answer such a question. I may not have seen or heard of one-tenth part of such dispatches.

By Mr. HARRIS :

Q. What do you understand to be meant by going out from your Office—that they were written by your Department ?

A. I suppose Mr. Marsh means respecting the Interior Department, or purporting to emanate from that Department. If he means any dispatch I wrote or dictated, I should answer, Yes, I consider it true ; but if he means dispatches that often appear in this form, “ it is said the Indian Bureau states,” or “ it is said at the Interior Department,” and which Professor Marsh himself cannot trace to any authorship, I should not undertake to say that they were true or not true.

By Mr. MARSH :

Q. You have got here the dispatch in regard to the cattle examined by General Bradley, which reads thus :

Commissioner Smith, of the Indian Bureau, says, in regard to the letter of General Bradley, published yesterday, that the cattle spoken of belong to the contractor ; that they were sick, some of them with broken limbs, and that they were not issued to the Indians, and that there was no intention of issuing them, simply because they were in such a poor and sickly condition. It asserts that Red Dog's statement was incorrect, and that Red Cloud informed him this morning that Red Dog lied when he told the story to General Bradley and Professor Marsh. The Commissioner also states that General Bradley could have satisfied himself of this fact by a slight inquiry of the herdsmen or contractor, if he had desired to do so.

You answer fairly the latter part of that dispatch, but say nothing about the most important part that preceded it. Did you not dictate that dispatch in your own office ?

A. I did not, if by dictation you mean telling a reporter what to put down.

Q. Did the agent of the Associated Press take down that dispatch from your own lips in your own office ?

A. He says he wrote it in my office.

Q. Do you not know, of your own knowledge, that he took it down from your own lips, in your own office ?

A. I do not. If by “ from your own lips ” you mean verbatim, I know to the contrary.

Q. Did you correct that dispatch when you noticed its publication and saw it was wrong ?

A. I did not.

Q. Did you not see that in that dispatch there were strong reflections upon the character of those three Army officers, as well as on their judgment and good sense ?

A. Yes ; I should think there was—on their good sense.

Professor MARSH. If you expect others to correct dispatches—

WITNESS. I had the feeling about those officers which is conveyed in the dispatch. I think they allowed Red Cloud to use their names and rank to fortify his complaint, without having made proper inquiry into the matter of which he complained.

Professor MARSH. Then I have nothing more to say, only this, that I gave that dispatch on the authority of the agent of the Associated Press, who informed me that he took it down directly from your lips, as published.

WITNESS. He informed me, a day or two since, that he did not attempt to take it verbatim, but that he made up the dispatch from what I was saying. I asked him specially if he could say I dictated it to him, and he said I did not. The mistake in the report is a very easy one to account for, so easy that to most minds it would hardly have seemed proper to make it the basis of accusing me of falsehood without further inquiry.

Professor MARSH. He informed me that he took it from your lips.

Q. The flour-dispatch, which follows the beef-statement, is in these words:

It is stated at the Indian Bureau, with reference to the complaints concerning supplies furnished to the Indians at the Red Cloud agency, that all the flour sent there was inspected at Cheyenne, by Major Long, commissary of subsistence of the United States Army, and passed by him as equal to the accepted samples. It is therefore claimed that the samples of inferior flour brought here by Professor Marsh, at the request of Red Cloud, were of some old issue, or, like the specimens of sugar and tobacco, have been damaged by exposure to the weather while in the Indians' possession.

Now, did I mention your name in connection with that?

A. The only reference made by you to that dispatch, which I have noticed, is in your open letter to the President.

Q. Did you not state to me, previous to the publication of that dispatch, the same thing, in almost exactly the same words, differing only in stating that an Army officer at Cheyenne had inspected the flour, instead of giving Major Long's name?

A. No, sir; I should say not. I undoubtedly referred to the fact that Major Long was inspector of flour at Cheyenne, and that the Red Cloud flour had been inspected by him. It would be very natural for me to make such a statement, because it represents the facts in the case; but I do not remember anything about it.

Q. I stated in my pamphlet that the Indian Commissioner was responsible for that dispatch. As soon as I ascertained that you yourself did not send the dispatch, did I not state to you that I had already corrected it, and put the responsibility on the acting Indian Commissioner who was, of course, the Commissioner in your absence. Did I not inform you of that fact before you wrote your statement?

A. You did; but I don't understand how by that transfer you relieve yourself from the responsibility of having charged me with falsehood, when you now find that the statement which you characterized as false was not made by me at all.

Professor MARSH. So far as the published statement is concerned, I frankly withdraw any such charge, but merely state, as given in my pamphlet, that you had made a similar statement to me previously, omitting Major Long's name.

Q. Do you know of any beef contract given since you were Indian Commissioner to a Mr. Cox?

A. No, sir; I do not recollect any. I don't think there has been any.

Q. When the Indian reservation is surveyed, from what fund is the money for that purpose drawn?

A. From the appropriation for the survey of Indian reservations.

Q. A special appropriation for the special reservations, or is there an appropriation which may be used for different reservations?

A. Sometimes it is special and sometimes it is general.

Q. Who gives the contract in such cases?

A. The surveyor-general of the Territory or State; that is the custom.

Q. Does the Land-Office of the Interior Department control such contracts?

A. I cannot say as to the Land-Office. The survey is done under the direction of the Commissioner of the Land-Office. The surveyors-general are under him.

Q. Your Bureau, of course, has nothing to do with that?

A. Nothing at all.

WASHINGTON, D. C.,  
*Wednesday, September 15, 1875.*

Present : Hon. THOMAS C. FLETCHER, chairman ; Hon. TIMOTHY O. HOWE, Hon. B. W. HARRIS, Hon. CHARLES J. FAULKNER, and Prof. GEORGE W. ATHERTON.

Professor MARSIL, and Hon. E. P. SMITH, Commissioner of Indian Affairs, were also present.

### TESTIMONY OF DR. J. D. BEVIER.

In reply to an invitation of the chairman to meet the commission in Washington, Dr. Bevier had sent the following communication :

“GRAND RAPIDS, MICH., *September 5, 1875.*

DEAR SIR: Your favor, dated Saint Louis, September 1, requesting me to meet you in Washington, D. C., on the 9th instant, is received.

It would be extremely inconvenient for me at this time to comply with your request.

If I am wanted to establish any neglect of duty upon the part of the Secretary or the Assistant Secretary of the Interior, then it is unnecessary, as I have no such information to furnish, but if your evidence in regard to the agent at the Red Cloud agency is insufficient to establish his unfitness for the place, then I am ready and willing, and I think abundantly able, to supply such deficiency.

The history of my acquaintance and connection with the Red Cloud agency is briefly as follows :

In March, 1874, one year and a half ago, I visited the Red Cloud agency in company with Bishop Hare, Rev. S. D. Hinman, and Mr. F. H. Smith, to investigate the charges preferred by Samuel Walker. We came to the conclusion that Mr. Walker went there to find fault, right or wrong ; that his charges were unfounded and unjust, and that Dr. Saville, then new in office, inexperienced, and laboring under many embarrassments, had honestly done the best he could. Accordingly, we relieved him from those charges, and commended him to the confidence of the Department.

In September following, six months after, I went there again in my capacity of inspector. On my way I was detained some days at Cheyenne, and while there I discovered certain suspicious circumstances in regard to the flour. At this time Mr. Hinman arrived at Cheyenne from the North, where he had been a long time engaged in locating the Whetstone agency. Mr. Hinman had spent considerable time at the Red Cloud agency and had made many discoveries. Upon comparing notes we concluded there was something wrong in relation to the flour, and then and there I sat down and wrote a letter to Commissioner Smith upon that subject, to which letter Mr. Hinman added a postscript, indorsing all I had written.

In my intercourse with Mr. Hinman I soon discovered that his views and feelings toward Dr. Saville had undergone a complete revolution, and he gave me on paper a long list of items to investigate.

We then separated—he for the East and I for Red Cloud. On my arrival there I found abundant reasons for his change of feelings and opinions, and that Dr. Saville had been and was engaged, to put it mild, in many questionable practices. To Mr. Hinman, then, belongs the credit of those discoveries.

On my return from Red Cloud I proceeded almost immediately to Washington, where I again met Mr. Hinman. This was in October.

Secretary Delano was absent. We together visited Assistant Secretary Cowen, explained to him our suspicions and discoveries in regard to the flour. Whereupon he immediately sent, or caused to be sent, a telegram to Cheyenne, directing Colonel Long to be re-instated flour-inspector, and directing him not only to inspect but to weigh every sack.

I also at the same time wrote a letter in regard to the Appleton contract, which contract was, I believe, immediately revoked.

I then, at the urgent request of Mr. Hinman, accompanied him to New York to see Bishop Hare, for the purpose of inducing the bishop to take some steps looking to the removal of Agent Saville. We made our statement to the bishop, who, with that fairness and impartiality which pervade all his words and acts, replied that he thought Agent Saville should have an opportunity to explain. To this we assented, and there the matter dropped.

I then returned to Washington, handed in my report of my inspection of the Red Cloud agency, and thence to my home. This was early in November.

As an item of interest, I might say that among all the agencies I have visited in many of the Territories, I have never found but two or three agents that I thought inefficient, and but one that I thought thoroughly dishonest.

In conclusion, I would invite your attention to three things in this letter:

First. You will perceive that the Department of the Interior responded promptly to the two complaints which I brought to their notice in person, viz, the flour and the Appleton contract. So that no charge of indifference or neglect of duty should attach there.

Second. Of the four commissioners sent out to investigate the Walker charges, two, and the only two who had any opportunity for further observations, changed their verdict and hastened to repair their mistake.

Third. My pledge to make good any deficiency necessary to establish Agent Saville's unfitness for the place he occupies. This pledge I am ready to redeem. Should you want me for that purpose, please telegraph me. Yet I hope you will deem it unnecessary, as the papers I have referred you to, I think, are sufficient.

Very respectfully, yours, &c.,

J. D. BEVIER.

Hon. THOS. C. FLETCHER,  
*Chairman.*

After the receipt of the above communication, Professor Marsh expressed a desire to examine Dr. Bevier in person, and accordingly he was called to Washington.

Dr. Bevier appeared before the commission this evening.

By the CHAIRMAN :

Question. Your residence is Grand Rapids, Mich. ?

Answer. Yes, sir.

The CHAIRMAN. Mr. Bevier, we have your report, made as inspector of Indian agencies, and we have your letter written us from Grand Rapids, Mich., but Professor Marsh desires to ask you some questions relative to the matter we are called upon to investigate, and he will now propound his interrogatories. I am not aware myself of the particular points upon which the Professor desires information, in addition to that which you have already given us.

WITNESS. Mr. Chairman, I told the Professor what I wanted to say to you all, and I think it will save time and trouble, namely, that I would refer you to my report and letters. They contain all I want to say. I could not add another word to them, and I think I could not subtract a word from them. I believe my report to be strictly true. If I have indulged in any inferences or suppositions, you may judge of the correctness or incorrectness of those inferences; but the facts that I there name are all that I could give to-night or at any other time. I think that disposes of me effectually and fully, and that my coming here was unnecessary.

THE CHAIRMAN. It may be possible that Professor Marsh may be able to bring to your recollection something that will be further in the way of information to us.

By Mr. FAULKNER :

Q. Does your report to the Department—the one which has been referred to, I think, in Professor Marsh's pamphlet—explain fully the ground upon which you reached the conclusion—if you did reach any such conclusion—that the contract made between Dr. Saville and the Appletons was a fraudulent contract, or do you assert it to be a fraudulent contract?

A. Well, sir, the facts are just as I reported them. I may infer one thing, and you another.

Q. Is that the conclusion you draw from it—that it was a fraudulent contract?

A. That was my opinion.

Q. Was that contract set aside at your instance?

A. So I understood. I don't know, but I think so.

Q. Is there anything that you could add explanatory of that transaction beyond what is contained in your report and letters?

A. There is not, sir. I don't know of a word that I could add to them. I presume they are very much fuller than I could give you now from memory. There is one thing, Mr. Chairman, in my letter to you, which I think needs a little qualification. At the conclusion of that letter I invite your attention to three things contained in it, and the second one is this:

Second. Of the four commissioners sent out to investigate the Walker charges, two, and the only two who had any opportunity for further observations, changed their verdict, and hastened to repair their mistake.

I want to say that we changed our verdict only so far as it related to Dr. Saville.

Q. Will you now state to the commission the grounds upon which you changed your conclusions and opinions, since the date of your report, in regard to Dr. Saville?

A. I would repeat, I would refer you to my report and letters.

By Mr. AHERTON :

Q. No, sir; that is not the question. It is the grounds upon which you have changed your conclusions in regard to Dr. Saville since the date of your report.

A. I have not changed my opinion since I made my report. My opinion of Dr. Saville remains the same as it was then.

By Mr. FAULKNER :

Q. I speak of the report of the commission of which you were a member, and of which Bishop Hare was chairman. In that report you have vouched very strongly for the integrity, fidelity, and competency

of Dr. Saville; now you say you have changed your opinion of Dr. Saville since that time.

A. Oh, yes, sir.

Q. Well, can you not furnish the specific grounds upon which you have made that change of opinion?

A. They are contained in my report.

Q. Have you made a report subsequent to that report of Bishop Hare's commission?

A. Certainly. My first visit to Red Cloud agency was in company with the other members of the commission, of which Bishop Hare was chairman. Upon that investigation we made this favorable report. Six months after that I went there alone, in my capacity as inspector, and then I made an unfavorable report.

By Mr. MARSH:

Q. When you went as inspector you had a better opportunity to ascertain the real state of affairs there?

A. No, sir; I had no better opportunity, because the first investigation was very thorough and searching. We devoted more time to it, and I had the aid of able men.

Q. You think the Appleton contract clearly indicated fraud on the part of Dr. Saville?

A. So it seemed to me.

Q. You state, I think, in your conversation with Dr. Saville about that contract, that you noticed prevarication on his part?

A. Yes, sir; very distinct.

Q. Not direct falsehood?

A. Well, I don't know what you would call it; that would be the plain English of it.

Q. Then you consider him an untruthful man, based on what you saw at that time?

A. I don't think I would regard him generally or ordinarily as an untruthful man; but I think just then he was placed in an unpleasant position, and he squirmed a good deal. His contortions were painful to witness.

Q. You have no doubt he was then stating what was not true?

A. I have no doubt but that he was saying what was untrue. It was only in one item; it was in regard to the boarding of the men in the employ of Appleton. I said to him, "You board those men of Appleton?" And then, not promptly and squarely, but hesitatingly, he said: "No; I told Appleton he must pay for their board." It was only a moment after that conversation had occurred, when I saw Appleton passing, and I called him in; and then, in the presence of Saville, without giving them any opportunity for consultation, I said to Appleton: "The Doctor boards your men!" "Yes," said he, "I told the Doctor he must ration my men." That is the only item of misrepresentation. One said one thing and the other said the opposite, in regard to the boarding of the men.

Q. You regard the Appleton contract as a whole, fraudulent, do you?

A. Suppose I give you the facts of the Appleton contract, then you can say whether it is fraudulent or not.

The CHAIRMAN: That is the better way; we want the facts and not opinions.

WITNESS. Then I will read you what I say about the Appleton contract in my report to the Commissioner of Indian Affairs, dated October 23, 1874, as follows:

## APPLETON CONTRACT.

I found no contract actually entered into, but the basis for one clearly defined. Mr. Appleton had submitted his proposition to Agent Saville, which the agent had forwarded to your Office, asking your permission to make a contract upon the terms therein contained, and recommending the same to your Honor for approval, representing it as the best and most economical arrangement for the Government.

The terms of Mr. Appleton were: for sawing lumber, Agent Saville furnishing mill, logs, and engineer, \$14 per thousand, while the customary price under such circumstances is from \$3 to \$4; for cutting and laying shingles, agent furnishing logs, mill, cut-off saw, shingle-machine, and engineer, \$10 per thousand, while it was worth from \$2 to \$3; for building slaughter-house alone, \$450, while both slaughter-house and slaughter-pen is sublet for \$180. For other items and a more full account of this transaction, please see my letter accompanying the Appleton contract.

By Mr. MARSH:

Q. It is your conclusion I especially refer to.

A. Then I read further from my report:

The private manner in which this contract was let, the partnership of the parties, the exorbitant prices, the pains taken to exclude all competition, the looks, manners, and prevarication of the parties, developed during the investigation, left me no room to doubt the nature and character of the transaction.

By Mr. ATHERTON:

Q. Do you state here, Doctor, what action the Department took on your report?

A. When I came to Washington—and I came almost directly to Washington—I had made no report. I had not my report written; I had only items for a report. Commissioner Smith, I think, was absent. Secretary Delano, I think, was absent. I met Mr. Hinman here, and we went to Assistant Secretary Cowen, and this matter was talked over. Assistant Secretary Cowen immediately took some steps to revoke the contract. I went with Mr. Hinman to New York, and on my return, I think, I understood from Commissioner Smith, but I am not quite certain, that the contract was revoked.

Q. Did you make any recommendation respecting a change in the terms of the contract, still allowing of its completion on some terms?

A. Yes, sir; in my letter to the Commissioner of Indian Affairs, dated October 21, 1874, as follows:

In the morning, feeling unwilling to stop all the work then in progress, I told Mr. Appleton if he would alter his terms and put them down to something near reasonable, and write a contract accordingly, and forward it to me, I would convey it to Washington, and would not oppose it.

He said he did not like to alter his terms, it would look as though he originally designed to drive a sharp bargain with the Government, and if I would consent to let it remain he would share with me the profits, &c. I replied, saying that he might change his terms without unnecessarily reflecting upon his good faith, and assign as a reason that, after getting on the ground and learning more as to the facilities at hand, he could see his way out at lower rates.

Q. Was the settlement made on the basis you recommended?

A. No, sir; I think not.

Q. I meant, of course, to inquire whether you made any recommendation to the Department?

A. This modified contract Mr. Appleton sent me to my residence; a contract offering to do the work at a little shade less. I made no recommendation, except to write this letter.

Q. What was the further action of the Department respecting this contract?

A. I understood that they had revoked the contract, and continued the work upon the programme that I had suggested in a letter to Dr. Saville, dated in Cheyenne, October 5, 1874.



Q. What was that basis?

A. I will read from my letter to Dr. Saville, and that will show the basis:

Should Mr. Appleton conclude to discontinue his work on account of the uncertainty of getting a contract, in that case you will make no settlement with him until such time and in such manner as the honorable Commissioner of Indian Affairs may direct. You will continue the contract for delivering logs, and the contract with Burch to complete the slaughter-house and pen, and pay him the price agreed upon, viz: \$180, less what Mr. Appleton may have paid *him*.

You will continue the manufacturing of lumber and shingles, the roofing of the buildings, the building of the corral, and moving and resetting the scales, and select some good man to superintend the work, and employ such temporary help as may be necessary to carry it on. Mr. Appleton will be re-imbursed for any money paid his hands, and a just and fair compensation allowed him for his time and services.

By Mr. FAULKNER:

Q. What did you mean by the remark, "bounds and limits?"

A. I mean that the items enumerated in that contract for doing certain work had fixed prices, and the last clause in that contract, by which Mr. Appleton agreed to do an indefinite amount of work at a certain price per day, and which could be spun out to any length of time, might perpetuate his stay there interminably, and I thought his presence there objectionable.

By Mr. MARSH:

Q. Did you clearly understand Agent Saville to offer to divide with you the profits of this contract if you would not oppose it?

A. No, sir; he did not say a word upon that subject. Appleton suggested that.

Q. Did you clearly understand Mr. Appleton to say so?

A. I do not attach much importance to that remark of Mr. Appleton. He was unwilling to give up the bargain. He had a pretty soft thing, and he thought the suggestion would mollify my objection.

Q. Did he state any definite proposition?

A. Yes; a certain percentage—I forget how much—of the profits.

By Mr. FAULKNER:

Q. How did you respond, sir, to that proposition to bribe you?

A. Well, sir, I think I said I did not want any interest in the contract, and I just declined; something like that; I don't remember exactly just what I said; that was about the substance of it.

By Mr. MARSH:

Q. Did Mr. Saville have any relatives at the agency, except his father-in-law, Mr. Appleton?

A. Mr. Appleton's son was there; I hardly know in what capacity; but I think he was afterward made clerk. Saville had a brother-in-law, Mr. Palmer, store-keeper in Cheyenne.

Q. Appointed by him, I believe?

A. Yes, sir; Mr. Palmer had his son with him to assist him in the warehouse.

Q. In what capacity was young Palmer employed?

A. I think he was assisting his father; but in what detail, I do not remember. Mr. Palmer was lame; he had a broken leg, and walked on crutches. He was in poor health, and he needed some one to help him.

Q. He received all the Indian goods that came to Cheyenne, did he not?

A. I suppose so.

Q. And they were in his charge while at Cheyenne?

A. Yes, sir.

By Mr. FAULKNER:

Q. Mr. Bevier, how often did your duties as inspector take you to Red Cloud agency?

A. Once.

Q. How long were you inspector?

A. A year and nine months.

Q. How many agencies were subject to your inspection?

A. Well, sir; I went where directed.

Q. Who directed you?

A. The Commissioner of Indian Affairs.

Q. Did you never visit the agency except by special authority and direction of the Commissioner of Indian Affairs?

A. No, sir.

Q. What were your duties, then—simply to inspect when he told you to?

A. He gave me my instructions as to what my general duties were, then special instructions to visit certain agencies.

Q. Did you visit none of the agencies more than once in the eighteen months?

A. Other inspectors were engaged all the time, and in inspecting agencies we would go over a certain district. I would go over a certain district one summer, and the next summer another inspector would go over the same district, and I would go over the one that he had inspected. We were changed from district to district.

Q. How many agencies would you inspect in the course of a year?

A. The first summer I had my instructions to visit in Colorado, Wyoming, Utah, Idaho, and Nevada. I accomplished the work, and returned late in the fall or about the 1st of December.

Q. When did you start and when did you return?

A. I started about the 1st of July, and returned late in November or the 1st of December. The law says we should visit every agency not less than twice a year. It was not possible to do that, for in the winter it would be almost or entirely impossible to go to certain agencies. Then the next summer I visited the agencies in Montana and Dakota, including Red Cloud and Spotted Tail, which were supposed to be in Dakota, but by recent surveys are found to be in Nebraska.

Q. Can you give us an idea how the management of Red Cloud agency would compare with that of the other agencies you inspected?

Q. Well, sir, in my letter to the honorable chairman a few days ago, I mentioned as an item of interest that many of the agencies I visited in many of the Territories I have found but two or three agents that were inefficient, and but one that I thought dishonest, which was a very good record, as I think, for Indian agents or any other class of men.

Q. Well, does the one you pronounce dishonest still hold his position as an agent of the Government?

A. I don't know, sir. I don't think he ought to.

Q. Does he hold it in point of fact, do you know?

A. I don't know. I have heard that he had resigned. I don't know whether he is still in office or not. I would further say that those few agents that I regarded as inefficient, and recommended their removal, have in every instance been removed, as I have reason to believe, the Department cordially concurring in my recommendations.

By Mr. ATHERTON :

Q. In the case of this dishonest agent, as you supposed, did you report your suspicions to the Department ?

A. I reported the facts that I had discovered in regard to him and his administration.

Q. Do you know anything about the subsequent action taken upon that case in the Department ?

A. No ; I don't know what was done.

Q. Any action covering the treatment of these charges which seemed to involve, in your judgment, dishonesty ?

A. I have no means of knowing. I left Washington and had no communication with the Department afterward as to what was done with that report ; so what action, if any, was taken on it I do not know.

Q. That report was made, then, as I understand you, near the close of your service ?

A. It was made, I believe, about the last of November, 1874, and I went home within a day or two afterward and paid no more attention to it, and I don't know what was done on the subject. I had done my duty, and, as I thought, without prejudice.

By Mr. FAULKNER :

Q. I would like to know how the general administration of the affairs at Red Cloud agency, such as the care of the property of the Government, the manner of distributing the goods, keeping the books, and everything of that sort, would compare with the administration of affairs at other agencies.

A. I think it would compare favorably with some and unfavorably with others.

By Mr. MARSH :

Q. What proportion of agencies would be inferior in management to Red Cloud ?

A. I don't know ; I could not tell. The agencies under the control of those agents whose removal I advised were not so well managed.

Q. Should you think it represented fairly the average of the Indian agencies you inspected ?

A. I think not.

Q. Will you please read the portion of your report referring to the cows, oxen, and wagons, and state whether or not you have any additional facts upon that point ?

A. I would inquire if my suggestion referring you to my report and letters would not be a sufficient answer. You will find it all there, and I believe the contents to be true. If I am mistaken I cannot help it.

Q. It is rather an important matter, and if you would read that portion of it, and there is nothing to add, you can leave it there.

A. Well, I will read it :

OXEN, COWS, WAGONS, &C.

I next pass to the purchase of oxen, cows, wagons, &c., for the use of the Indians. In Agent Saville's letter-book I found a letter written to the honorable Commissioner of Indian Affairs, dated August 24, 1874, in which he says :

"In accordance with your letter of approval of June 16, 1874, my requisition of April 1, 1874, I have purchased of D. J. McCann twenty yoke of American oxen, four and five years old, at \$150 per yoke, and twenty good Durham cows, at \$60 per head, and one Durham bull at \$100. As this is to be a basis of a stock of cattle to be raised by the Indians I have thought it advisable to get the best grade of cattle in the market which was not classed as fancy stock. I have purchased these after careful inquiry as to the price of this class of

stock in Nebraska, Iowa, and Missouri, and I believe I have got them at as low a price as they could be delivered at this agency. I have purchased them in open market, without advertising for proposals, for the reason that it was very desirable to get them to the agency in time to get in hay, and break some land for spring-crops, before too late to do so. Also, several families are anxious to have houses. I wish to set them to hauling logs for their houses, in order to build them before cold weather sets in. In my action in this case I respectfully request your approval."

Upon reading this letter I remarked, "I see you have been buying some stock for the Indians. Where are they?" He answered, "No, that letter I put forth as a feeler. They are not yet purchased." I also called his attention to a letter written F. H. Smith, secretary of the Board of Indian Commissioners, dated September 5, 1874, in which he reiterates:

"I have the honor respectfully to acknowledge the receipt of your circular of April 10, 1874, &c. I have purchased twenty yoke of oxen, twenty cows, ten wagons, and six breaking-plows for those who have undertaken to work this season," &c.

I expressed my surprise, saying, "You have minutely described this stock, their ages, blood, quality, and price, and I certainly supposed you had purchased them." He replied, "McCann supposed he could purchase them of a party in Cheyenne, but, come to find out, he could not." I inquired if he had not issued the vouchers for those cattle. He said, "Yes." I asked him where they were. He answered he had them, and then he showed them me. Inclosed is a copy. They are dated August 20, 1874, for \$6,247, and says, "that the account is correct and just, the actually purchased were actually necessary for the public service, and the price as low as could be procured."

On my return to Cheyenne Mr. McCann informed me that he had the opportunity to make those purchases of a party near Cheyenne, but, thinking the price high, he had left it open, hoping to make the purchase upon better terms elsewhere. Finding himself unable to do so, he had concluded to take them. It would seem to be time enough to say they were purchased when they really were; to describe their quality when seen; to state the price when ascertained; and to make, date, and sign the vouchers, when the property was received.

Q. Had Agent Saville certified to these vouchers which he showed?

A. He had them in his possession.

Q. Do you know the subsequent history of those vouchers?

A. No; I got the impression to-day, at the Indian Office, that Dr. Saville had made some purchase of cattle of Mr. Appleton instead of McCann; finding the Indians very much dissatisfied at not having received their stock, he thought proper, in order not to disappoint them wholly, to procure a portion of the number which McCann had agreed to furnish, which he did through Appleton. The contract required McCann to furnish twenty yoke of working oxen, twenty cows, ten wagons, and some other articles.

Q. Was the same amount of stock purchased of Mr. Appleton, as mentioned in this contract with McCann?

A. I think a less amount. Commissioner Smith can explain that matter.

Q. You may remember, perhaps, Doctor, whether McCann said the factory burned up from which he had ordered the wagons.

A. No; I didn't hear, except merely accidentally.

Q. Was the price named in these vouchers a fair price for the stock as described?

A. I am not a good judge; but probably the price was fair, if the quality of the stock came up to the description.

By Mr. HARRIS:

Q. Did you understand Saville or McCann to say that they went together and saw and weighed the cows which it was supposed McCann would purchase to fill that contract?

A. McCann told me he had been to see some stock in the vicinity of Cheyenne.

Q. You didn't learn whether Saville had or not?

A. I didn't learn.

Q. Did you learn whether that voucher was ever left by Saville with his store-keeper at Cheyenne, to be delivered to Mr. McCann, when the cattle were received?

A. May I answer by asking you a question ? Did you ever learn that ?

Q. Well, I think I will agree to answer after you have, since my question was first. Did you hear from Saville or from the store-keeper, I mean ?

A. Not from either.

Q. Well, I did. I was told it was afterward placed in the hands of the store-keeper at Cheyenne. Whether it was true or not, of course, I don't know. It is for you to say here whether you have any information to contradict it.

A. We sometimes get information in a way we are not at liberty to disclose.

By Mr. HOWE :

Q. What are we to infer from that ?

A. Well, sir ; I have nothing more to say in regard to the vouchers, not meaning to be abrupt.

Q. That is not abrupt, but it is not an answer to my question.

A. I asked Saville for them, if he had them. I had a reason for asking the question. He said he had. I asked him where they were, and he brought them to me in triplicates. I put one in my pocket, and caused a copy to be made.

By Mr. FAULKNER :

Q. That was in September ?

A. The last of September—about the 29th of September ; but in the month of August, they were unquestionably in Cheyenne, and he never disputed it.

By Mr. HOWE :

Q. Mr. Harris's question was, whether you had any information, if I understood him, which contradicted the testimony which he said had been given by Mr. Saville and others touching the purchase of those cattle and the issuing of the vouchers ; and you said in reply to that that you sometimes got information in a way you were not at liberty to disclose.

A. I will now say, in reply, that I have not. Hearsay is not enough to base testimony upon ; therefore, I will say I do not know of my own knowledge.

By the CHAIRMAN :

Q. Did you hear anything from Saville to the contrary ?

A. I don't remember.

By Mr. HARRIS :

Q. Your answer conveyed to me the impression that you had some information confidentially received which you do not wish to give us.

A. That is just what's the matter. My information in regard to the vouchers being absent from the agency came to me in a confidential way, which I do not feel at liberty to disclose.

By Mr. MARSH :

Q. Did Agent Saville's books show any record of this transaction to which the vouchers refer ?

A. I don't know. I forget. I don't think I looked.

By Mr. FAULKNER :

Q. In your letter recently received, addressed to the chairman of this commission, you say, "If your evidence in regard to the agent at the

Red Cloud agency is insufficient to establish his inefficiency for the place, then I am ready and willing, and I think abundantly able, to supply such deficiency." Now, are there any facts that you are able to state, in addition to what are contained in your reports to the Department, that will go to show the unfitness of Dr. Saville for the position which he occupies at that agency?

A. I give several reasons for his unfitness. First. His peculiar temperament renders him unsuitable for that place. The bitter feeling that is entertained by the Indians toward him destroys his influence for good among them.

By Mr. ATIERTON :

Q. Do you mean every Indian at his agency?

A. Every Indian at his agency, so far as I could ascertain, and I talked with a good many. Red Cloud defined his character when he spoke of his vacillation and harum-scarum way of doing things, and want of system. Then I think some of those acts to which I have referred to-night, especially the Appleton contract, and I may add the flour, leave a well-founded doubt as to his integrity.

By Mr. MARSH :

Q. Did Mr. Hinman coincide in your view of the agent?

A. Mr. Hinman was the pioneer that led me into this way of thinking. I have a great deal of confidence in his sagacity and good judgment.

The CHAIRMAN. Now, I suggest that Professor Marsh go on with his examination of Doctor Bevier; then the gentlemen of the commission who desire to ask him any questions can do so afterward.

By Mr. MARSH :

Q. Mr. Hinman then reversed his verdict in regard to the affairs at Red Cloud agency?

A. Yes, sir, in regard to Dr. Saville.

Q. In any other respect, that you know of?

A. I mean to say that Mr. Hinman changed his opinion, not only in regard to his competency, but his integrity.

Q. On your return, did not you and Mr. Hinman give this information to the Department?

A. Mr. Marsh, it has been my wish and pleasure to protect the Department, believing them deserving of it, from all participation in anything wrong. I have regarded them as being right to the core. In all my inquiries I never dreamed of or suspected the Department of participation in frauds, and have no reason to. When we came here we reported to Assistant Secretary Cowen in regard to the flour, and he took prompt action in the matter. He immediately sent a dispatch, or caused one to be sent, to Cheyenne, and had the matter attended to at once.

Q. Did you also give the Department information in regard to the agent? I mean you and Mr. Hinman together.

A. My recollection is that we were together, and talked about the flour and the Appleton matter. I don't know that we said anything more. Mr. Hinman was urging me to go to New York to see the Bishop in regard to the question of removal. He wished to leave that matter in the Bishop's hands.

Q. Of course, if you and Mr. Hinman had serious doubts as to the integrity of the agent, that would be an important point to indicate to the Department, would it not?

A. Well, sir; I contented myself with writing my report, and said what I thought was my duty to state.

Q. I refer especially to information outside of the report, in which Hinman joined.

A. As I said, we spoke of the flour and the Appleton contract, which, I believe, was promptly and properly attended to.

Q. Did you give any other information about the Red Cloud agency to the Department at that time or subsequently?

A. Not that I recollect, except in the report. I can answer "report" to almost every question. I think it contains it all.

Q. I understood from Mr. Hinman that he had given such information, and I only wish to ask you whether it was so?

A. What he said independent of me, I do not know; but in my presence, that is all I can recollect.

Professor MARSH. I have nothing more to ask the witness.

Mr. HARRIS. I am asked by Mr. Bosler, who sits behind me, to put a few questions to you:

Q. "Do you know of any instance where Mr. J. W. Bosler, or any of the persons charged with the delivery of cattle for the contracts he represented, committed fraud or in any way imposed upon the Government in the delivery of cattle?"

A. I do not.

Q. "From your knowledge and observation as an inspector of Indian affairs at the agencies supplied under the contracts he is represented as filling, do you think he would, if an opportunity afforded, engage in any frauds of the character charged by Professor Marsh?"

A. I think not.

Q. "Is it your opinion, as the result of personal observation, in connection with your duties as late inspector of Indian affairs, that Mr. Bosler and his brothers J. H. and George M. have discharged their obligations as contractors with the Government with fidelity and honesty?"

A. I do.

Mr. BOSLER. Dr. Bevier was inspector of Indian affairs over the district in which we delivered cattle, and that is the reason why I wished to make those inquiries.

By Mr. MARSH:

Q. Did you know anything about Mr. Bosler's cattle?

A. In March and April, in company with Bishop Hare, Mr. Hinman, and Mr. F. H. Smith. This question of cattle was very thoroughly investigated to our entire satisfaction, and, I believe, with full disposition to give Mr. J. H. Bosler, who was there and who superintended the work, our confidence. We all concurred as to his integrity and manliness, and even generosity. We rode through a snow-storm with Mr. Bosler and the driver, six of us in number, from the Spotted Tail agency to the herd on the Niobrara, and we slept all night in a dug-out, and examined that herd, and it was very satisfactory to us. That was our first visit. Last fall I went from Sidney partly on purpose to see that herd, and also to see the road, which was said to be a better and shorter road to Red Cloud than the other. Now, I am not an expert and I never dealt in cattle nor saw them weighed, but the herd presented to me a good appearance. I rode through them for two hours. I was favorably impressed with the quality of the cattle. They were uniformly from four years upward, as I was told; I do not know the fact otherwise. There were some cows and but few young cattle. I understood it was the custom to have a few for domestic purposes. They were pretty uniform in size and presented to me the appearance of a good quality of cattle. I do not know of an item to criticise on that subject.

By Mr. HARRIS:

Q. You would say that if such cattle were delivered, of proper weights, the contract would be fairly and honestly fulfilled?

A. Yes, sir.

Q. Is it fair to ask you if you have formed an opinion, from your knowledge of cattle, what would be the average weight?

A. I could not. I am no judge of it. A butcher could guess within a few pounds, but I could not within a few hundreds. They were full-grown.

Mr. SMITH. Dr. Bevier used a word—that he desired to “protect” the Department, which I did not understand exactly; how much he meant by it; my impression is that, in his answer to the question, he prefaced it by saying that he desired to protect the Department.

Mr. HOWE. Because he believed they deserved it.

WITNESS. I forget what drew it out, but I went on to say that it was my wish and pleasure to protect the Department because they deserved it. They deserved being exonerated from all participation in anything wrong. I mean to say, in explanation, that there were parties who charged fraud and implicated everybody, from top to bottom, as I think, unjustly. If fraud and dishonesty is found here and there, as it will be as long as human nature is as it is, it does not follow that everybody else is participating in it.

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WASHINGTON, D. C.,

*Friday, September 17, 1875.*

Present: Hon. THOMAS C. FLETCHER, chairman; Hon. TIMOTHY O. HOWE, Hon. B. W. HARRIS, Hon. CHARLES J. FAULKNER, and Prof. GEORGE W. ATIERTON.

Professor MARSH also present.

#### TESTIMONY OF F. H. SMITH.

By the CHAIRMAN:

Question. You reside at present in Washington, Mr. Smith?

Answer. Yes, sir.

Q. You are, I believe, the secretary of the Board of Indian Commissioners?

A. Yes, sir.

Q. Will you tell us how this Board of Indian Commissioners is appointed? how the members are usually recommended to the President?

A. I don't know how the original members of the Board were selected; nor do I know from what source my own selection came. I was appointed a member, I think, early in January, 1874, having never had any conversation with the President, or Secretary of the Interior, or Commissioner of Indian Affairs, either in regard to that or any other Indian matter. It was a matter of perfect surprise to me. I don't know where the selection came from. After the resignation of six of the original members, in June following, the various mission-boards of different religious denominations were called to Washington, and the Secretary of the Interior asked them, severally, to recommend men for the appointment to fill the vacancies which had been created. There was a long consultation on the subject. It was a matter of a great deal of deliberation.



Q. Consultation with whom ?

A. Between the Secretary and those representatives of the mission-boards; and, I think, two or three of the members of the Board of Commissioners still remaining in office were also present. The Secretary desired them to consult, if they wished, their respective constituencies, and to nominate men who would be recognized by their own religious bodies as representative men, in whom they would have entire confidence. Most of the names were sent in some time afterwards, and after such consultation.

Q. This is a copy, I believe, or is the original, rather, of the letter of resignation of the members of the old Board? [Shown original letter of resignation, of which the following is a certified copy:]

RESIGNATION OF THE BOARD OF INDIAN COMMISSIONERS.

[Certificate.]

DEPARTMENT OF THE INTERIOR,  
*Washington, D. C., September 20, 1875.*

I, Columbus Delano, Secretary of the Interior, hereby certify that the annexed paper is a true copy of the original on file in this Department, and that the said original paper was received at the Department on the sixth day of June, A. D. 1874.

In testimony whereof I have hereunto set my hand, and caused the seal of the Department of the Interior to be affixed, this 20th day of September, A. D. 1875.

[SEAL.]

C. DELANO,  
*Secretary of the Interior.*

*Letter of Resignation.*

BOARD OF INDIAN COMMISSIONERS,  
\_\_\_\_\_, 187-.

DEAR SIR: The undersigned, the remaining members of the Board of Indian Commissioners originally appointed by you, under the act of Congress approved April 10, 1869, respectfully resign the office we have held under that appointment.

We cannot take this step without expressing our warm appreciation of the high motives which have actuated you in the line of policy for the treatment of the Indian tribes announced in your inaugural message, and of your faithful and persistent adherence to that policy through much opposition and in despite of many obstacles, and at the same time thanking you for your ready and cordial sympathy with the efforts of the Board to promote that policy, and the kindly personal consideration which has always marked your intercourse with its members.

Your policy has attained by its success and the manifest righteousness of its foundation principles, a position in the judgment of the right-minded people of the country which it is hoped cannot fail to render it permanent, nor can the evil deeds of individuals or small parties of savages, or the necessity which may arise to punish them, condemn the humane and just treatment of the Indians generally, save in the minds of those who, on account of hatred or greed, denounce whatever seems to interfere with their schemes. It is not claimed that honesty and right-dealing have been secured throughout all the ramifications of the Indian service, but many corrupt practices have been corrected, and enough has been accomplished to demonstrate that, with proper organization, it is possible to secure at least as great a degree of honesty in Indian affairs as in any other department of the Government. Some of the points where reformation is still needed were indicated in the last annual report of the board.

We regret that it is not deemed expedient by the Hon. Secretary of the Interior to urge upon the present session of Congress the legislation we recommend, which would make the Indian Bureau independent of the Interior Department, with an officer of high ability at its head. The measure we consider of great importance for the perfection as well as the perpetuation of the peace policy and its economic reforms, and we are glad to know that it meets your approval.

Whilst we do not deem it necessary to present all the reasons which have decided us to resign, we may state that, should Congress, as indicated in the Indian appropriation bill, which has already passed the House of Representatives, continue the Board of Indian Commissioners, with all the "duties imposed by existing laws," and requiring in regard to the examination of the accounts, contracts, and vouchers, that "all such examinations and duties shall hereafter be performed in the city of Washington," we could not accept the duty—first, because, under the existing laws, the overruling of the decisions of the board by the Interior Department would frequently render the labor of examining and deciding

upon the accounts and vouchers as useless as it is arduous and vexatious ; and, second, because none of us can remove to Washington City to perform the duty.

Experience has shown that a board of Indian commissioners, clothed with proper authority and acting in co-operation with the Department of the Interior, but not under its direction or control, can hardly preserve harmonious relations with that Department.

On the other hand, a board not so constituted and under the influence or control of the Interior or Indian Department, would be a comparatively useless appendage to the service.

Reiterating our entire confidence in the wisdom and justice of the peace policy, our conviction of the capacity of the Indian to receive all the civilization necessary for their welfare and the safety of the frontier settlements, and all the christianization needful to their salvation, we desire to express our satisfaction with the progress which so many of them have already made in this direction, and our regrets for the necessity which terminates our official connection with the service.

We have the honor to be, very respectfully, your obedient servants,

FELIX R. BRUNOT.  
ROBERT CAMPBELL.  
NATHAN BISHOP.  
W. E. DODGE.  
JOHN V. FARWELL.  
GEO. H. STUART.

U. S. GRANT,  
*President of the United States.*  
MAY 27, 1874.

I notice that the members of the Board resigning give as a reason that the Secretary of the Interior would not urge upon Congress the creation of an Indian Bureau independent of the Interior Department. I notice, also, that these commissioners, in resigning, say that there has already passed the House of Representatives a law in regard to the examination of accounts, contracts, and vouchers, requiring all such examination and duties hereafter to be performed in the city of Washington, and say they could not accept that duty. Now, as you were a member of the board at that time, can you tell if these were the reasons governing the gentlemen who resigned at that time, or do you know of any other reasons?

A. No reasons were communicated by them to me other than those that appear in that document. Being a member of the Board at the time, of course my attention was drawn to the subject, and the two reasons given in the letter created some surprise on my part. The one respecting the Bureau of Indian Affairs being made a separate department of the Government I find, on examination of the records of the Board previous to my coming into it, was never brought before them formally. It was never before them after my connection with the Board and before their resignation, either formally or informally ; and therefore I say it created surprise on my part that it should have been given as a reason for their resignation.

Q. Do you know anything of their having conferred with the Secretary of the Interior in regard to it?

A. I learned unofficially that the president of the Board, Mr. Brunot, subsequent to the last meeting held by them, was personally in Washington, and held an interview with the President on that subject, in which he personally urged that legislation ; and as that is not testimony, I might as well add the other part of it ; that the President subsequently informed Mr. Brunot that the plan did meet with the approval of the Secretary of the Interior. In respect to the other reason mentioned by you, it is true that a clause was introduced into the Indian appropriation bill, as it passed the House of Representatives, requiring the examination of vouchers by the executive committee of the Board in Washington. But it is also true that several weeks, I should say, prior to that date of resignation, the clause had been stricken out by the committee of the Senate. I am quite sure the Senate had acted upon it, and rejected it, and I know in personal conversation about the time, with

members of the Senate and House committees, I learned it was not being pressed by anybody. It never became a law.

Q. And is not now a law?

A. And is not now a law.

Q. I find in the newspapers, under date of February 20, 1874, an Associated Press dispatch, of which I have here a copy, which copy you have seen, I believe; you can look at it, [handing witness copy, as follows:]

MEETING OF THE BOARD OF INDIAN COMMISSIONERS.

WASHINGTON, February 20.

The Board of Indian Commissioners have been in session at the Arlington Hotel for the past two days.

All the members are in attendance except Mr. George H. Stewart, of Philadelphia.

The special object of the meeting was to consider the Indian question, as it relates to the proposed legislation looking to the opening of the Indian territory, and the question recently discussed in regard to a transfer of the Indian Bureau to the War Department, as well as some details of Indian management submitted to the board for their consideration.

A protracted conference was held last evening and to-day with the Secretary of the Interior as to the general Indian question.

It developed the fact that the views of the board with reference to Indian affairs were fully in accordance with those held by the Secretary, and, after a free interchange of views, it was apparent that the board are unanimously of the opinion that in the management of Indian affairs they have the satisfaction to claim the most encouraging results of the peace policy; that they see in the wilder tribes a steady improvement, and that a continuation of the present policy will soon result in bringing them under perfect control and submission to all reasonable requirements of the Government.

The cordial relations existing between the Board and the Secretary of the Interior, and the confidence in his interest in the present policy, and his success in managing affairs in the past, would lead them to deprecate any change transferring the management of Indian affairs to any other Department of the Government.

Q. Will you state, if you know, by whom that dispatch was prepared?

A. This copy was made at your request, in the office of the board, a day or two since, from a scrap-book left by the late secretary, Mr. Cree. The history of it is this: At the last meeting ever held by the old Board, a special meeting about that date, in February, the proceedings were all in executive session, continuing for two days. At the close of the meeting it was said that some statement of it ought to be made for the public. That dispatch was drawn by the secretary of the Board, was read over to the members of the board in session, some changes made at their instance, and it was given to the Associated Press by myself, in accordance with their informal direction.

Q. Then I understand this was made with the knowledge and consent and approval of the Board, and was sent out with their approval?

A. Yes, sir.

By Mr. FAULKNER:

Q. How long was that before their resignation?

A. The date of that is February 20; their resignation was the 27th of May.

By the CHAIRMAN:

Q. Mr. Smith, I believe you were one of the members of the commission to examine into the affairs of Red Cloud and Whetstone agencies, called the Bishop Hare commission, were you not?

A. Yes, sir; I was directed by the Board of Indian Commissioners, at the last meeting in February, to go to that agency and examine generally into its affairs.

Q. Whetstone?

A. Red Cloud and Whetstone, I think.

Q. From information in your possession which you have been able to

gather since that time, as secretary of this Board and as member of the board and otherwise, have you had such evidences as to induce you to change your views and opinions as contained in that report?

A. No.

Q. When you were at the Whetstone agency did you see the beef-cattle in the contractor's herd there?

A. I was present with the other members of the commission at the reception of a lot of cattle from the contractor while they were weighed and issued, and also with them visited the contractor's large herd, some thirty or forty miles distant.

Q. Did you see any cattle there that had been received by the commissary or the military authorities for the use of the military posts?

A. Yes; I visited the military herd at one of these agencies, I am not sure which, especially with a view of comparing them with those provided for the Indians.

Q. How did they compare? Were the cattle for the Indians as large and in as good condition as those?

A. The military cattle were very much inferior to the Indian cattle at that time. The military forces had recently come there, and the commissary stated that the cattle had been driven from Fort Laramie. But they were a very poor lot of cattle; some large and some very small, but all of them very poor and very gaunt, not comparing at all with the cattle that were supplied at that time to the Indians, in respect to size and condition.

Q. Those supplied for the Indians were superior both in size and condition?

A. Yes, sir; the number that the military had was not large; I should say a couple of hundred.

Q. You were, during last year, a member of the purchasing committee of the Board of Indian Commissioners, were you not?

A. No; I attended the general lettings in New York. There was no purchasing committee at that time. There were but four members of the old Board then in existence, and the reorganization had only taken place so far as to appoint the executive committee, of which I was chairman. The four members of the Board were all invited to go to New York, and I went as a member of the Board, in connection with the annual lettings.

Q. And you were there present at the lettings?

A. Yes, sir.

Q. Will you tell us how inspectors of Indian annuities were chosen at that time?

A. Mr. Turney and myself were the only members of the Board of Indian Commissioners present. The Commissioner of Indian Affairs, Assistant Secretary of the Interior, (General Cowen,) and Assistant Attorney-General for the Interior Department, (Walter H. Smith,) were present, and the selection was made by all those present. The two members of the Board were invited to designate persons as inspectors. The matter being entirely new to both of us, we felt some embarrassment. I remember that I suggested, in respect to dry-goods, that A. T. Stewart should be called upon to recommend some one for whom he would be willing to be responsible, and that was done. I think I suggested the name of Mr. Ogden, whom I had never seen, but knew by reputation as the principal man of, I suppose, the largest clothing-house in New York, for clothing. I selected Mr. Robinson for tobacco, whom I had never seen or heard of, from inquiries among probably twenty or thirty large tobacco-houses on Water street, which I visited at random for the pur-

pose of getting them to designate some one whose reputation in the trade was well enough established to be relied upon. I think those were the only ones suggested by me. The others were suggested by the other members of the commission; I cannot state whom. I was subsequently called on by the Commissioner to designate names of parties who should act as inspectors of supplies at distant points, and being entirely unfamiliar with the whole subject at that time, I requested that wherever a military station having a military depot was in the vicinity of a point of reception for Indian goods, the War Department should be called upon to direct that commissary to inspect the Indian goods, which I think was done in each instance.

Q. Was your attention or the attention of your Board ever called to the fact of the treaty provision for the appointment of such an officer by the President?

A. I don't think the attention of the Board was ever formally called directly to this treaty provision, nor had I the impression until now that it covered anything beyond the direction that an Army officer should be present at the distribution of annuity-goods.

By Mr. FAULKNER :

Q. You referred a few moments since to a report prepared, I think, as you say, by yourself.

A. By the secretary of the Board at that time, Mr. Cree.

Q. Which, you say, expressed at that time the sentiments of the board, as appears upon the face of that dispatch?

A. I stated it was prepared by their direction, and informally assented to after being read and revised, all the members being present.

Q. Do you know what produced such a change in the opinions of the members of that Board from February to May as to cause them to resign their commission, or, at least, so many to resign their position on that Board in the May following?

A. I have no information on that subject which would be more than the merest inference. I know what were the official transactions between the Board of Commissioners and the executive committee of the Board of Commissioners and the Indian Department; and think I could safely say that no new question arose after that time about which any friction occurred.

Q. You will notice in that dispatch that the board had a consultation at that time about the transfer of the Indian Bureau to the War Department.

A. Yes, sir.

Q. Did that result, so far as you know, from any want of confidence on the part of the Board in the Secretary of the Interior?

A. No, sir; the Board were as unanimously and strongly in opposition to that transfer as it would be possible for men to be. The Board was called together mainly in consequence of what seemed to be a very strong effort made in Congress to procure the transfer to the War Department, and for the purpose of considering what measures they could take to defeat the transfer.

Q. Then I understand you to say the Board was in favor of separating the Indian Bureau from the Interior Department, by creating out of it an independent Department of the Government?

A. That matter is referred to in the letter of resignation. My statement was that it never came before the Board for consideration in any shape or form.

Q. I understand you to say the President of the United States, so far

as you learned from mere rumor, and the Secretary of the Interior were both in favor of the separation of the Indian Bureau from the Interior Department. Can you, then, account for a body so respectable as the Board of Commissioners placing their resignation upon their inability to accomplish that result when they had influence at that time in favor of their position ?

A. No; it seems to me impossible that they could really have given that a serious consideration in determining their resignation.

Q. May not that have been the subject of discussion frequently between them before you became a member of that Board ?

A. Informally it may have. I have the records of the Board in my office, and I examined them to ascertain whether it ever was so formally.

Q. Well, so far as it became the subject of informal discussion in the Board, what was the leading view taken of the reason why there should be this separation of the Indian Department from the Interior Department ? Was it founded upon a want of confidence in the Secretary of the Interior ?

A. I heard very little informal conversation on that subject. The reasons given in that conversation were mainly the impossibility of getting for Commissioner of Indian Affairs, with the small salary and subordinate position held by him, a man of the ability which, in their judgment, was required to be at the head of so important a branch of the service. The opinion was expressed that there should be no divided responsibility ; that the head of the Indian Department should be responsible for the conduct of the Indian service, and that he should hold such a position as would command the service of a very able man for it. I never heard any want of confidence in the Secretary of the Interior given as a reason for that proposed change, directly or indirectly.

Q. Well, was there not a great deal of dissatisfaction created in that Board by the fact that the Secretary of the Interior had paid or ordered to be paid half a million of accounts that the Board had rejected for reasons satisfactory to them ?

A. That question is pretty fully discussed in the annual report of the Board for 1873, in which dissatisfaction is expressed and the condition of the minds of the members of the board more clearly and fully expressed, probably, than it would be possible for me to state it now.

Q. You refer us to the report, then, as an answer to that question ?

A. Yes, sir ; the report was not published until February.

Q. Have you any knowledge, as a member or secretary of the Board, of any unfairness of the Secretary of the Interior in the award of contracts for Indian supplies ?

A. No, sir. On the contrary, the Secretary has apparently studiously kept aloof from participating in or interfering with the awards.

Q. You have said already you have never, since the report in which you concurred with Bishop Hare in 1873, had any reason to change the opinion which you there expressed in regard to the management of that agency, or the conduct of the agent.

A. No; I did not say that. I think the answer did not cover so much ground as that.

Q. I put the question now in this form : Has anything occurred since the date of that report which has modified or changed to any extent the opinions which you formed and expressed as to the management of the Red Cloud agency and the honest administration of the agent ?

A. Nothing that I know officially. In common with the public, my mind has been a good deal disturbed by the newspaper and other re-

ports of charges. I have been waiting anxiously for the verdict of this commission on that subject. I don't think I have any information which you have not in a great deal fuller and more reliable form.

Q. Have you had any opportunity personally, since the date of the report, of forming an opinion based upon any facts connected with the agency?

A. I don't think I have, except in the mere routine business of the office, which has been in the ordinary way. I have seen the agent and conversed with him, and have seen a good many persons who have been there, and I stopped a day or two at Cheyenne on my way to the Pacific last fall; was in Nebraska last spring, and heard a great many rumors which tended to unsettle my mind, but nothing in regard to which I would be justified in forming an opinion one way or the other.

Q. Can you state whether any purchases were made of blankets of the Mission Woolen Mills in California within the last twelve months?

A. No, I cannot. The contract was made summer before last, by Mr. J. V. Farewell, of the purchasing-committee of this Board, with the Mission Mills, for blankets, clothing, and other articles, for the Indian service on the Pacific coast. In connection with Mr. J. D. Lang, a member of the board, I visited the Pacific coast last fall, at the request of the Department, for the purpose of attending to such purchases as were required. The contract of Mr. Farewell with the Mission Mills for most of the articles covered amounts sufficient to meet all the requirements of the service for that year, and we made no contracts for these articles, but directed the local inspector for any articles in regard to which excess might be required to supply them by extending the Farewell contracts. In respect to the blankets, however, I think that was not done. The Farewell contract covered, I think, nearly all the blankets required for that year, and, as I have learned since, the balance of them were purchased by the inspector at San Francisco of another party.

Q. Well, have any blankets been bought from the Mission Woolen Mills of California this year for the use of the Indian tribes?

A. The contracts this year were let after advertisement by Mr. Barstow, of the Board of Commissioners. I have never seen the awards, but my recollection is that the blankets were awarded to the Mission Mills.

Q. Have you seen a statement in the papers that the agent of the Mission Woolen Mills of California, when recently in this city, said that the person who was sent to California to purchase blankets for the Indians, made that company pay him \$1,200 in gold before he would make the purchase of blankets?

A. I have seen that statement, and have written to San Francisco to ascertain, if possible, to what it refers. I have not myself the remotest idea.

Q. You have no knowledge, then, of any such transaction?

A. No, sir; there was no possibility of it; it had no truth in it, at any rate, in reference to any transaction of last year, because there was no transaction with the Mission Mills on which any such matter could have possibly been based. I don't suppose the entire purchase about which we had any discretion amounted to \$1,000, probably not \$500. It was merely the direction of the agent to extend the old contracts for any small supplies that might be required of any particular articles.

Q. Do you know how the clothing of the Pawnee Indians has been purchased this year, whether by contract or in open market?

A. Yes; I know how it has been purchased, but a statement would be more satisfactory if I should make one giving the entire purchase for the Pawnee Nation.

Q. Well, sir, make your own answer.

A. During the last season, the Pawnee Nation, as I understand, without the consent of the Department, (I am not sure about that, however,) left their agency in Nebraska and removed suddenly to the Indian Territory, were absent on the plains during the winter on a buffalo hunt. About two or three days, perhaps, before the adjournment of Congress, they returned, and the statement came to Washington that they were there, in the neighborhood of 2,000 of them, without food, without clothing, shelter, or any provision for their support. Congress adjourned without making any provision for them. After the adjournment (I state now from official records in my possession) in consultation between the President, the Assistant Secretary of the Interior, and Commissioner of Indian Affairs, the President directed that provision should be made if possible for their support, until an appropriation by law should be available. Later on in the spring, in connection with Commissioner Roberts, one of the Indian Commissioners, and a member of the Executive Committee of the Society of Friends, under whose care those Indians were, I was requested by the Department to go to the West and see what provision could be made. The Secretary of the Interior wrote a letter on the subject, which I can furnish you if you desire, in which he stated the facts that Congress had made no appropriation, that no purchases could be made for which the Government could be held responsible, directly or indirectly, but if persons could be found who were willing to relieve those suffering people, depending upon the justice of a Christian government—I think that was about the expression—well and good. Mr. Roberts and myself spent a great deal of time, a great deal of travel, and a great deal of effort, very embarrassing and discouraging effort, in getting all sorts of supplies for them.

Q. Then, you made the purchase relying on the generosity of the Government to sanction the whole proceeding?

A. Yes, sir.

Q. You may state, Mr. Smith, what were the prices you had to pay for those articles, under the circumstances.

A. The price for every description of purchase made was considerably above that for which the articles could have been obtained for cash, and it was very difficult, indeed, to find anybody who would furnish the supplies required for any price. In respect to clothing, dry goods, and two or three other articles, they were the last provided for; we obtained them from the successful bidders in the New York letting. We had considerable difficulty in inducing the parties in each case to supply the goods, but we had become perfectly discouraged and tired, and we urged that inasmuch as they had large contracts with the Government for cash, that they could afford to furnish the comparatively small amounts required for these people, and take their chances for their pay.

By Mr. HOWE:

Q. Complete the history; it is all new to me. State what was the amount of the purchase for clothing, and what was the advance above contract prices, if you remember.

A. I cannot state with any precision. I should say the amount was from five to eight thousand dollars, and that the advance was about twenty-five per cent. The estimate made was that the parties would have to wait at least a year and a quarter. Supposing Congress made an appropriation, it would be in a deficiency bill about the close of the next session of Congress.



By the CHAIRMAN :

Q. Did you find in the West disinclination on the part of persons to furnish those goods on account of the statement that considerable numbers of vouchers were held in the West depending for their payment upon deficiency appropriations, which have been a long time delayed?

A. That objection was made by parties who have been in the habit of dealing with the Government generally. In Saint Louis, for instance, we called in the first place upon Mr. Robert Campbell, formerly a member of the board, and known as a man having an exceedingly large business acquaintance and experience in that city. We laid the case fully before him and asked his assistance in obtaining some of those articles in Saint Louis. We had a very long consultation with him, the result of which was that he expressed the opinion, in the most positive manner, that it would be impossible for us to make those purchases at any price, and he gave, I recollect, among others, the reason you state.

Q. Now, Mr. Smith, I want to ask you in regard to this: Professor Marsh says that "F. H. Smith, N. J. Turney, and G. D. Long, of the Board of Indian Commissioners, assisted in making purchases of annuity goods and retained no samples by which the character of their purchases could be subsequently tested and published no report of their action." Is that true?

A. Whatever report was published is in the body of the report of the Board of Indian Commissioners of last year. It is true that Mr. Turney and myself were present during those lettings as the only representatives of the Indian Commissioners. It is true, as I have stated, that the whole thing was perfectly new to me, both the prices, the articles, the combinations of parties who had been before engaged in contracts, and everything about it.

Q. Did you retain no samples of the purchase?

A. I don't know whether they were retained or not. I was in New York for three or four days during the lettings, but was not aware at the time that I had any duty to perform in connection with the samples.

Q. Is there any law or regulation of the Department or of your Board that provides for how these samples shall be retained, and by whom?

A. No, sir. My recollection is that the Department followed what had been the custom before that time of sending the samples forward to the inspectors, who were to receive the goods at the other end of the line, to enable them to judge whether proper goods were delivered or not.

Q. Do you know whether the inspectors who inspected at New York retained samples?

A. I don't know.

Q. Are you aware of any law or regulation that required you to publish a report of your action in those purchases?

A. No, sir; the purchasing committee of the board prior to that time had a custom of publishing a report of their operations with the annual report of the board. For the main portion of that year the purchasing committee of the board consisted exclusively of members who had discontinued their connection and left no report or record of their proceedings. At this time there was no purchasing committee. The board had not re organized to the extent of appointing a purchasing committee, and as a matter of course, there was no report of a purchasing committee, and the office which any members of the board performed in that regard was so inconsiderable, it was not deemed advisable to make a separate report on that subject. In answer directly to your question, I will say I am not aware of any law requiring the publishing of any such report.

Q. Can you state whether the purchasing committees previous to that time had made any written report of their action ?

A. Yes, sir ; it had been their custom, but as I stated, the members of the board constituting the purchasing committee for the main portion of the year had resigned their positions as members of the board, and left no records from which to make up such a report.

By Mr. MARSH :

Q. You stated, Mr. Smith, that when you were at Red Cloud agency the cattle you saw in the hands of the military were much inferior to the cattle you saw issued to the Indians. Do you know where those cattle that you saw in the hands of the military came from ?

A. I remember asking that question from the commissary, and also the price ; but I cannot recall his answer as to where they came from. I remember he said he gave \$40 apiece for them.

Q. Do you know that these cattle were not borrowed of the agent, and came out of the agency herd ?

A. All I know is the statement of the commissary, who said he purchased them before the military moved up, and he gave \$40 apiece for them.

Q. Do you know anything about what he said there concerning the military, on their first arrival, borrowing cattle of the agent from the agency-herd, and subsequently returning them ?

A. I don't think I do. It is possible that I may have heard that fact, if it is a fact. I don't recollect it now.

Q. Are you sure that these cattle you saw in the hands of the military were not taken from the agency-herd, or have you no definite information on that point ?

A. I am sure of the statement, to which I refer, of the commissary, because the condition of the cattle and the disparity of the price between these and the Indian cattle made a special impression upon me.

Q. Then you refer to the acting commissary at the post at that time for information you have on that point ?

A. Yes ; I don't even recall his name.

Mr. HARRIS, (to Professor Marsh.) Professor, have you any proof in the evidence that there was an exchange of that kind ?

Professor MARSH. I have.

Mr. HARRIS. You have not furnished it to us.

Professor MARSH. I can give you some information on that point.

Q. When was it you were at the agency, Mr. Smith ?

A. It was at the time I was there with the Bishop Hare commission. The report itself gives the exact dates. I do not recall it.

Q. That was the only time you were there, and that was the time you saw those cattle, of course ?

A. Yes, sir.

Q. Do you remember how long the military posts had been there at that time ?

A. Only a few days ; certainly less than a month.

Q. Are you acquainted with the Hon. Mr. Hawes, of Nebraska ?

A. I don't recollect any such gentleman at all.

Q. Made no purchases of him or in connection with him of Indian goods, or had any business transactions with him ?

A. No, sir ; certainly not personally. If I have been connected with any commission that has made such purchases, I am not aware of it.

By Mr. ATIERTON :

Q. Do you refer to Mr. Hawes, who ran as the contingent member of

the house in Nebraska, but who was not admitted to a seat because Nebraska did not get an additional member, and is now in business in New York City ?

A. I suppose he is the man. I do not know him at all.

By Mr. HARRIS :

Q. Did you pay any attention to the selection of the tobacco for the Indians in that year, as I understand this was July, 1874 ?

A. Yes, sir.

Q. What part did you take in the selection of that article ?

A. An inspector, whose name I do not recollect, was designated.

Q. Robinson ?

A. No. An inspector was designated, who examined the samples and made an award. Later in the same day, when his award came to be known, I found considerable excitement among tobacco-men who had made the bids and furnished samples, and allegations of unfairness were made that impressed me so much, that I suggested a new examination should be made ; in accordance with which, not knowing a single tobacco-man in New York City, I went down to Water street, among the tobacco-dealers, at random, made inquiries of probably twenty or thirty houses as to where I could find a man whose character as an expert in tobacco was sufficiently established to be absolutely reliable. Several persons referred me to a Mr. Robinson, and, having his name, I made various other inquiries in regard to his character, and concluded he was a safe man, and found him and introduced myself to him, and brought him up to the ware-room. He re-examined all the samples, and made an award of two samples, which were different from those the other inspector had selected, and which we finally adopted.

Q. Do you recognize this sample furnished us by Mr. Robinson as in any respect like either of the qualities of tobacco which you selected ? [Sample shown.]

A. No ; I am not an expert in tobacco myself ; it is about the same as to the general size, and color, and appearance.

Q. Did you, or did he, select tobacco of that color and size ?

A. He selected two samples ; one about this color and size, and the other very much lighter.

Q. There is a sample of the tobacco taken by the Commissioner in the warehouse, said to be of the supply of 1874.

A. I could not give an opinion that would be of any value as to its quality.

By the CHAIRMAN :

Q. Mr. Smith, can you tell us who directed the purchase of Navy plug-tobacco for the use of Indians last year or at any other time ?

A. The award is made at the annual lettings, by officers of the Indian Department, in connection with the members of the Board of Indian Commissioners, for supplies required for the entire Indian service.

Q. There are samples of various kinds of tobacco presented upon which bids are offered, I presume ?

A. Yes, sir.

Q. Now, in determining that bid, is it governed solely by the price, the parties acting for the Indians selecting that which is cheapest, without reference to the particular class of tobacco it belongs to, whether Navy-plug or natural leaf ?

A. The question to be decided is, whether one class of tobacco at a

particular price is to be preferred over another sample at another price; the quality, the quantity, and price in each case to be taken into consideration.

Q. Do they take into consideration that the Indian does not chew tobacco at all, but smokes it?

A. Yes, sir; and also that he smokes it mixed with killikinick and large portions of other material.

Q. Who determined the fact that this black Navy tobacco was suitable for smoking, if you know?

A. The special information as to the quality required, in regard to any article, usually came from the commissioner of Indian affairs, who was more familiar in regard to all those details than anybody else. In respect to the tobacco, one quality was selected for northern agencies and another for southern agencies, for the reason, as I remember, that the difference of climate required different preparation.

Q. In making the purchases for the Indians, while you advertise for XX, is it not a custom of the purchasing-committee to purchase the cheapest flour offered, without regard to whether it be XX or X?

A. No, I think not.

Q. Does your committee annually accept the bid for that class of flour that corresponds with the proposals for flour, as the same grade as that contained in the proposal?

A. That is the custom. Last year samples of flour were required, and proposals were accepted for the lowest price for the best flour. This year, on consultation, I believe, with a good many experts, no samples were required. The statement was that the standard of XX flour was one so well established in the western markets, at any rate, that any inspector who understood his business could determine whether an article supplied was equal to the standard of XX flour or not.

By Mr. MARSH :

Q. Did Agent Saville last year report to your board that he had purchased certain oxen, wagons, cows, &c., for the use of the Indians at his agency?

A. No; Agent Saville would not, in the ordinary course of business, make any report of that fact to our board. Any knowledge we might have of it would come through the Department.

Q. Did he make any reply to the circular sent from your board touching such matters?

A. I don't think any such circular has been sent since my connection with the board; at least with the secretary's office.

Q. Did he make any communication at all to your board in regard to the purchase of oxen, cows, and wagons for his Indians last year?

A. I cannot answer absolutely in the negative without consulting the records; I don't think he did. I understand now that your question refers to the reply of Agent Saville to the circular sent by the board of commissioners calling for information relative to progress in industry, which reply is published with that and all the other agents', in whole or in part, in the annual report of the Board of Indian Commissioners for 1874. My attention had not been specially drawn to that particular item in Saville's report, and that is the answer I have to make.

Q. Do you remember what he stated in reply to your circular?

A. I don't remember at all, but I can give you the entire document. It is published there, in whole I think, in the printed report of the board.

By Mr. ATHERTON :

Q. Will you furnish us also a copy of that circular ?

A. That is also in the printed report.

By Mr. MARSH :

Q. Were the cattle mentioned in this letter to your board, as purchased for this agency, ever actually received at the agency ?

A. I have no information on that subject. My official relation to the transaction would not ordinarily lead me to receive such information.

## TESTIMONY OF HON. COLUMBUS DELANO.

By the CHAIRMAN :

Question. Mr. Secretary, I will ask you to state if Messrs. Felix R. Brunot, Robert Campbell, Nathan Bishop, William E. Dodge, John V. Farwell, and George H. Stuart, or either of them, at any time, conferred with you on the subject of securing legislation by Congress which would make the Indian Bureau independent of the Interior Department; and, if so, whether you encouraged or discouraged their effort in that direction ?

Answer. I have no recollection of a conference with either of these gentlemen on that subject. Mr. Brunot expressed to me an opinion in favor of such a separation. Subsequently the President of the United States informed me that Mr. Brunot had expressed such an opinion to him, and asked my opinion in reference to the propriety of requesting legislation to that end. This, I think, was during the session of Congress embracing the winter of 1873-'74, and late in the session. I said to the President, decidedly, that I should be glad to have the Interior Department relieved of the Indian Bureau, and interchanged opinions with the President in reference to the probability of procuring legislation at that late hour of the session. When this conversation took place we both concurred in opinion that it was too late to make a successful effort in that direction. Immediately after the resignation of Mr. Brunot the President informed me that Mr. Brunot was mistaken in what he said about me in reference to this proposed change in his letter of resignation, and referred to our conversation on the subject.

Q. In your conversation with Mr. Brunot and either or any of the other gentlemen whose names I have given, before or after their resignation, did they express any other reason for resigning than those which are given in their letter ?

A. No, sir.

The CHAIRMAN. The inquiries which I proposed to make of you at the time the commission first came to Washington have, with this exception, I believe, so far as my recollection goes, been covered by the official documents, copies of which have been furnished the commission by the Interior Department, and I know of nothing else that I have occasion to inquire about. While you are here, however, I will call your attention to the pamphlet of Professor Marsh, which was referred to this commission for its investigation, and will state that an opportunity is afforded you, if you desire to do so, to make any statement which you may think proper in reference to any of the matters contained in Professor Marsh's pamphlet.

Mr. DELANO. I have no desire to make any. It has been my purpose

to leave this investigation, so far as I am concerned, to official documents and such evidence as Professor Marsh might furnish to the commission, and as the commission itself might seek and obtain, and my desire is unchanged on this subject.

By Mr. FAULKNER :

Q. What is the precise relation of the Indian Bureau to your Department, and to what extent does it devolve upon you to supervise and control its transactions ?

A. The Interior Department embraces within its scope the charge of the Land-Office, the Indian Office, the Pension-Office, the Patent-Office, the Bureau of Education, the Census Bureau, Asylum for the Insane, Asylum for Deaf Mutes, Columbia Hospital, construction of jails and penitentiaries for the Territories and District of Columbia, the hospital of the Freedmen's Bureau, the expenditures for the Providence Hospital, the Capitol Extension, and a large amount of miscellaneous business which from time to time Congress devolves upon it, it being the rule when anything needs to be done that is not homogeneous to any of the other Departments to charge it to the Interior Department. The magnitude and extent of the business under the charge of the Interior Department is scarcely known to or appreciated by members of Congress, who have more familiarity with its duties than almost any other class of citizens. It is impossible for the Secretary of the Interior to be familiar with or to control and regulate the details of the Offices and Bureaux under his charge. The extent, therefore, of the Secretary's knowledge and duty in regard to these various and extensive branches of business is limited to a general control and supervision of the same, and the consideration of such questions as are brought from the Bureaux to the Secretary for decision and advice. [To illustrate: the Land-Office has charge of the public domain, which involves the settlement of questions growing out of our pre-emption and homestead laws; questions arising between homestead and pre-emption settlers themselves, or between homestead and pre-emption settlers and railroads growing out of large railroad grants, or between conflicting claimants under railroad-grants, &c., &c.

Q. I did not design, Mr. Secretary, to ask you to give so extended a view of the relations of your Department to its different branches, but merely to ask the relations existing between your Office and the Indian Bureau; to what extent it was an independent Bureau, independent of your immediate supervision; and to what extent you were to be held immediately and directly responsible for its transactions.

A. The Commissioner of Indian Affairs, like the heads of the other Bureaux and Offices, manages entirely the details of his Office, without my personal knowledge or supervision, except where questions are brought before me in the way that I have indicated.

By Mr. HOWE :

Q. Can you state in that connection the two ways in which questions are brought before you ?

A. One is by application of the Commissioner for advice, and the other is by the application of some person or party who feels aggrieved by the action of the Commissioner.

Q. By reference of a question from the head of the Bureau and by an appeal, or something in the nature of an appeal ?

A. Yes, sir.

By Mr. FAULKNER :

Q. Are you consulted in the preparation and award of contracts for Indian supplies in that Bureau?

A. No, sir; the Commissioner makes out his advertisement for supplies according to what he supposes to be the wants of the several agencies, and in regard to these wants I am not well informed, and cannot in most cases intelligently advise or direct. The advertisement is made by him. It is submitted to me *pro forma* very often for my approval.

Q. While you are not generally consulted in the ordinary routine of duty in regard to these contracts for Indian supplies, have you at any time in the last few years been consulted in regard to the contracts for supplies at Red Cloud agency?

A. Never, to my recollection, sir. The Commissioner of Indian Affairs may have asked me about it, but I don't recollect of ever having been consulted. I assume that he knows what is required of him.

Q. You have no recollection that he has brought any of these matters connected with the Indian supplies to your attention? I mean in the award of contracts or the preparation of contracts.

A. I do not remember any instance, but he may have done so. If he has ever done so in a formal way, my action will be found in the records of the Office. All contracts are awarded by the Commissioner, under the advice of the Board of Indian Commissioners, or a committee of that Board, and I have never, to my recollection, overruled an award thus made. When contracts are made under an emergency, and without advertisement, the Secretary is consulted.

Q. It appears from a document that some one placed before us that, as Secretary of the Interior, you have passed nearly half a million dollars of accounts that have been rejected by the Board of Indian Commissioners. Can you state in reference to any of these accounts that have been so rejected by them and paid by you, whether any of them were rejected by the Board on the ground or charge of fraud in the accounts?

A. I cannot state from recollection the particular grounds of rejection in any particular case. I do not remember having overruled the Board in any instance where the Board refused to approve on the ground of fraud. I can give you a history of the whole matter, if you desire it.

Q. We would be pleased to have you state it briefly.

A. The law creating the Board of Indian Commissioners and empowering them to examine accounts, vouchers, &c., which was passed before my acceptance of the office of Secretary of the Interior, provided that the accounts, before being paid, should be presented to the Board for its action, and authorized and required the Secretary of the Interior to revise their action, and approve or overrule it. The law remained in that condition until after Mr. Parker retired, and until General Walker had been one year in the office of Commissioner of Indian Affairs, and at his instance the law was modified so as not to make the action of the Board a prerequisite to the payment of the accounts. After the passage of the law I considered the subject, and determined, for prudential and precautionary reasons, that I would continue the practice that had prevailed under the law, which required the action of the Board before the decision of the Secretary, and this practice continued without difficulty or any serious rejection of accounts by the Board until the fall of 1873. During this time it was the practice to send all accounts to the executive committee of the Board before the Secretary considered them. This committee established its headquarters or office in New York City, which caused a good deal of inconvenience and delay. In the fall of

1873 this committee rejected the large number of accounts to which you have adverted; the details of any particular account it is impossible for me to remember.

Q. My question was somewhat specific. I knew a great many of the accounts were rejected by the Board on account of some irregularity—some technical want of compliance with the law. The point to which I wish to direct your attention is, have you any recollection of having paid any of these accounts which had been rejected by the Board of Indian Commissioners on the ground of fraud?

A. No sir. I remember no such instance. The rejections were for irregularities, and, as you have said, for technical reasons, so far as I remember. I will complete my general statement. These accounts were rejected and brought before me during the financial panic of the year 1873. A large amount of them had accumulated. Realizing the importance of the occasion and the necessity of doing what was just to the creditors of the Government during this exigency, I adopted this rule: When an account was rejected by the Board I returned it to the Indian Office for the Commissioner's information, for observations and explanation. When returned by the Indian Office to me, if I thought the explanation would remove the objection in the minds of the Board, I sent it back to the Board. In many instances they acted upon the explanation of the Indian Office and withdrew their disapproval. If that was not done, I referred the account, with the report from the Indian Office and the disapproval of the Board, to the Assistant Attorney-General assigned to duty in my Department for legal advice, and asked of him a written opinion as to whether the accounts should be approved by me and the action of the Board overruled, or whether I should sustain the action of the Board; and in every instance, so far as my recollection serves me, I followed his advice, requiring that opinion to be filed with the papers in the particular case, and then sent forward with the papers to the accounting-officers of the Treasury Department if I overruled the Board. I now repeat, that I have no recollection that any of these cases where I overruled the Board had been disapproved by the Board on account of fraud. I will add that, after these overrulings of the action of the Board had been made, I reported to Congress, by submitting to the President, under a resolution of the House of Representatives, I think, all the facts and circumstances of each particular case, and with the report there was a schedule of accounts that had been acted upon, embracing each account acted upon; and that report is published, and is the one that has been adverted to by the chairman. I have given the chairman of this commission a copy of it. This report was not only before Congress, but was before the Committee on Indian Affairs during the session of 1873-'74, of which one of your commission was a member.

Q. Has your attention as Secretary of the Interior been directed to any distinct charges of fraud in any of the Indian agencies in the West?

A. It has been directed to cases of alleged fraud frequently. I recollect that my attention was called to alleged cases of fraud at the Cheyenne River agency, and I immediately appointed a gentleman to investigate them. I recollect another case, which occurred in the fall of 1873. It appertained to the Red Cloud agency. I learned from Rev. Dr. Dyer, who is the representative of the Protestant Episcopal Church, and who nominates certain Indian agents, that some charge had been made against Agent Saville, or, rather, Dr. Dyer inquired of me if any had been made. I replied that I had heard of none. I subsequently ascertained that the Board of Indian Commissioners had ap-



pointed a person, without consulting me, by the name of Samuel Walker to investigate the condition of affairs at Red Cloud agency in October or November, 1873; that he had made a report damaging to the agent; that the report had been kept from my knowledge until February, 1874, and had been furnished to outside parties by Walker. One of these parties was William Welsh. I immediately appointed a commission to examine into the condition of affairs at Red Cloud, consisting of Bishop Hare, missionary bishop of Niobrara, Rev. Dr. Hinman, and one of the inspectors—I think Dr. Bevier. I also corresponded with Mr. Brunot, the chairman of the Board, upon the impropriety of causing a secret investigation of the sort, and withholding the information from me. All that correspondence is in the pamphlet published and before you, containing the official documents and the report of Bishop Hare, Mr. Hinman, and Inspector Bevier, appointed as aforesaid. That report was an exoneration of the agent and a contradiction of the report of Walker, which had been secretly made, and kept from my knowledge under the circumstances I have stated. My attention has been called to many other instances of fraud which I cannot specify, and I have never failed, and never shall fail, I trust, while I am Secretary of the Interior, to take the proper steps to investigate all such complaints. Your appointment is due to such complaints. The investigation of charges against Commissioner Smith, made by William Welsh, is another instance occurring to my mind, and there is now in progress a commission to examine the condition of affairs at the Osage agency.

By the CHAIRMAN :

Q. Now, referring to the Treaty of 1868 with the Sioux Indians, I wish to inquire if your attention has been called to the provision in the tenth article of that Treaty, which requires that "the President shall annually detail an officer of the Army to be present and attest the delivery of all the goods herein named to the Indians, and he shall inspect and report on the quantity and quality of the goods and the manner of their delivery;" annuity-goods?

A. I confess it never has been.

By Mr. HARRIS :

Q. I would like to know whether at any time any member of either of the Boards of Indian Commissioners expressed a wish or desire to you for the removal of Mr. Smith as Commissioner of Indian Affairs, and the appointment of any other person, or claimed that he was not a proper person for that place?

A. A member of the Board of Indian Commissioners?

Q. Yes.

A. Never, to my recollection.

Q. I do not speak of the present board, but either the new or the old Board.

A. Yes, sir; a member of the former Board of Indian Commissioners expressed such a desire to me.

Q. Have you any objection to stating who that member was and what suggestion he made?

A. No, sir.

Q. Please state it.

A. It was William Welsh, of Philadelphia.

Q. At what period; when was it?

A. It was in the fall of 1873, immediately preceding the assembling of Congress.

Q. Upon what grounds did he make the request, if you remember?

A. Mr. William Welsh desired a private interview with me, which I granted. This interview took place at my house one morning, immediately after breakfast, in accordance with an appointment. After some preliminary remarks, he asked me to remove Mr. Commissioner Smith and Assistant Secretary Cowen from office, and stated that if I did, I would escape a great deal of trouble and avoid a congressional investigation. I replied to him that I could not afford to remove officers in whom I had confidence from such a motive, but if he had any charges against either of these officers, I would appoint a committee to be named by him, or appoint him as a committee to investigate them, and if the report showed reasons for removing these officers, I would ask the President to remove them. He declined to do so; and subsequently, during the same day, visited the Interior Department, and had interviews with both these gentlemen, as he told me on the afternoon of the same day, saying, when he told me so, that the things which were upon his mind had been fully explained, that he was perfectly satisfied, and that his old love and affection for these officers had returned. That is the substance of the request. There were some incidents connected with our conversation that I have not related.

Q. At the time of that interview with Mr. Welsh at your house, when he demanded the removal of Assistant Secretary Cowen and Mr. Commissioner Smith, did he give any expression as to his confidence or want of confidence in yourself and your administration?

A. During that interview, and after his demand for the removal of Assistant Secretary Cowen and Commissioner Smith, and after I proposed to appoint him to investigate charges against them, and after he threatened a congressional investigation in case I declined to remove them, I stated to him my apprehensions that his feelings were unkind and unfriendly toward me, and that his purpose was to embarrass my administration, and that I had reason for supposing that since my refusal to make him Commissioner of Indian Affairs, at the suggestion of Mr. Brunot, he had entertained unkind feelings toward me. He then assured me in the most earnest and solemn manner that he had entire confidence in my integrity, in my ability, and in my sincere purpose to carry out, so far as I was able, the peace-policy of the President, and that he never, at any time, doubted me on any of these points. He also then made emphatic demonstrations of affection for me, which at this time I deem it unnecessary to describe or state. So far as I know, all these matters about which investigation is being made antedated this conversation with Mr. Welsh.

Q. After that, while he was a member of the Board, did he make any charges against either of these officers?

A. He was not then a member of the Board. He had been a member, and, after retiring, had been and was an officious person about Indian affairs, but it was as a volunteer and not as a member that he made these statements.

Q. Was there any suggestion by any other member of the Board as to the displacement of these gentlemen, and the appointment of any particular person as successor to Mr. Smith?

A. No, sir.

Q. Did any member of the old Board recommend or suggest at any time the name of Mr. Welsh for Commissioner of Indian Affairs?

A. When Mr. Parker retired from office, and before Mr. Walker was appointed, one of the members of the Board suggested to me the appointment of Mr. Wm. Welsh, as Commissioner of Indian Affairs. This took place after a meeting of the General Convention of the Protestant Epis-

copal Church, in Baltimore, to which I had been invited by Mr. Welsh, for the purpose of making some observations explanatory of the Indian policy of the United States. At that meeting there were some distinguished persons from England, and Mr. Welsh was very urgent that I should go there and explain to them our system and policy of treating the Indians. I went in obedience to his request, and was entertained very handsomely by him while there. It was very soon after that meeting that Mr. Brunot, a member of the Board, suggested to me for consideration Mr. Welsh's name, as Commissioner of Indian Affairs, but I promptly disapproved of it, although I had no objection to Mr. Welsh at that time, other than what arose from my conviction that he had not the judgment, wisdom, and discretion necessary for the place.

Q. Was this matter at any time discussed by you before the Board or with members of the Board?

A. No, sir. It was never discussed before the Board.

Q. Do you know whether the matter was informally or in any way discussed by other members of the Board? Whether the Board had been informed of what had transpired?

A. I cannot say, sir. My opinion in reference to the impropriety of appointing Mr. Welsh was distinct and undisguised.

The CHAIRMAN (to Professor Marsh.) Are there any questions that you desire to ask the Secretary of the Interior?

A. No, sir.

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#### TESTIMONY OF HON. B. R. COWEN.

Hon. B. R. COWEN, Assistant Secretary of the Interior, was present in response to a request of the commission.

By Mr. HARRIS:

Question. As none of the other commissioners have any questions to ask, and although I have no special inquiries to make myself, yet as you are here, Mr. Secretary, I will call your attention to the fact of the immense list of overruled claims, some of which have been alluded to in connection with this investigation. As an example I will take one of the largest, that of A. H. Wilder, for the sum of \$80,685.56, for beef furnished in advance of the requirements of the contract. Here are the original papers, [showing papers;] can you give us any information about it?

Answer. I cannot tell anything about it further than appears in my indorsement and the letter of Mr. W. H. Smith, Assistant Attorney-General accompanying. My indorsement reads as follows:

DEPARTMENT OF THE INTERIOR.

October 28, 1873.

The action of the executive committee is hereby set aside; and, in accordance with the recommendation contained in a letter of Hon. W. H. Smith, Assistant Attorney-General, (copy herewith,) the account is approved for \$80,685.56.

B. R. COWEN,  
*Acting Secretary.*

And you will find there among the papers the letter of the Assistant Attorney-General referred to in that indorsement.

Q. Is there any information which you can give us in relation to that matter that is not contained in these papers?

A. No, sir; I have no recollection of any.

Q. That is your indorsement ?

A. That is my indorsement.

Q. Do you know whether you overruled the action of the Board of Indian Commissioners upon consultation with the Secretary of the Interior, or upon your own responsibility ?

A. It was the custom, as appears by the letter of the Assistant Attorney-General, to refer such matters to him for his opinion.

Q. Was there any question of fraud raised in connection with the payment of that claim ?

A. None at all.

Q. We have the papers, but if you have any personal knowledge that you could add to them we would like to have it.

A. I will look them over and see whether anything occurs to my recollection. [After examining the documents.] You will see that the Assistant Attorney-General, in his opinion, says :

It seems to be conceded that all the cattle were in fact delivered as stated in the account. The only objection urged is, that they were delivered in advance of the times called for by the contract.

The proposals, which are made part of the contract, called for 5,000,000 pounds for each of the agencies at Red Cloud and Whetstone, to be delivered in equal proportions on the 1st and 15th of each month of the fiscal year. The Commissioner, however, reserved "the right to increase or diminish the quantity of any of the articles which the bidder or bidders proposed to furnish."

The contract stipulated that such increase or decrease should not exceed 25 per cent. The deliveries that were made exceeded the 25 per cent. somewhat. They were made in accordance with a custom that has prevailed at Indian agencies, especially in the summer months, of delivering and receiving more than the exact quota. This custom is alleged to be beneficial to the Government, inasmuch as pasture is then generally abundant, and the cattle thrive and increase in weight, at comparatively no expense.

That is about the merits of the case, as appears from the documents. I have no recollection of the case beyond the indorsement.

Q. Were you accustomed to pass such claims upon the opinion of the Attorney-General without yourself investigating the facts ?

A. I presume we would go over the points of the case together before final action was taken, and to that extent investigate the case, though I cannot say that that would be a thorough investigation by myself, but simply going over the points with him, he having examined them carefully and fully.

By Mr. FAULKNER :

Q. What is the weight or authority that you attach to the opinion of the Assistant Attorney-General in the Department of the Interior ; do you regard it as conclusive in governing your action ?

A. I regard it as very good advice in all questions of law simply, but conclusive in nothing else. The present Assistant Attorney-General is regarded as a very prominent lawyer in his State, and is considered a sound lawyer, and I think his opinion on a legal question is entitled to great weight.

Q. Do you submit to him any but legal questions ?

A. No, sir.

Q. And you regard his opinions and decisions as binding upon the Department ?

A. Not binding at all ; simply advisory.

Q. You don't shield yourself behind the authority of the Assistant Attorney-General ?

A. No, sir.

Q. But rest upon the merits of the case independent of his opinion ?

A. Yes, sir.

By Mr. ATHERTON :

Q. One question suggested by the reading of the contract, I would like to ask : Under the contracts that are awarded by the Interior Department, are the proposals uniformly considered a part of the contract ?

A. I presume by these papers that they are, though I have nothing to say of my own knowledge on the subject.

Q. Would the Assistant Attorney-General to whom you refer, be able to answer that definitely ?

A. Yes, sir ; he would be able to answer ; but the Commissioner of Indian Affairs would be a better authority for that, because it is one of the details connected directly with his Office, and with which the Secretary has nothing to do at all. The custom would be sufficient. I suppose, by the reference he makes in his opinion, the Attorney-General found it was the custom. I think you will find that matter referred to in his letter.

By the CHAIRMAN :

Q. Will you please explain to the commission what you know with reference to the claim of McCann for demurrage, which has recently been paid.

A. Yes, sir. This was a claim for demurrage, growing out of certain delays in the trains of McCann at Fort Laramie, in the summer of 1871. These trains were *en route* to the Whetstone agency when the Red Cloud agent had reason to believe that the Red Cloud Indians intended to resist the passage of these goods through their territory, and upon his own responsibility he delayed the train at Fort Laramie until he could communicate with the Department. In August, 1871, he was directed by the Acting Commissioner of Indian Affairs to delay the train at Fort Laramie. This delay was continued until the 14th August, 1871, when the goods which had been intended for the Whetstone agency were directed to be forwarded to the Red Cloud agency, which was so done. By reason of that delay McCann claimed a certain amount as his loss, and asked payment of that claim. The claim was originally presented to the Indian Office for payment, when it was discovered that there were no funds on hand to pay it with. Then it was sent to Congress, and by the House of Representatives was referred to the standing Committee on Indian Affairs, which committee, on the 15th of April, 1874, reported in favor of the payment, which report (No. 417, Forty-third Congress, first session) will be found among the executive documents of that session. The bill reported by the Committee on Indian Affairs failed to pass at that session. Subsequently it was discovered, on the adjustment of balances of appropriations between the Indian Office and the Treasury Department, that there was a balance on hand applicable to the payment of a portion of this claim, and the account was referred to the Board of Indian Commissioners for examination. The report of the executive committee of that Board, dated August 5, 1875, is as follows :

BOARD OF INDIAN COMMISSIONERS,  
*Washington, D. C., August 5, 1875.*

SIR: I have the honor to return herewith, without the approval of the executive committee of this Board, the account of D. J. McCann for \$11,368, for detention of trains while transporting Indian goods and supplies during August, 1871.

The account seeming to involve a question of law as to payment for detention of trains, with which the committee were not familiar, and the matter having once been before Congress without final adjudication, it was deemed proper to refer it to the full Board at its recent meeting at Long Branch.

The Board, acting from the same considerations, directed the return of the papers without the approval of the committee.

Very respectfully, your obedient servant,

F. H. SMITH,  
*Secretary.*

Hon. SECRETARY OF THE INTERIOR.

The Board withheld their approval, because the account involved a question of law, as to payment for detention of trains, with which the committee were not familiar. This report of the executive committee was referred by me to the Second Comptroller for his opinion, as you will see by the indorsement :

DEPARTMENT OF THE INTERIOR,  
*August 5, 1875.*

Respectfully referred for the opinion of the Second Comptroller as to the propriety of allowing the within account, having reference to his recent decision in the case of the claim of Neal and Murphy.

B. R. COWEN,  
*Acting Secretary.*

In reply, the Comptroller, under date of August 6, 1875, gave as his opinion that the contractor was clearly entitled to compensation, and that the claim could be allowed. His letter is as follows :

TREASURY DEPARTMENT,  
SECOND COMPTROLLER'S OFFICE,  
*August 6, 1875.*

SIR: I am in the receipt, by your reference, of the account of D. J. McCann for transportation and delays of Indian goods and supplies in the year 1871. In reply to your question as to the propriety of allowing the claim, I have to say that it appears from the papers submitted that the contractor entered upon the duty and carried the goods according to the direction of the Indian Department, and is clearly entitled to compensation therefor, and I am of opinion that the claim can be allowed.

Very respectfully,

J. M. BRODHEAD,  
*Comptroller.*

Hon. B. R. COWEN,  
*Acting Secretary of the Interior.*

After the receipt of that letter from the Second Comptroller a copy of it was forwarded, with the claim, to the proper accounting-officers of the Treasury, with the following indorsement :

DEPARTMENT OF THE INTERIOR,  
*Washington, August 6, 1875.*

In view of the opinion of the Second Comptroller of the Treasury, dated August 6, 1875, copy herewith, the within account is hereby allowed in the sum of \$11,368.

B. R. COWEN,  
*Acting Secretary.*

I desire also in this connection to present the decision of the Second Comptroller, dated December 28, 1874, in the matter of the claim of Neal and Murphy, which is a similar case to the one under consideration. The Comptroller cites the custom of the Treasury Department in regard to claims for demurrers, and also the decision of the Supreme Court of the United States, by which it will be seen the validity of such claims has been and still is recognized by the proper accounting-officers of the Treasury. The decision is as follows :

TREASURY DEPARTMENT,  
SECOND COMPTROLLER'S OFFICE,  
*December 28, 1874.*

In the matter of the claim of Neal and Murphy for expenditures incurred by them in carrying out a contract with the Commissioner of Indian Affairs, but which was subsequently abrogated by the Government.

SIR: Claimants allege, and file the affidavits of their wagon-master and others as well as their own in support of their allegation, that in consequence of the failure of the Government to furnish them with the public stores for transportation which their contract required them to transport, they were obliged to sell their teams and outfits at a reduced rate. The loss thus resulting they ask the Government to re-imburse to them.

And they also ask for demurrage while their teams were proceeding from Atchison, Kansas, to Wichita, in that State, and returning thence to the place of departure, and this on the ground that their said contract required them to receive the said public stores at Wichita and thence to transport them to the several Indian agencies mentioned in the contract.

Whether the facts justify an allowance in the nature of demurrage or for re-imburement of actual and necessary expenses, or for each, I am not prepared to decide.

It has been the long-settled practice of the accounting-officers to adjust claims of either description arising in the transportation service of the Army, but in such cases it is also the rule to require, as a condition precedent, the administrative action of the Quartermaster's Department.

I find on examination of the papers of this claim no report of the facts with recommendation by the Commissioner of Indian Affairs, and with the view that you will cause an investigation to be made of the facts, as alleged by the claimants, I now transmit all the papers.

The case of Bulkley, a contractor, illustrates the practice of the accounting-officers.

Having been notified by the Quartermaster's Department that transportation for a large amount of supplies would be required, he got ready. A small part of the stores was furnished the contractor, but the Government, not needing transportation for the greater portion, did not furnish it.

The contractor presented his claim for re-imburement of actual expenses incurred in order to fulfill his contract. This consisted of two items:

1. The difference between the cost of purchase of teams and outfit and the amount realized from the sale of the same; and

2. The expense of wintering his stock.

The facts alleged by the contractor were verified on investigation by the Quartermaster-General, and the claim was approved by this Office.

On review by the accounting-officers, it was held to come within the rule of this Office, as found in paragraph 593, Digest of Comptroller, and payment of the claim was accordingly made. Profits, it will be observed, were disallowed.

The claimant thereupon brought suit against the United States in the Court of Claims to recover profits under his contract.

The court decided:

The defendants not having violated their contract through its entire scope, the claimant should not recover as damages the profits he would have made had the freight specified been furnished him.

But the defendants having thrown upon the claimant needless expense, by requiring him to make ready for the transportation of freight under the contract which they did not in fact require to be transported, the claimant should recover the amount of such expense.—(*Vide Bulkley v. United States*, 9 C. Cl. R., 82.)

On appeal, the Supreme Court sustained the ruling of the Court of Claims.

The court, speaking of the claim, said:

"This claim is confined to the stores not transported."

And, speaking of the contract, it held that it commits the Government to nothing but to pay for service rendered. \* \* \* In making ready to meet the requirements of the notices, Bulkley was subject to the loss of time, to trouble and expense. He is entitled to be paid accordingly.

Such is the implication of the contract, and what is implied in a contract, deed, will, or statute is as effectual as what is expressed.—(*Ibid*, 19 *Wallace*, 37.)

It will thus be seen that the rule observed in Bulkley's case by this Office, in accordance with former practice, is supported and confirmed by the decisions of the Court of Claims and of the Supreme Court.

Very respectfully, your obedient servant,

J. M. BRODHEAD,  
Comptroller.

Hon. E. P. SMITH,  
Commissioner of Indian Affairs.

The claim of McCann was returned by the executive committee of the Board of Indian Commissioners, as they say, simply because it seemed to involve a question of law with which they were not familiar, and relative to which they express no opinion.

## STATEMENT OF HENRY E. ALVORD.

Mr. HENRY E. ALVORD, being unable to visit Washington to testify in person, had forwarded the following sworn statement of matters under investigation:

EAST HAMPTON, MASS., *September 11, 1875.*

SIR: Your letter dated Saint Louis, September 6, 1875, has been received. It requests me to appear as a witness before the commission appointed to investigate alleged frauds and mismanagement of Indian affairs, of which you are chairman, at Washington, D. C., between the 9th and 15th of the present month, and in case I cannot meet you, to "write out and transmit a full statement of all matters within your knowledge, touching the alleged frauds and mismanagement."

My duties here in charge of the business department of Williston Seminary, its academic year having just commenced, prevent me from going to Washington at present. And without questions or other guide from your commission, it seems impracticable for me to undertake a detailed statement for your use or information. I can, however, give you a general account of my connection with Indian affairs, and my knowledge of frauds and mismanagement at the Red Cloud and Whetstone (or Spotted Tail) agencies for the Sioux of Dakota, and, for convenience, I do so in this letter-form.

For about five years from and after the re-organization of 1866 I was an officer of the United States Army, and served the greater part of the time in the Indian country, having considerable "special Indian duty," and thus becoming well acquainted with the Indian service of the Southwest. In December, 1871, family matters caused the resignation of my commission as a captain of cavalry in the Army, and I located in Fairfax County, Virginia.

In July, 1872, Prof. Edward Parrish, of Philadelphia, and myself were appointed special commissioners to the Comanches, Kiowas, and neighboring tribes. My associate died at the Kiowa agency, September 9. The remaining work of the commission devolved upon me, and was completed in October. The report dated at Washington, October 10, 1872, will be found, marked "E," among the papers accompanying the annual report of the Commissioner of Indian Affairs for the year 1872, at page 128 of the bound volume. By that report the attention of the Department was called to certain "fraud and mismanagement" under the several heads of the "Wichita agency," p. 134; "Rations and annuity goods," p. 140; "The liquor-trade," p. 144; "Transportation," p. 146, and especially "Inspection," p. 147. Aside from the general statements of the report, I gave specific information as to these matters, in person, to the then Commissioner of Indian Affairs. I know that steps were promptly taken to correct some of the evils thus reported and account for the failure to attend to the others, by the fact that the official to whom the verbal information was given resigned soon after, and for two or three months the Indian Office was without a Commissioner.

In May, 1873, I was appointed the junior member of a special commission to the Sioux Indians, the objects of which were about the same as those of what is now known as the Black Hills commission. Hon. Felix R. Brunot, then chairman of the Board of Indian Commissioners, and Col. E. C. Kemble, now United States Indian inspector, were the other members.

Under written instructions from the Department of the Interior, dated



May 17, 1873, Colonel Kemble and myself were directed to proceed at once to Omaha, Cheyenne, Fort Laramie, and the agencies, both to arrange for the general council with the Sioux Indians and to specially investigate and report upon certain complaints of mismanagement at the Sioux agencies. This was accordingly done.

Colonel Kemble and I visited together, during the first half of June, the Red Cloud and Whetstone agencies, gave as close attention to the affairs of both, especially at Whetstone, (Spotted Tail's,) as circumstances permitted, and rendered a report, signed by us, and dated Red Cloud agency, Wyoming Territory, June 16, 1873. That paper did not appear as part of the annual report of the Indian Office for 1873, and has never been published, I believe, but I know it reached the Department and it is undoubtedly on file there. From the original draught, in my handwriting and now before me, I quote the passages which bear most directly upon the subject of this letter:

Messrs. Kemble and Alvord together visited the Whetstone agency at its new location during the week ending June 14, 1873. \* \* \* The quantity of beef actually received by the Whetstone agent during the past year was unquestionably greatly less than that receipted for to the contractor; the amount really delivered to the Indians far less than appears upon the provision returns, and the Indians reported thereon as receiving subsistence much in excess of the true number. In brief, while unable for want of specific data to make a detailed report on the points specially referred to them, your commissioners found such a state of irregularity, confusion, and corruption at this agency, the result of the management of the late agent, that they recommend a special investigation of its affairs covering his whole term, and the suspension of a settlement of his accounts and outstanding vouchers and indebtedness certified by him until such investigation can be had. During the brief visit of your commissioners at this place, they searched diligently for information on the late operations there, and have in possession many facts not called for by their instructions, but which are at the disposal of your Office, either in the form of notes or as a special report. They are also prepared to offer suggestions on various points relating to the management of both these agencies visited by them, as the result of their observations here.

As Colonel Kemble and myself were about to separate, he continuing in the Indian service while I returned home, we put the facts we had gathered, with the sources of our information, names of witnesses, &c., into the form of miscellaneous notes. I think Colonel Kemble prepared the paper. We both signed it, and it remained in his charge.

The authorities of the Indian Office and Interior Department never called on us for a supplemental report, and, so far as I know, our "notes" were not asked for. Inspector Kemble probably knows where that paper is. I have the note-book from which it was largely compiled, but not in a form to enable me to make a duplicate.

Subsequently, at the request of the Board of Indian Commissioners, for their use while considering some large accounts for beef claimed as delivered at Spotted Tail's camp, I prepared and forwarded to Washington "Additional Notes of Whetstone Agency." This document must also be among the official records.

Messrs. Kemble and Alvord, because of their instructions, and for other good reasons, (which could be easily explained, but need not be here given,) confined their official report to the affairs at Whetstone agency; also most of the "notes" above mentioned; but as indicated in the last paragraph quoted above, they obtained considerable information also, during their service together, as to the Red Cloud agency affairs. The original memoranda as to both agencies I still have.

I returned to Washington June 30, 1873, presented in person the report of our full commission, and spent the greater part of that day and the next (July 1) at the Interior Department, where I met the Commissioner of Indian Affairs and Acting Secretary of the Interior, and gave them verbal explanations and additional information. I was then at

the Department more or less every week in July, and I repeatedly urged upon the Commissioner of Indian Affairs and the Secretary and Assistant Secretary of the Interior action upon the report of Colonel Kemble and myself.

As the special investigation of Whetstone affairs which we recommended was nominally made, and resulted in a report denying the "irregularity, confusion, and corruption" which we had declared existing there, I must here re-affirm the statements, over the signatures of E. C. Kemble and myself, above quoted, and add that there was no possibility of our being mistaken or deceived; that the fact that the former agent absconded with his confidential clerk and *all* the records of his agency, just prior to our arrival, confirmed our statement; that the facts we reported were never questioned, but generally admitted in my personal interviews with the chief officials of the Interior Department; and that Colonel Kemble and myself placed at the disposal of the Department such evidence and data as would have led inevitably, in the hands of any competent and honest investigator or prosecutor, to the full confirmation of our charge of corruption, and to the conviction of the absconding and defrauding official.

But as our report was so officially denied and disregarded, it seems necessary to seek an explanation. This is easily found in the fact that the person to whom was assigned this special investigation of Whetstone agency affairs was *the Red Cloud agent, who could not have exposed in detail the irregularities and corruption of his neighbor without implicating himself*. I dislike to make this assertion, but it is my firm belief, based upon my own observation there and subsequent examination of official records.

The Secretary of the Interior, the Assistant Secretary, and the Commissioner of Indian Affairs were made personally acquainted with the condition of affairs at the Red Cloud and Whetstone agencies, as known to Colonel Kemble and myself, in July, 1873, and were verbally given so many details of the facts constituting the irregularities, confusion, and corruption which we reported, that when I came North in August, I felt certain they were convinced of the necessity of special watchfulness and thorough reformation in the Indian affairs of that region. I cannot understand how they could be satisfied with the brief and general denial of the inspector, especially when official documents on file within their reach, and to which I had called attention, utterly refuted his report.

I have had no official connection with Indian affairs since July, 1873, save a brief correspondence about two years ago when requested to serve on a special commission to the Southwest with Commissioner Smith and the governor of Texas, and unable to do so.

The "alleged frauds and mismanagement" spoken of in your letter refers, I presume, to the charges preferred by Prof. O. C. Marsh in a letter addressed to the President of the United States, in relation to the Red Cloud agency.

You will see from what I have already written that I have no personal knowledge of those matters.

But in reading Professor Marsh's charges and specifications, I at once noticed the resemblance between his statements and the facts which I had in part discovered and reported to the Department from the same ground two years before. His representation of the inefficiency and guilt of the Red Cloud agent in 1874 and 1875 was almost a duplicate of our report on the Spotted Tail agent in 1872 and 1873.

Professor Marsh believed the number of Indians at the Red Cloud agency largely overestimated in the last quarter of 1874. Messrs. Kem-

ble and Alvord presented to the Department, in July, 1873, conclusive evidence that the number of Indians borne on the provision-returns of the Whetstone agency for the same period in 1872 was at least 50 per cent. above the actual number fed, and that there was then also a similar overestimate at the Red Cloud agency.

The frauds in beef cattle, both as to number and weight, as stated to have occurred in 1874-'75 at the Red Cloud and Whetstone agencies, were, if true, but repetitions of like transactions on the same ground in 1872-'73, which were by me reported to the Department. I witnessed an issue at the Red Cloud agency, June 17, 1873, of poor animals, and many of them but one or two years old, which weighed only from 300 (or less) to 650 pounds each, but were receipted for as averaging 875 pounds. I followed several thousand hides from the hands of the Indians who took them from the animals issued, through the trading-houses at Spotted Tail's and Red Cloud's, to Omaha, where they were fully identified. They were there averaged by actual weighing. They were compared with large quantities of hides coming from different places, and the opinion of experts was obtained as to the weight of the animals from which they were taken, considering all the circumstances of season, condition, butchering, and transportation. For a lot of about 7,000 hides from animals killed at the two agencies named between July, 1872, and May, 1873, the nearly uniform opinion was that the cattle, when butchered, averaged less than 800 pounds; but during this period the receipts of the agents were for cattle averaging from 900 to 1,025 pounds. This agreed with my own experience. I have handled a good many beef-cattle from Texas, and often seen large herds weighed or averaged for sale, but I never saw a herd of any size averaged at as high a weight as a thousand pounds each. As a chance example of the weight of Texas beef-cattle, I mention a memorandum now before me, of 286 head of fully matured unusually choice animals, in fine order, which I procured in the fall of 1872, within a hundred miles of their native pasture. These were averaged after the manner of the country, and the owner was fully satisfied with the weight, which was fixed at 900 pounds each.

Inferior flour was seen at Red Cloud's in 1874. In 1873 I reported to the Department a lot of over 400,000 pounds of worthless stuff called flour, seen by me lying out of doors at Spotted Tail's, fast going to decay. And of this 1,200 sacks had then been, under a Government contract, recently moved with the agency, at a cost of \$1.50 per sack, after its condition was such that the Indians would not touch it, and their ponies even refused to eat it in midwinter.

A fraud in transportation is stated by Professor Marsh. A parallel case was reported by me to the Department, where, early in 1873, the Whetstone agent attached his official certificate, vouching in the strongest terms to the accuracy of an account for transportation amounting to \$33,541.89, when he knew that, instead of over two millions of pounds of freight charged for, less than one million was actually carried, and that the distance of seventy-five miles allowed was in reality not over thirty-five miles. This voucher, covering what is known as "the Graves transportation contract," is referred to in the official files in "Whetstone R., 139, of 1873." It was received at the Indian Office June 24, 1873; and on my representation of its nature, a few days later, to the Acting Secretary of the Interior, its payment was suspended. I trust that that is still its status, and that it can be found on file. But, so far as I know, nothing has been done to bring to justice the guilty official who, by his signature, became a party to this single fraud of \$25,000. And now it seems probable that the same imposition was successfully carried out in the same locality two years later.

Although I give you no testimony as to the specific cases with the investigation of which you are charged, I have felt it my duty, under your call, to submit, in corroboration thereof, this incomplete record of my knowledge of frauds and mismanagement in Indian affairs.

Very respectfully, your obedient servant,

HENRY E. ALVORD.

Hon. THOS. C. FLETCHER,  
*Chairman Special Indian Commission,  
 Ebbitt House, Washington, D. C.*

COMMONWEALTH OF MASSACHUSETTS,  
*Hampshire, ss :*

SEPTEMBER 13, A. D. 1875.

Then the above-named Henry E. Alvord personally appeared, and made solemn oath to the truth of the above and foregoing document, by him written and subscribed, before me.

[SEAL.]

WM. G. BASSETT,  
*Notary Public.*

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LETTER FROM HON. FELIX R. BRUNOT.

VERONA STATION, A. V. R. R.,  
*September 11, 1875.*

DEAR SIR : Your letter of 9th instant, informing me that the commission of which you are chairman will remain in session during ten days in Washington, and inviting me to meet the commission, or, if I cannot do so, to "forward a full statement of all matters within your (my) knowledge touching such frauds or mismanagement, and especially any knowledge you may have showing that the Department of the Interior knew of the same, or knew of any other frauds," is received, and I have the honor to reply :

It will not be convenient for me to visit Washington, nor, from my present views of duty, do I feel called upon to make any detailed statement upon the points in question.

As chairman of the old Board of Indian Commissioners, I had frequent occasion to invite the attention of the Interior Department to abuses in the Indian service. The correspondence is on file in that Department, and also in the Office of the Board of Indian Commissioners.

The correspondence of the executive committee is also on file in the same offices, together with reports, affidavits, statements, &c., which influenced the conclusions of the board, and the last annual report of the board is in print. To these papers I beg leave to refer your commission.

Appreciating the difficulties of your position, and sincerely hoping that you may reach a right conclusion,

I am, very respectfully, your obedient servant,

FELIX R. BRUNOT.

Hon. THOS. C. FLETCHER,  
*Chairman.*

## LETTER FROM THOMAS K. CREE.

PITTSBURGH, *September 16, 1875.*

SIR: I have to apologize for seeming neglect of your communication of September 9, which reached me here after several days' delay.

In reply, I have the honor to say that it is not convenient for me to visit Washington at the present time for the purpose of appearing before your committee, nor have I any statement to make in regard to the subject under investigation.

Very respectfully, your obedient servant,

THOMAS K. CREE.

Hon. THOMAS C. FLETCHER,  
*Chairman of Commission, &c.*



## APPENDIX.

### BEEF.

CONTRACT WITH J. K. FOREMAN.

Articles of agreement made and entered into, this 14th day of July, eighteen hundred and seventy-four, by Edward P. Smith, Commissioner of Indian Affairs, for and in behalf of the United States, of the first part, and J. K. Foreman, of Omaha, Nebraska, of the second part, witnesseth :

That the said party of the second part, for himself, his heirs, executors, and administrators, hereby covenants and agrees with the said party of the first part, to furnish and deliver at the place within named, to such agent or agents of the United States as may be appointed to receive them, according to the terms of the annexed advertisement, the beef embraced and at the prices named in the schedule hereunto annexed, which schedule it is agreed shall form a part of this agreement.

The party of the first part, however, reserves the right to require a greater or less quantity, not exceeding 25 per cent. in either case, of any of the articles than that specified in said schedule, at the price or prices therein stated, of which increase or decrease in the quantity required a reasonable notice should be given to the party of the second part.

It is also further agreed between the parties hereto, that all the beef offered for acceptance under this contract shall be subject to a thorough inspection, and if on such inspection any of it fail to conform to the requirements of this contract, the same shall be rejected by the parties making the inspection, who shall have authority to require of the said party of the second part the delivery within five days after such rejection of proper beef in the place of that rejected. In case said party of the second part shall fail to deliver proper beef within the said period of five days, then the said party of the first part shall have the right to purchase, or cause to be purchased, in open market, or otherwise, such beef as may be required to supply the deficiency, and it is agreed and understood by the party of the second part, that he and his sureties shall be held accountable under the bond which may be given for the faithful performance of this contract, or any excess in the cost of the beef so purchased, over and above what the same would cost at the price designated in said schedule.

The party of the first part agrees to pay, or cause to be paid, to the said party of the second part, his heirs, executors, or administrators, for all the beef received under this contract at the rate or price designated on said schedule, payment to be made on the receipts of the respective agents after they shall have been properly approved.

It is agreed, however, that before the United States shall be bound by this contract, a bond in the sum of \$150,000 shall be executed by said party of the second part, with two or more good and sufficient sureties, said bond to be conditioned for the faithful performance of this contract in all its particulars by the said party of the second part.

It is hereby expressly understood that no member of Congress shall be admitted to any share or part of this contract, or any benefit to arise therefrom, which provision is hereby inserted in compliance with the third section of an act concerning public contracts approved April 21, 1803, and it is further understood that the provisions contained in the first section of said act are hereby made a part and parcel of this agreement.

In witness whereof the parties hereto have hereunto set their hands and seals the day and year first above written.

EDW. P. SMITH,  
*Commissioner of Indian Affairs.*  
JAMES K. FOREMAN. [SEAL.]

Bond.

Know all men by these present that we, J. K. Foreman, of Omaha, Nebraska, as principal, and James W. Bosler and Joseph Bosler, as sureties, are held and firmly bound unto the United States of America in the sum of \$150,000, lawful money of the said United States, for which payment, well and truly to be made, we hereby bind ourselves

and each of us, our heirs, executors, and administrators, jointly and severally, firmly by these presents.

The condition of this obligation is such that if the above-bounden J. K. Foreman, their heirs, executors, and administrators, or any of them, shall observe, perform, and fulfill all and singular the covenants and agreements mentioned and contained in a certain contract of even date herewith between the United States, by Edward P. Smith, Commissioner of Indian Affairs, and the said J. K. Foreman, then and in that case this obligation shall be null and void; otherwise to remain in full force and virtue.

In testimony whereof we have hereunto set our hands and seals this 14th day of July, A. D. 1874.

JAMES K. FOREMAN. [SEAL.]  
 JAMES W. BOSLER. [SEAL.]  
 JOSEPH BOSLER. [SEAL.]

Witnesses to J. K. Foreman :

M. C. HERMAN.  
 DAVID B. HERMAN.

Witnesses to J. W. Bosler :

M. C. HERMAN.  
 DAVID B. HERMAN.  
 A. L. SPONSLER, &  
 ISAAC ELLIOTT, as to Joseph Bosler.

STATE OF PENNSYLVANIA,  
*Cumberland County, ss :*

Before me, a notary public in and for said county and State, personally appeared James W. Bosler, one of the sureties above named, who, being duly sworn according to law, says that he is worth the sum of one hundred and fifty thousand dollars over and above all debts, incumbrances, obligations, or liabilities whatever.

JAMES W. BOSLER.

Sworn and subscribed before me this 14th day of July, 1874.

[SEAL.]

A. L. SPONSLER, N. P.

STATE OF PENNSYLVANIA,  
*Cumberland County, ss :*

Before me, a notary public in and for said county and State, personally appeared Joseph Bosler, one of the sureties above named, who being duly sworn according to law, says that he is worth the sum of seventy-five thousand dollars over and above all debts, incumbrances, obligations, or liabilities whatever.

JOSEPH BOSLER.

Sworn and subscribed before me this 14th day of July, A. D. 1874.

[SEAL.]

A. L. SPONSLER, N. P.

Whereas a certain contract to supply the Indian Bureau of the United States Government with beef-cattle on the hoof, at Yancton, Whetstone, Upper Missouri, Grand River, Cheyenne, and Red Cloud Indian agencies, from the 1st day of July, 1874, until the 1st day of July, 1875, was recently awarded by the Commissioner of Indian Affairs, on the part of the United States Government, to me, the undersigned J. K. Foreman, of Omaha, Nebraska, which contract I did on the 14th day of July, 1874, bind myself fully on my part to execute and perform according to the terms and conditions of said contract, as by reference thereto will fully appear; and whereas I am now desirous of assigning and handing over the said contract, with all my right, title, and interest therein, and all the moneys, profits, and emoluments belonging to or in any way arising therefrom, to W. A. Paxton, of Omaha, Nebraska, so that I shall have no further interest in or control over the same :

Now, therefore, be it known, that for a valuable consideration to me in hand paid by the said W. A. Paxton, the receipt of which is hereby acknowledged, I do hereby assign, transfer, and set over unto the said W. A. Paxton, his executors, administrators, and assigns, all my right, title, and interest in and to the said contract, with the right to receive for his own use all the moneys, profits, and emoluments belonging to or in any way arising therefrom; the said W. A. Paxton, his executors, administrators, and assigns to have full control of the said contract for his own use and behoof without any interference whatsoever by or from me or from any person or persons claiming by, under, or through me.

In witness whereof I have hereunto set my hand and seal this 30th day of July, A. D. 1874.

JAMES K. FOREMAN.

Witness :

M. C. HERMAN.  
 DAVID B. HERMAN.



*Schedule of articles referred to in the foregoing contract between the United States, by E. P. Smith, Commissioner of Indian Affairs, and J. K. Foreman, of the city of Omaha, Nebraska.*

## Articles.

22,500,000 pounds of beef, to average 850 pounds from July 1, 1874, to January 1, 1875, and 1,000 pounds from January 1 to July 1, 1875, to be delivered as follows, viz:

- 1,500,000 pounds at Yancton agency.
- 5,400,000 pounds at Whetstone agency.
- 1,800,000 pounds at Upper Missouri agency.
- 5,000,000 pounds at Grand River agency.
- 3,400,000 pounds at Cheyenne agency.
- 5,400,000 pounds at Red Cloud agency.

22,500,000 pounds, at  $\$2.30\frac{1}{30}$  per 100 pounds.

## CORRESPONDENCE ABOUT ADDITIONAL SUPPLY.

The following is the correspondence relative to the additional supply of beef under the above contract, which had been assigned to W. A. Paxton :

*Commissioner Smith to W. A. Paxton.*

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, D. C., March 13, 1875.

SIR: You will please furnish for the Red Cloud and Whetstone agencies, on the requisitions of the respective agents, beef in the amount of the 25 per cent. increase provided for under the contract of J. K. Foreman with this Department of July 14, 1874, assigned to you July 30, 1874.

Very respectfully, your obedient servant,

EDW. P. SMITH,  
*Commissioner*

W. A. PAXTON, Esq.,  
*Omaha, Neb.*

*W. A. Paxton to Commissioner Smith.*

WASHINGTON, D. C., March 13, 1875.

SIR: I am in receipt of your letter of this date, calling upon me, as contractor for beef at the Red Cloud and Whetstone agencies, to be prepared to furnish the Government with 25 per cent. in addition to the amount contracted for, in accordance with a provision in the contract giving the Government their election to this amount, and in reference to which I have to say, that I am not prepared to furnish any further amount of beef-cattle than the amount named in my contract at the price named in said contract, and must decline to make any further deliveries.

My reasons for refusing are, that I have filled my contract, which took all of the cattle I had on hand. The Government, by delaying their notification that they would require an increased amount, under the clause in the contract requiring the contractor to have a reasonable notice, have no further claim upon me under this provision.

The Red Cloud and Whetstone agencies are so far distant from the source of supplies that are available, that it would be impossible for me to comply with your requisition without great loss.

Very respectfully,

W. A. PAXTON,  
*Contractor.*

Hon. EDW. P. SMITH,  
*Commissioner of Indian Affairs.*

• *Commissioner Smith to W. A. Paxton.*

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
*Washington, D. C., March 15, 1875.*

SIR: Yours of the 13th instant, declining, for reasons stated therein, to furnish any further supply of beef for the Red Cloud and Whetstone agencies, as requested in Office letter of same date, has been received, and I have now to request to be informed whether or not you are prepared to make any proposition in the premises, with a view of supplying the beef at present required for the agencies named; and, if so, what?

Very respectfully, your obedient servant,

EDW. P. SMITH,  
*Commissioner.*

W. A. PAXTON, Esq.,  
*Omaha, Nebr.*

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*W. A. Paxton to Commissioner Smith.*

WASHINGTON, D. C., *March 15, 1875.*

SIR: In answer to your communication of this date, I have to say that I will furnish you any further amount of beef-cattle that you may require, more than the amount named in my contract, at an increase of one cent per pound, being three dollars and thirty and one-thirtieth cents ( $3.30\frac{1}{30}$ ) per one hundred pounds gross.

Very respectfully,

W. A. PAXTON.

Hon. E. P. SMITH,  
*Commissioner Indian Affairs, Washington, D. C.*

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*Commissioner Smith to Secretary Delano.*

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
*Washington, D. C., March 15, 1875.*

SIR: I have the honor to report, that on the 13th instant this Office called upon Mr. W. A. Paxton, contractor, to furnish the Red Cloud and Whetstone agencies with the 25 per cent. increase of beef provided for under his contract with this Office.

On same date Mr. Paxton replies, declining to furnish the beef requested, for the reason that he, not having been notified within a reasonable time that said additional beef would be required, considers his contract for said agencies filled.

The contract provides that notice for furnishing the additional 25 per cent. increase shall be given within a reasonable time. This notice, however, could not be given sooner, owing to the want of funds, the law prohibiting any contract beyond the funds on hand and applicable.

On this date a letter was addressed to Mr. Paxton, asking whether he was prepared to make any proposition with a view to supplying the additional beef required for the agencies above named; to which he replies that he will furnish the quantity required at an increase of one cent per pound gross, making the price  $\$3.30\frac{1}{30}$  per 100 pounds instead of  $\$2.30\frac{1}{30}$ .

The two letters of Mr. Paxton are inclosed herewith, and I have respectfully to suggest that the same be submitted to the honorable Board of Indian Commissioners for its views.

Very respectfully, your obedient servant,

EDW. P. SMITH,  
*Commissioner.*

Hon. SECRETARY OF THE INTERIOR.

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*Secretary Delano to Commissioner Smith.*

DEPARTMENT OF THE INTERIOR,  
*Washington, D. C., March 17, 1875.*

SIR: I return herewith the letters of W. A. Paxton which accompanied your report of the 15th instant, relative to furnishing beef for the Indian service at the Red Cloud and Whetstone agencies during the remainder of the fiscal year.

I transmit a copy of a communication of this date from the Board of Indian Com-

missioners, by its secretary, to which the subject was referred, and, agreeably to the recommendation therein contained, authority is hereby granted to contract with W. A. Paxton for such quantity of beef as may be required at the agencies named for the time specified, at the cost of 3 cents per pound, gross, deliverable at said agencies.

Very respectfully, your obedient servant,

C. DELANO,  
*Secretary.*

The COMMISSIONER OF INDIAN AFFAIRS.

*F. H. Smith to Secretary Delano.*

BOARD OF INDIAN COMMISSIONERS,  
*Washington, D. C., March 17, 1875.*

SIR: I have the honor to acknowledge, by reference from your Office, a letter from Hon. E. P. Smith, Commissioner of Indian Affairs, of the 15th instant, inclosing two letters from W. A. Paxton, relative to a further supply of beef for Red Cloud and Whetstone agencies.

I am instructed by the purchasing-committee of this board to respectfully recommend that a contract be made with the present contractor, W. A. Paxton, for the supply of such quantity of beef as the Department may require at said agencies during the remainder of the present fiscal year at the price of 3 cents per pound on the hoof, delivered at the respective agencies.

The committee believe, considering the exigency requiring immediate delivery, it is not practicable to advertise for this additional supply under circumstances that would be likely to meet the requirements of the service in respect to promptness of delivery, and they regard the price named, which, after verbal consultation, it is understood the contractor will accept, as reasonable for beef to be purchased at this season of the year.

Very respectfully, your obedient servant,

F. H. SMITH,  
*Secretary.*

Hon. C. DELANO,  
*Secretary of the Interior.*

CONTRACT WITH W. A. PAXTON FOR ADDITIONAL SUPPLY.

Articles of agreement made and entered into this 17th day of March, A. D. eighteen hundred and seventy-five, by E. P. Smith, Commissioner of Indian Affairs, for and in behalf of the United States, of the first part, and W. A. Paxton, of Omaha, Nebr., of the second part, witnesseth:

That the said party of the second part, for himself, heirs, executors, and administrators, hereby covenant and agree with the said party of the first part to furnish and deliver, at the places herein designated, to such agent or agents of the United States as may be appointed to receive it, beef-cattle, on the hoof, in the quantities and at the prices herein stated.

Quantity, pounds.	Place of delivery.	Times of delivery.	Kind of cattle.	Price. Gross weight per 100 lbs.
5,000,000	Red Cloud and Spotted Tail Indian agencies.	On the orders of the respective Indian agents.	Good merchantable beef-cattle, averaging 850 pounds gross.	\$3 00

The party of the first part, however, reserves the right to require a greater or less quantity, not exceeding twenty-five per cent. in either case, than that specified in said schedule, at the price or prices therein stated, of which increase or decrease in the quantity required a reasonable notice shall be given to the party of the second part.

The party of the second part agrees to keep the beef-cattle in the vicinity of the places of delivery, to be delivered when required; and should he fail to collect cattle at such points fast enough, or should he fail to deliver them as required, the party of the first part shall have the right to purchase, or cause to be purchased, beef-cattle as he may elect, at the expense of the party of the second part.

It is also further agreed between the parties hereto that if any of the cattle offered for acceptance shall fail to conform to the requirements of this contract, the same shall be rejected by the agent to whom the same is offered, who shall have authority to require of the said party of the second part the delivery, within five days after such rejection, of proper cattle in the place of those rejected; and in case the said party of the second part shall fail to deliver cattle of the kind required within the said period of five days, then the said party of the first part shall have the right to purchase, or cause to be purchased, in open market, or otherwise, such cattle as may be required to supply the deficiency. And it is agreed and understood by the parties hereto that the said party of the second part and his sureties shall be held accountable, under the bond which may be given for the faithful performance of this contract, for any excess in the cost of the cattle so purchased over and above what the same articles would have cost at the price or prices designated in said schedule.

The party of the first part agrees to pay, or cause to be paid, to the said party of the second part, his heirs, executors, or administrators, for all the cattle received under this contract, at the rate or price designated in the above schedule; payment to be made on presentation, at the office of Indian affairs, of proper receipts of the respective agents, after the same shall have been properly approved.

It is agreed, however, that, before the United States shall be bound by this contract, a bond, in the sum of forty thousand dollars, shall be executed by the said party of the second part, with two or more good and sufficient sureties; said bond to be conditioned for the faithful performance of this contract, in all its particulars, by the said party of the second part.

It is hereby expressly understood that no member of Congress shall be admitted to any share or part of this contract, or any benefit to arise therefrom, which provision is hereby inserted in compliance with the third section of an act concerning public contracts, approved the 21st of April, 1808; and it is further understood that the provisions contained in the first section of said act are hereby made a part and parcel of this agreement.

In witness whereof, the parties hereto have hereunto set their hands and seals the day and year first above written.

EDWARD P. SMITH, [L. S.]  
*Commissioner of Indian Affairs.*  
 W. A. PAXTON, [L. S.]

Signed in presence of—  
 F. J. DEWITT.  
 T. S. CLARKSON.

Bond.

Know all men by these presents, that we, W. A. Paxton, as principal, and James W. Bosler and Joseph Bosler, as sureties, are held and firmly bound unto the United States of America in the sum of forty thousand dollars, lawful money of the said United States, for which payment, well and truly to be made, we hereby bind ourselves, and each of us, our heirs, executors, and administrators, jointly and severally, firmly by these presents.

The condition of this obligation is such that, if the above-bounden W. A. Paxton, James W. Bosler, and Joseph Bosler, their heirs, executors, or administrators, or any of them, shall observe, perform, and fulfill, all and singular the covenants and agreements mentioned and contained in a certain contract of even date herewith, between the United States, by E. P. Smith, Commissioner of Indian Affairs, and the said W. A. Paxton, then and in that case this obligation shall be null and void; otherwise to remain in full force and virtue.

In testimony whereof we have hereunto set our hands and seals this 17th day of March, A. D. 1875.

W. A. PAXTON. [L. S.]  
 J. W. BOSLER. [L. S.]  
 JOSEPH BOSLER. [L. S.]

Witness:  
 A. L. SPONSLER.  
 H. NEWSHAM.

STATE OF PENNSYLVANIA,  
*County of Cumberland, ss:*

Before me, a notary public in and for said county and State, personally came J. W. Bosler, one of the sureties in the foregoing bond above named, who, being duly sworn, deposes and says that he is worth forty thousand dollars over and above all debts, claims, demands, or liabilities of any character against him whatever.

J. W. BOSLER.

Sworn and subscribed before me this 17th day of March, A. D. 1875.

[SEAL.]

A. L. SPONSLER, N. P.

STATE OF PENNSYLVANIA,  
County of Cumberland, ss :

Before me, a notary public in and for said county and State, personally came Joseph Bosler, one of the sureties in the foregoing bond above named, who, being duly sworn, deposes and says that he is worth the sum of \$40,000 over and above all debts, claims, and demands, or liabilities of any character against him whatever.

JOSEPH BOSLER.

Sworn and subscribed before me this 17th day of March, A. D. 1875.

[SEAL.]

A. L. SPONSLER, N. P.

CONTRACT WITH SETH MABRY.

Articles of agreement made and entered into this seventh day of May, A. D. eighteen hundred and seventy-five, by Edward P. Smith, Commissioner of Indian Affairs, for and in behalf of the United States, of the first part, and Seth Mabry, of Austin, Texas, of the second part, witnesseth :

That the said party of the second part, for himself, his heirs, executors, and administrators, hereby covenants and agrees with the said party of the first part to furnish and deliver, at the places herein designated, to such agent or agents of the United States as may be appointed to receive it, beef-cattle, on the hoof, in the quantities and at the prices herein stated.

Quantity.	Place of delivery.	Times of delivery.	Kind of cattle.	Price, gross weight.
<i>Lbs. gross.</i> 400,000	Santee Sioux agency .....	For Ponca and Santee agencies, one delivery before July 1, and one about May 1, 1876. The beef for the other agencies for January, February, and March, one delivery for freezing purposes.	Good merchantable Texascattle, averaging 850 pounds gross for each of the six months ending December 31 and July 31.	} 2 46½
1,500,000	Yancton agency .....			
8,000,000	Spotted Tail agency .....			
1,800,000	Upper Missouri (Crow Creek) agency .....			
5,000,000	Cheyenne River agency .....			
6,500,000	Standing Rock agency .....			
9,000,000	Red Cloud agency .....			
300,000	Ponca agency .....			

The party of the first part, however, reserves the right to require a greater or less quantity, not exceeding twenty-five per cent. in either case, than that specified in said schedule, at the price or prices therein stated, of which increase or decrease in the quantity required notice shall be given to the party of the second part on or before the 31st day of August, 1875.

The party of the second part agrees to keep the beef-cattle in the vicinity of the places of delivery, to be delivered when required; and should he fail to collect cattle at such points fast enough, or should he fail to deliver them as required, the party of the first part shall have the right to purchase, or cause to be purchased, beef-cattle as he may elect, at the expense of the party of the second part.

It is further agreed between the parties hereto that if any of the cattle offered for acceptance shall fail to conform to the requirements of this contract, the same shall be rejected by the agent to whom the same is offered, who shall have authority to require of the said party of the second part the delivery, within five days after such rejection, of proper cattle in the place of those rejected; and in case the said party of the second part shall fail to deliver cattle of the kind required within the said period of five days, then the said party of the first part shall have the right to purchase, or cause to be purchased, in open market, or otherwise, such cattle as may be required to supply the deficiency. And it is agreed and understood by the parties hereto that the said party of the second part and his sureties shall be held accountable, under the bond which may be given for the faithful performance of this contract, for any excess in the cost of cattle so purchased over and above what the same articles would have cost at the price or prices designated in said schedule.

The party of the first part agrees to pay, or cause to be paid, to the said party of the second part, his heirs, executors, or administrators, for all the cattle received under this contract, at the rate or price designated in the above schedule; payment to be made on presentation, at the Office of Indian Affairs, of proper receipts of the respective agents, after the same have been properly approved.

It is agreed, however, that, before the United States shall be bound by this contract, a bond, in the sum of five hundred thousand dollars, shall be executed by the said party of the second part, with two or more good and sufficient sureties; said bond to be con-

ditioned for the faithful performance of this contract, in all its particulars, by the said party of the second part.

It is hereby expressly understood that no member of Congress shall be admitted to any share or part of this contract, or any benefit to arise therefrom, which provision is hereby inserted in compliance with the third section of an act concerning public contracts, approved the 21st of April, 1808; and it is further understood that the provisions contained in the first section of said act are hereby made a part and parcel of this agreement.

In witness whereof the parties hereto have hereunto set their hands and seals the day and year first above written.

EDWARD P. SMITH. [L. S.]  
*Commissioner of Indian Affairs.*  
 SETH MABRY. [L. S.]

Signed in the presence of—  
 D. W. C. WHEELER.  
 C. D. WOOLWORTH.

Bond.

Know all men by these presents, that we, Seth Mabry, as principal, and James W. Bosler, of Carlisle, Penna., and A. H. Wilder, of St. Paul, Minnesota, as sureties, are held and firmly bound unto the United States of America in the sum of five hundred thousand dollars, lawful money of the said United States, for which payment, well and truly to be made, we hereby bind ourselves, and each of us, our heirs, executors, and administrators, jointly and severally, firmly by these presents.

The condition of this obligation is such that if the above-bounded Seth Mabry, their heirs, executors, or administrators, or any of them, shall observe, perform, and fulfill, all and singular the covenants and agreements mentioned and contained in a certain contract of even date herewith, between the United States, by Edward P. Smith, Commissioner of Indian Affairs, and the said Seth Mabry, of Austin, Texas, then and in that case this obligation shall be null and void; otherwise to remain in full force and virtue.

In testimony whereof we have hereunto set our hands and seals this 7th day of May, A. D. 1875.

SETH MABRY. [L. S.]  
 J. W. BOSLER. [L. S.]  
 A. H. WILDER. [L. S.]

STATE OF NEW YORK,  
*City and County of New York, ss:*

J. W. Bosler, being duly sworn, says that he is worth five hundred thousand dollars over and above all debts and liabilities.

J. W. BOSLER.

Sworn to and subscribed before me this 7th day of May, A. D. 1875.  
 [SEAL] • WILLIAM F. LETT,  
*Notary Public for New York County and State, 335 Broadway,  
 New York, Room 1, first floor, first office.*

STATE OF NEW YORK,  
*City and County of New York, ss:*

A. H. Wilder, being duly sworn, says that he is worth two hundred and fifty thousand dollars over and above all debts and liabilities.

A. H. WILDER.

Sworn to and subscribed before me this 7th day of May, A. D. 1875.  
 [SEAL.] W. F. LETT,  
*Notary Public.*

## PORK AND FLOUR.

CONTRACT WITH J. W. L. SLAVENS.

Articles of agreement made and entered into this eleventh day of July, A. D. eighteen hundred and seventy-four, by Edward P. Smith, Commissioner of Indian Affairs, for and in behalf of the United States, of the first part, and J. W. L. Slavens, of Kansas City, and State of Missouri, of the second part, witnesseth:

That the said party of the second part, for himself, his heirs, executors, and administrators, hereby covenants and agrees with the said party of the first part to furnish and deliver at the cities of Omaha and Kansas City, or at such other place as may be agreed upon between the parties hereto, to such agent or agents of the United States as may be appointed to receive them, the articles embraced, and at the prices named, in the schedule hereunto annexed, which schedule it is agreed shall form a part of this agreement.

The party of the first part, however, reserves the right to require a greater or less

quantity, not exceeding twenty-five per cent. in either case, of any of the articles than that specified in the schedule, at the price or prices therein stated.

It is agreed between the parties hereto that all the articles embraced in this contract must be delivered at such point in said cities of Omaha and Kansas City as may be designated by the party of the first part, packed and marked ready for shipment, according to directions, which will be given by said party of the first part. Payment to be made to the party of the second part for any rebailing or extra cooping required by the party of the first part, and for cases where goods are not purchased in what is known to the trade as "original packages."

It is also further agreed between the parties hereto that all the articles offered for acceptance under this contract shall be subjected to a thorough inspection and careful comparison with the samples thereof which have been adopted, and if, on such comparison and inspection, any of the articles fail to conform to or equal said samples, the same shall be rejected by the parties making the inspection, who shall have authority to require of the said party of the second part the delivery, within five days after such rejection, of proper articles in the place of those rejected. In case said party of the second part shall fail to deliver proper articles within the said period of five days, then the said party of the first part shall have the right to purchase, or cause to be purchased, in open market, or otherwise, such articles as may be required to supply the deficiency. And it is agreed and understood by the party of the second part that he and his sureties shall be held accountable, under the bond which may be given for the faithful performance of this contract, for any excess in the cost of the articles so purchased over and above what the same articles would cost at the price or prices designated in said schedule.

The party of the first part agrees to pay or cause to be paid the said party of the second part, his heirs, executors, or administrators, for all the articles received under this contract, at the rate or price affixed to each article designated in said schedule; payment to be made on invoices of the goods received after they shall have been properly approved.

It is agreed, however, that, before the United States shall be bound by this contract, a bond, in the sum of twenty-five thousand dollars, shall be executed by the said party of the second part, with two or more good and sufficient sureties; said bond to be conditioned for the faithful performance of this contract, in all its particulars, by the said party of the second part.

It is hereby expressly understood that no member of Congress shall be admitted to any share or part of this contract, or any benefit to arise therefrom, which provision is hereby inserted in compliance with the third section of an act concerning public contracts, approved the 21st of April, 1808; and it is further understood that the provisions contained in the first section of said act are hereby made a part and parcel of this agreement.

In witness whereof the parties hereto have hereunto set their hands and seals the day and year first above written.

EDWARD P. SMITH, [L. S.]  
*Commissioner of Indian Affairs.*  
 J. W. L. SLAVENS. [L. S.]

Signed in presence of—  
 H. R. CLUM,  
 THOS. E. MCGRAW.

*Schedule of articles referred to in the foregoing contract between the United States, by Edward P. Smith, Commissioner of Indian Affairs, and J. W. L. Slavens, of the city of Kansas City, Missouri.*

Articles.	Price.	Total.
710,000 pounds XX flour as follows, to be delivered at Kansas City, Missouri, <small>viz:</small> 280,000 pounds for the Upper Arkansas agency, Indian Territory, \$2.30 per 100 pounds ..... 370,000 pounds for the Kiowa agency, Indian Territory, \$2.30 per 100 pounds ..... 60,000 pounds for the Wichita agency, Indian Territory, \$2.30 per 100 pounds ..... For the Red Cloud agency, to be delivered at Omaha, Nebraska, 200,000 pounds pork, at the rate of \$21 per barrel.....		
The flour to be fresh ground, XX quality, to be made wholly from good, sound wheat, and to be delivered in good, strong double sacks, each sack to be branded "Indian Dept. flour." The pork to be in barrels, with one iron hoop at each end.		

## Bond.

Know all men by these presents, that we, J. W. L. Slavens, of Kansas City, Mo., as principal, and John H. Martin, of Denver, Colo., and J. M. Daugherty, of Kansas City, Mo., as sureties, are held and firmly bound unto the United States of America in the sum of twenty-five thousand dollars, lawful money of the said United States, for which payment, well and truly to be made, we hereby bind ourselves and each of us, our heirs, executors, and administrators, jointly and severally, firmly by these presents.

The condition of this obligation is such, that if the above-bounden J. W. L. Slavens, his heirs, executors, or administrators, or any of them, shall observe, perform, and fulfill, all and singular, the covenants and agreements mentioned and contained in a certain contract, of even date herewith, between the United States, by Edward P. Smith, Commissioner of Indian Affairs, and the said J. W. L. Slavens, then, and in that case, this obligation shall be null and void; otherwise to remain in full force and virtue.

In testimony whereof we have hereunto set our hands and seals this eleventh day of July, A. D. 1874.

J. W. L. SLAVENS. [L. S.]

J. H. MARTIN. [L. S.]

J. M. DOUGHERTY. [L. S.]

CITY OF WASHINGTON,  
*District of Columbia, ss :*

Personally appeared J. M. Dougherty, and acknowledged the above to be his signature, and made solemn oath that he is worth twenty-five thousand dollars over and above his just debts, liabilities, and exemptions.

THOMAS C. CONNOLLY, [SEAL.]  
*Notary Public.*

Personally appeared John H. Martin, and acknowledged the above to be his signature, and made solemn oath that he is worth twenty-five thousand dollars over and above his just debts, and liabilities, and exemptions.

THOMAS C. CONNOLLY, [SEAL.]

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FLOUR.

CORRESPONDENCE CONCERNING FLOUR.

*Agent Irwin to Commissioner Smith.*

SHOSHONE AND BANNACK AGENCY,  
*Wyoming Territory, May 5, 1874.*

SIR: I have the honor to state that the beef, coffee, and sugar furnished this year for the Shoshone Indians will about meet the demand; that there will be a surplus of several hundred sacks of flour, and also a surplus of bacon. This is owing to the fact that the Indians were permitted to take a hunt during the summer, and also hunted and subsisted themselves during the greater part of the winter.

I do not think it advisable to let them hunt this summer, as they will have their crops to take care of. If they should hunt and subsist themselves three months during the winter, the remaining three months would require—

For 1,200 souls, 275,000 pounds of beef.

For 1,200 souls, 275,000 pounds of flour.

I would respectfully suggest contracting for 200,000 pounds of each, with an additional amount if required.

I have the honor to be, very respectfully, your obedient servant,

JAMES IRWIN,  
*United States Indian Agent.*

Hon. EDW. P. SMITH,  
*Commissioner of Indian Affairs, Washington, D. C.*

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*Agent Irwin to Commissioner Smith.*

[Telegram.]

SHOSHONE AND BANNACK AGENCY,  
*Via Camp Stambaugh, Wyoming, July 7, 1874.*

Hon. EDWARD P. SMITH,  
*Commissioner of Indian Affairs, Washington :*

I respectfully ask instructions in regard to beef, flour, and transportation. See two letters dated May 5, and a proposition to furnish beef dated April 30, ultimo.



Please instruct by telegram without delay. Hostile Indians on hand. Four horses stolen. One company of cavalry and two hundred Shoshones gone to the camp. If a fight ensues, will notify you.

JAMES IRWIN, *Agent*.

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*Commissioner Smith to Agent Irwin.*

[Telegram.]

OFFICE INDIAN AFFAIRS, July 13, 1874.

JAMES IRWIN, *Indian Agent*,  
*Shoshone and Bannack Agency, via Camp Stambaugh, Wyoming Territory:*  
 At what price can you get XX flour delivered at Bryan?

EDW. P. SMITH,  
*Commissioner.*

---

*Agent Irwin to Commissioner Smith.*

[Telegram.]

SHOSHONE AND BANNACK AGENCY,  
*Via Camp Stambaugh, Wyoming, July 28, 1874.*

Hon. E. P. SMITH,  
*Commissioner of Indian Affairs, Washington, D. C.:*

Flour, best XX, \$3.75; X, good, \$3.40, delivered on the cars at Ogden. So say Walker Brothers. Send instructions on July 4 by telegram soon.

JAS. IRWIN,  
*United States Indian Agent.*

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*Commissioner Smith to Agent Irwin.*

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,  
*Washington, D. C., August 1, 1874.*

SIR: In reply to your letter of May 5 last, and telegram of 28th ultimo, relative to flour for the Shoshone and Bannack agency, I have to advise you that arrangements have been made with J. H. Martin, of Denver, Colo., the present contractor for the Red Cloud agency, to furnish and ship to you at Bryan Station, Union Pacific Railroad, 200,000 pounds of XX flour, at the same quality and price at which his contract was awarded, viz, \$2.50 per 100 pounds, delivered at Cheyenne, Wyo.

Very respectfully, your obedient servant,

EDW. P. SMITH,  
*Commissioner.*

JAS. IRWIN, Esq.,  
*United States Indian Agent, Shoshone and Bannack Agency, Wyoming.*

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*Commissioner Smith to J. H. Martin.*

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,  
*Washington, D. C., August 1, 1874.*

SIR: Referring to your contract with this Bureau for the delivery of flour at Cheyenne, Wyo., for the Red Cloud Indian agency, I have to request that you furnish and ship to Bryan Station, Union Pacific Railroad, consigned to James Irwin, United States Indian agent, Shoshone agency, Wyoming Territory, 200,000 pounds of flour, of the same quality and at the same price as that upon which your contract was awarded, the same to be inspected at Cheyenne by the inspector at that point before shipment.

Your account for the flour so shipped, accompanied by the inspector's certificate and proper bill of lading, will, on presentation at this Office, receive prompt attention.

Very respectfully, your obedient servant,

EDW. P. SMITH,  
*Commissioner.*

J. H. MARTIN, Esq., *Denver, Colo.*

*Agent Irwin to Commissioner Smith.*

[Telegram.]

BRYAN, WYO., *September 8, 1874.*

Hon. ED. P. SMITH,

*Commissioner Indian Affairs, Washington, D. C. :*

I have received no flour yet; none at the agency. Teams been waiting here three weeks. Persons at Cheyenne forward to Sioux agencies as fast as it arrived. They can freight all winter; we cannot. I respectfully request you to notify J. H. Martin to furnish Shoshone agency two thousand sacks immediately, and also notify Palmer, at Cheyenne, to let it be shipped to Bryan. Matter explained by letter. No annuity-goods yet.

JAS. IRWIN,

*Agent Shoshones, Wyoming Territory.*

*Agent Irwin to Commissioner Smith.*

SHOSHONE AND BANNACK AGENCY,

*Wyoming Territory, September 14, 1874.*

SIR. I have the honor to report that, having learned on the 29th August that no flour had arrived at Bryan and none at the agency, and four teams having waited over a week at Bryan, I started to the railroad, and not being able to learn anything definite, went on to Cheyenne. I there found a Mr. Palmer and Mr. Appleton, who were handling flour in the interest of the Red Cloud agency. I discovered that all the flour received up to that time, except one car-load on hand, and seemed to disregard the extremity in which I was placed.

Seeing that nothing could be done at that point I went on to Denver, and saw J. H. Martin, who informed me that he was consigning the flour to Dr. Saville, by instructions, but did not suppose it made any difference, and I do not think that it should.

Mr. Martin went with me to the Red Cloud railroad agent, and had the consignment of the car at Cheyenne changed. The car-load at Denver was also consigned to me. I entered this car, No. 4180, K. C., and examined the flour, and do aver that it is equal, if not superior, to the sample contracted for with J. H. Martin.

On my return to Cheyenne I found dissatisfaction in regard to the car there, finding Palmer and Appleton disposed to take all they could get, and that they had a man, French, inspecting flour who would not inspect flour for me without special authority from the Government. For his history I refer to Governor Campbell or any other reliable citizen of Cheyenne. I employed D. F. Whipple to inspect and ship flour to Bryan for this agency.

In the matter of inspecting flour, I furnished him with the Government sample and put him under oath, and left with him some signed-up requisitions on Government B. L.

He informs me that the car No. 4180 came the next day, and that a Colonel Long notified him that he was inspector for Government; that Colonel Long required two or three men to assist him, at an expense of six or eight dollars, and condemned the flour.

His action is, in my opinion, unjust to the contractor and causing unnecessary delay in the delivery of my flour. A sample of K. C. car 4189 can be had of D. F. Whipple, certified to by freight agent of the Union Pacific Railroad at Cheyenne, I. R. Rinnoek.

I will advise J. H. Martin to store the condemned flour at Cheyenne and await further action, for I do not believe that the transaction has been characterized by a spirit of justice and equity. If this Colonel Long has been authorized to inspect Indian flour, it is strange that Mr. Palmer should employ French, and say nothing to me about a Government inspector.

I would respectfully request that D. F. Whipple be permitted to receive, inspect, and forward the Shoshone agency flour, inasmuch as he will promptly and carefully attend to it, and relieve me from the anxiety I now feel in regard to getting flour to the agency for the coming winter. If approved, please notify Whipple by telegram.

Coffee for this agency, 10,120 pounds, is lying in the warehouse at Bryan, with Union Pacific and back freights unsettled. A wagon to be used on the mountain in procuring lumber, and fuel, &c., was shipped from Saint Louis, Mo., to Kearney Station, Union Pacific, and from thence to Bryan. Union Pacific charges, \$65.95, back charges \$10.50. The superintendent at Omaha refuses to deliver until all charges are paid. If I do not get the wagon soon I will be without lumber and fuel this coming winter, as the old wagon is useless. I fear I will be compelled to pay the charges.

No annuity-goods have yet arrived at Bryan.

I am, very respectfully,

JAMES IRWIN,

*United States Indian Agent.*

Hon. EDW. P. SMITH,

*Commissioner Indian Affairs, Washington, D. C.*

*Commissioner Smith to Secretary Delano.*

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, D. C., August 4, 1874.

SIR: By the terms of contracts for Indian supplies for the coming year, flour is to be delivered at Cheyenne, Wyo., and Crow agency and Blackfeet agency and Fort Peck, Mont.

From the infrequent tours of the regular inspectors through this country and the absence of other competent persons, it is difficult to provide for the inspection required at these points. I respectfully suggest the expediency of requesting the honorable Secretary of War to authorize the commissary or some other officer at Cheyenne, Fort Ellis, and Stevenson, respectively, to inspect Indian supplies at such times as their services may be required. As it is not contemplated that these deliveries will be frequent, the service required will be correspondingly light and all expenses of travel can be borne by this Office.

Very respectfully, your obedient servant,

EDW. P. SMITH,  
*Commissioner.*

The Honorable SECRETARY OF THE INTERIOR.

*Acting Commissioner Clum to Inspector Long.*

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, D. C., September 2, 1874.

SIR: At the request of this Office you have been designated by the War Department to inspect the flour delivered at Cheyenne, Wyo., by Mr. John H. Martin, under his contract with this Department.

The sample of flour upon which you are to base your inspection is in the hands of S. H. Palmer, store-keeper of Indian supplies at Cheyenne, who has this day been instructed to turn the same over to you upon your application.

When flour is offered for delivery by Mr. Martin, under said contract, you will carefully compare the same with the sample and see that they are equal in every respect before giving him the requisite certificate of inspection. Each sack of flour inspected by you must be plainly marked "Indian Department," and bear your mark of inspection. You will please provide yourself with the necessary implements for such marking.

Blank forms of certificates to be used by you, have this day been mailed to your address. A duplicate of each certificate given must be forwarded to this Office.

All your expenses connected with these duties will be paid by this Office on receipt of properly itemized accounts.

Very respectfully, your obedient servant,

H. R. CLUM,  
*Acting Commissioner.*

Capt. A. K. LONG,  
*Cheyenne, Wyo.*

*Commissioner Smith to Superintendent White.*

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, D. C., September 14, 1874.

SIR: Twenty-five hundred sacks of flour for the Red Cloud agency are to be shipped from Omaha within a few days by O. P. Hurford. The transportation of this flour is already provided for.

The service required of you is to attend to the inspection; to be satisfied that the flour is in accordance with the sample which Mr. Hurford has in his possession and will furnish you on application; and that it is branded "Indian Department" by the contractor, and has the required mark of inspection by the party whom you employ for this service.

Hurford is informed of the manner of inspection and will call upon you when he is ready for the service.

Very respectfully, your obedient servant,

EDW. P. SMITH,  
*Commissioner.*

BARCLAY WHITE,  
*Superintendent Indian Affairs, Omaha, Nebr.*

*Inspector Long to Commissioner Smith.*

CHEYENNE, WYO., October 2, 1874.

Hon. E. P. SMITH :

J. H. Martin is shipping flour through here without having it inspected. Is he so authorized? My having rejected flour of an inferior grade has caused great dissatisfaction.

ANDREW K. LONG,  
*Captain and Commissary Subsistence U. S. A., Inspector Indian Supplies.*

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*Commissioner Smith to Inspector Long.*

[Telegram.]

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, D. C., October 3, 1874.

Capt. ANDREW K. LONG, *Cheyenne, Wyo.*

Twenty-five hundred sacks under Martin's contract have been inspected at Omaha. Your thorough inspection is all right.

EDW. P. SMITH,  
*Commissioner.*

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*Commissioner Smith to Superintendent White.*

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, D. C., October 10, 1874.

SIR: J. H. Martin, contractor for flour for the Shoshones, has permission to have 1,100 sacks of flour inspected at Omaha by you. The statement has been made that this inspection is desired at Omaha rather than at Cheyenne on account of the strictness with which the contractor has been held to his sample by the Cheyenne inspector.

This statement is furnished you for your information and with the request that you will use all diligence to require a strict conformity to the sample, and to assure yourself that the person employed in the inspection is thoroughly competent for the service.

Very respectfully, your obedient servant,

E. P. SMITH,  
*Commissioner.*

BARCLAY WHITE,  
*Superintendent of Indian Affairs, Omaha, Nebr.*

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*Superintendent White to Commissioner Smith.*

NORTHERN SUPERINTENDENCY,  
OFFICE OF SUPERINTENDENT INDIAN AFFAIRS,  
Omaha, Nebr., 7th month, 19, 1875.

RESPECTED FRIEND: Thy telegram of 17th instant was received after 5 p. m. on the 18th instant. I have carefully examined the files of letters and telegrams in my office, and am unable to find any letter or telegram from the Office of Indian Affairs relative to the double sample of flour offered me, as inspector of supplies, by the contractors for furnishing flour to the Red Cloud agency. I have no recollection of having received such a letter, and I think I can safely say no such letter has been received in this office from the Indian Department.

Under instructions contained in thy letter of August 1, 1874, I appointed William I. Yates, an old miller and store-keeper, as subinspector of Indian supplies for this office. He has been in the employ of the office as freight-clerk for five years, and bears a good reputation for honesty and integrity. Soon after thy letter of 14th September, 1874, was received, O. P. Hurford, therein mentioned, deposited in this office a sample of flour, which he stated was similar in quality to the sample accompanying his bid forwarded to the Commissioner of Indian Affairs and members of the Board of Indian Commissioners, in New York, and commenced delivering, at the Union Pacific Railroad depot, sacks of flour to fill the contract. My instructions to the subinspector were to inspect every sack, reject all below the quality of the sample, and brand every sack

accepted "Indian Department, Barclay White, U. S. Inspector." A few hundred sacks had been inspected, when O. P. Hurford presented another sample of flour, inferior in quality to the first sample, which he then stated was of the same quality as the sample accompanying his bid, that the boys in his mill had made a mistake, &c. About two hundred sacks were inspected by sample No. 2. All the flour in them was superior to said sample, but inferior to No. 1.

At this period of time, B. R. Roberts, a member of the Board of Indian Commissioners, visited my office, and I submitted the two samples to his inspection. He pronounced No. 1 equal in quality and No. 2 inferior in quality to the sample deposited by Hurford with his bid. I immediately notified Hurford and the subinspector that all the flour must in future be fully equal in quality to No. 1. Soon after Commissioner Roberts returned to Washington, I received a letter from him, dated eleventh month, 4, 1874, upon various Indian subjects, and in which he writes: "In relation to inspection of flour at Omaha, the Commissioner of Indian Affairs appears to fear some intention to cheat in the matter, and asked if any had been passed lower in grade than the first sample produced. My reply was that I believed not. I have not yet seen the contract, but the Commissioner says it is for the best flour, and nothing below that should be received. If the flour to go to Shoshones has not already been sent forward, I would not mark any that was below the sample in thy office, *i. e.*, the best sample."

Two thousand seven hundred and forty-nine (2,749) sacks of flour, weighing two hundred and fifty thousand nine hundred and forty-four (250,944) pounds, for Red Cloud agency, and eleven hundred and twenty-nine (1,129) sacks of flour, weighing one hundred and ten thousand and ninety-two (110,092) pounds, for Shoshones and Bannacks, were inspected by this office during the year A. D. 1874, all, with the exception of the two hundred sacks (200) above mentioned, fully equal to sample No. 1, now on deposit in this office, and all marked with brand above mentioned.

Very respectfully, thy friend,

BARCLAY WHITE,  
*Superintendent Indian Affairs.*

HON. E. P. SMITH,  
*Commissioner Indian Affairs, Washington, D. C.*

## TRANSPORTATION.

### CONTRACT WITH D. J. MCCANN.

Articles of agreement made and entered into this 8th day of July, A. D. 1874, by and between Edward P. Smith, Commissioner of Indian Affairs, for and on behalf of the United States, of the first part, and D. J. McCann, of Nebraska City, Nebr., of the second part, witnesseth:

That the said party of the second part agrees to receive in the city of New York and in the city of Philadelphia, between the date of this agreement and the 30th day of June, 1875, all such goods and supplies as may be purchased for the Indian Department during the fiscal year ending on said 30th day of June, 1875, the same to be shipped in sound and water-proof cars to the following named points, and at the rates hereto annexed, *viz*:

From New York and Philadelphia to Omaha, Nebr., at the rate of 60 cents per one hundred pounds; from New York and Philadelphia to Kansas City, Mo., at the rate of 50 cents per one hundred pounds; and from New York and Philadelphia to Cheyenne, Wyo., at the rate of \$1.05 per one hundred pounds; and from Omaha to Cheyenne, at the rate of 45 cents per one hundred pounds.

The said party of the second part further agrees to transport in good covered wagons from Cheyenne, Wyo., to the Red Cloud Indian agency, Dak., all the goods and supplies of the Indian Department that may be purchased for the said agency during the fiscal year ending June 30, 1875, and also, if desired by the party of the first part, due notice to that effect being first given to the party of the second part, any or all of the supplies and goods that may be purchased for the Whetstone agency, Dak., at the rate of \$1.10 per one hundred pounds per one hundred miles, actual measurement of the route necessary to be traveled.

The said party of the second part further agrees to commence the transportation of said goods as soon as notified by the Commissioner of Indian Affairs that the said goods are ready for shipment and to complete said transportation as quickly as possible and without unnecessary delay, said goods and supplies to be turned over as follows, *viz*: At Omaha, Nebr., to the superintendent of Indian affairs for the northern superintendency; at Kansas City, Mo., to W. C. Graham, freight-contractor; at Cheyenne, Wyo., to the store-keeper of the Red Cloud Indian agency; and at the Red Cloud agency, to the Indian agent in charge of the same.

In consideration of the faithful performance of this agreement on the part of the party of the second part, the said party of the first part agrees to pay or cause to be paid to the said party of the second part, his heirs, executors, administrators, for all services rendered under this contract, the rates hereinbefore specified for the transportation from and to the several points herein named.

And it is further agreed, that the party of the second part will transport any Indian goods and supplies that the party of the first part shall desire to have transported from New York and Philadelphia to Bryan, Wyo., and Bridger, Utah, during the present fiscal year; and the party of the first part hereby agrees to pay or cause to be paid to the party of the second part, for such service, the following-named prices, viz: From New York and Philadelphia to Bryan, Wyo., the sum of \$3.18 per one hundred pounds, and from same points to Bridger, Utah, the sum of \$3.34 per one hundred pounds, due notice to be given to the party of the second part by the party of the first part, that such transportation will be required.

It is further agreed that in case any one or more of the wagon-trains of the said party of the second part shall be delayed by authority of any Government officer or agent, at any place between Cheyenne, Wyo., and the Red Cloud or Whetstone agency, Dak., for any time exceeding two days, the party of the first part shall pay or cause to be paid to the party of the second part, upon a statement in writing from the officer or agent causing the delay, setting forth the reasons or causes for issuing such orders, the sum of \$2 per diem for each and every yoke of cattle or span of mules in the train for each and every day they may be delayed. It is further agreed, that in case the officer or agent aforesaid of the Government shall refuse to furnish the statement in writing above referred to, then the delay shall be paid for, as above, on the affidavits or other satisfactory evidence of two or more credible and competent witnesses.

It is further agreed, however, that before the United States shall be bound by this contract, a bond in the penal sum of \$40,000, lawful money of the United States, shall be executed by the said party of the second part with two or more good and sufficient sureties, said bond to be conditioned for the faithful performance of this contract in all its particulars by the said party of the second part.

It is hereby expressly understood that no member of Congress shall be admitted to any share or part of this contract or any benefit to arise therefrom, which provision is hereby inserted in compliance with the third section of an act concerning public contracts, approved the 21st of April, 1808; and it is further understood that the provisions contained in the first section of said act are hereby made a part and parcel of this agreement.

In witness whereof the parties hereto have hereunto set their hands and seals the day and year first above written.

EDWARD P. SMITH,  
*Commissioner of Indian Affairs.*  
D. J. McCANN. [SEAL.]

Witness:  
M. S. COOF,

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EFFORTS TO ASCERTAIN THE DISTANCE.

*Commissioner Smith to L. S. Hayden.*

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
*Washington, D. C., July 28, 1874.*

SIR: You are directed to purchase an odometer at the lowest attainable price and ship the same by express, as soon as possible, to S. H. Palmer, esq., store-keeper of Indian supplies at Cheyenne, Wyo., and advise him of the shipment.

Have the bill for same sent to this office for payment.

Very respectfully, your obedient servant,

EDW. P. SMITH,  
*Commissioner.*

L. S. HAYDEN, Esq.,  
42 Leonard Street, New York City.

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*Commissioner Smith to S. H. Palmer.*

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
*Washington, D. C., July 28, 1874.*

SIR: I am in receipt of your letter of the 23d instant, stating that there is no odometer to be procured at Cheyenne, but that one can probably be obtained at Omaha,

and suggesting that Agent Saville be directed to take the measurement of the distance from Cheyenne to the present Red Cloud agency either by attaching an odometer to his ambulance, or with a chain.

In reply I have to state that steps have been taken to have an odometer purchased and shipped to you at Cheyenne. It is desired that the *actual* distance traveled by the trains transporting freight to the Red Cloud agency shall be obtained. This, it is believed, can better be done by attaching the odometer to one of the wagons belonging to a train than by attaching it to an ambulance which may not travel the exact route taken by the trains.

You will, therefore, on receipt of the odometer, please comply with office instructions of the 16th.

Very respectfully, your obedient servant,

EDW. P. SMITH,  
*Commissioner.*

S. H. PALMER, Esq.,  
*Store-keeper of Indian Supplies, Cheyenne, Wyo.*

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*S. H. Palmer to Commissioner Smith.*

CHEYENNE, WYO., August 28, 1874.

SIR: I have the honor to report to you that I attached the odometer as directed to the first train that loaded and started for Red Cloud, from this place, which was on the 17th day of this month.

Very respectfully, your obedient servant,

S. H. PALMER,  
*Government Store-keeper.*

Hon. E. P. SMITH,  
*Commissioner of Indian Affairs, Washington, D. C.*

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*S. H. Palmer to Commissioner Smith.*

CHEYENNE, WYO., September 11, 1874.

SIR: I have the honor to inform you that John Compton, the wagon-master in whose care Dr. J. J. Saville, of Red Cloud, Dak., placed the odometer, in order to get the distance from that place to Cheyenne, has this day returned the same to me, stating that it got out of order, and he could not tell anything about the distance. The odometer will not indicate but thirty-one miles.

Very respectfully, your obedient servant,

S. H. PALMER,  
*Government Store-keeper.*

Hon. E. P. SMITH,  
*Commissioner of Indian Affairs, Washington, D. C.*

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*Agent Saville to Commissioner Smith.*

RED CLOUD AGENCY, November 9, 1874.

SIR: I have the honor, respectfully, to transmit certificate of distance from Cheyenne to Red Cloud agency, in compliance with instructions from Department of Indian Affairs dated July 16, 1874. There has been some delay in the measurement, for the reason that the first time the new odometer came through I was not satisfied with the indications, thinking that it made the distance too great, and therefore ordered it placed on another wheel and sent it through again.

Very respectfully, your obedient servant,

J. J. SAVILLE,  
*United States Indian Agent.*

Hon. E. P. SMITH,  
*Commissioner of Indian Affairs.*

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*Certificate.*

RED CLOUD AGENCY, November 9, 1874.

I certify on honor that, in compliance with instructions from the Department of Indian Affairs, an odometer, sealed and placed on a wagon-wheel at Cheyenne, the

wagon traveling the usual route traveled by freight-trains from Cheyenne to Red Cloud agency, was received and opened by me November 7, 1874, and the odometer indicated ninety-two thousand one hundred and twenty revolutions of the wheel that the wheel measured thirteen feet in circumference, indicating a distance of two hundred and twenty-six and eighty-one hundredths miles.

J. J. SAVILLE,  
*United States Indian Agent.*

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*Commissioner Smith to Secretary Delano.*

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
*Washington, D. C., November 20, 1874.*

SIR: I have the honor to state, for your information, that this Office, in order to determine the actual distance traveled by freight-trains engaged in carrying Indian goods and supplies from Cheyenne, Wyoming, to the Red Cloud agency, Dakota, purchased and placed in the hands of Agent Saville an odometer, with instructions, dated July 16, 1874, to both the agent and S. H. Palmer, Government store-keeper for Red Cloud agency, regarding the proper method to be observed in using the same.

This Office is now in receipt of a communication from Agent Saville, (copy herewith,) dated the 9th instant, inclosing his certificate, to the effect that the distance, as shown by the odometer opened by him on the 7th instant, is 226.81 miles.

In view of the fact that the distance, as given in said certificate, is greater than any estimate heretofore made, I have to recommend, in order that the question may be settled beyond a doubt, that the War Department be requested to take immediate steps to have the distance between the two points named measured by an odometer, care being taken to have the route measured the same as that actually traveled by the freight-teams engaged in hauling goods under the McCann contract.

Very respectfully, your obedient servant,

EDW. P. SMITH,  
*Commissioner.*

The honorable SECRETARY OF THE INTERIOR.

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*Secretary Belknap to Secretary Delano.*

WAR DEPARTMENT,  
*Washington City, January 6, 1875.*

SIR: Referring to your letter of the 21st November last, requesting that the distance between Cheyenne and the Red Cloud agency be measured, under direction of this Department, by an odometer, over the route actually traveled by teams employed in transporting goods under contract with Mr. D. J. McCann, I have the honor to inform you that a dispatch has just been received from General E. O. C. Ord, dated Omaha, Nebraska, December 29, 1874, as follows:

“Lieutenant Winters, detailed under the Secretary’s orders to measure Indian contractor’s route from Cheyenne to Red Cloud agency, reports ‘That agent at Cheyenne of McCann has as yet failed to procure an employé who is familiar with the route to accompany him.—WINTERS.’”

Very respectfully, your obedient servant,

WM. W. BELKNAP,  
*Secretary of War.*

The honorable the SECRETARY OF THE INTERIOR.

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*Acting Commissioner Clum to D. J. McCann.*

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
*Washington, D. C., January 11, 1875.*

SIR: For your information I inclose herewith copy of letter from the War Department, dated the 6th instant, addressed to the Hon. Secretary of the Interior, relative to the distance between Cheyenne, Wyoming, and the Red Cloud agency, Dakota, and have to advise you that a guide familiar with the route to be measured will have to be



furnished by yourself, so soon as practicable, in order that the detail referred to in the letter of the War Department may not be delayed.

Very respectfully, your obedient servant,

H. R. CLUM,  
*Acting Commissioner.*

D. J. McCANN, *City.*

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INTERRUPTION OF SURVEY—SEVERITY OF THE WEATHER.

*Secretary Belknap to Secretary Delano.*

WAR DEPARTMENT,  
*Washington City, January 19, 1875.*

SIR: I have the honor to transmit, for your information, copy of telegram from the headquarters of the Army, stating that Lieutenant Winter, the officer detailed to measure the Indian contractor's route from Cheyenne to Red Cloud agency, had been driven in, &c., and requesting that movements of troops during the winter be made conditional on the state of the weather.

Very respectfully, your obedient servant,

WM. W. BELKNAP,  
*Secretary of War.*

The honorable the SECRETARY OF THE INTERIOR.

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[Telegram dated Saint Louis, January 12, 1875. Received January 12, 1875.]

To ADJUTANT-GENERAL, U. S. A., *Washington, D. C.:*

The following dispatch just received from General Ord:

"Colonel Bradley telegraphed from Fort Laramie, January 8, all quiet at agencies; twenty-seven degrees below zero. Lieutenant Winters telegraphs from Fort Laramie, January 10, that he has been driven in by the severity of the weather, after getting as far as old Red Cloud agency; that snow is drifted very badly, and thermometer ranges from twenty to forty below zero in the day-time.

"I think it probable that Captain Henry's company, now in pursuit of miners in the Black Hills, will suffer severely from the weather, and will lose a number of horses.

"I request that any directions given during the winter to move troops into the Black Hills may be made conditional on the state of the weather, such movements up to April next being extremely hazardous.

"E. O. C. ORD,  
"Brigadier-General."

WM. D. WHIPPLE, *A. A. G.*

WAR DEPARTMENT,  
ADJUTANT-GENERAL'S OFFICE,  
*Washington, January 13, 1875.*

Official copy.

E. D. TOWNSEND,  
*Adjutant-General.*

To the honorable the SECRETARY OF THE INTERIOR.

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*Secretary Belknap to Secretary Delano.*

WAR DEPARTMENT,  
*Washington City, February 6, 1875.*

SIR: I have the honor to inclose, for your information, copy of report of Second Lieutenant J. H. Winters, Twenty-third Infantry, dated the 16th ultimo, of result of his measurement of the road from Cheyenne, W. T., to the old Red Cloud agency.

Very respectfully, your obedient servant,

WM. W. BELKNAP,  
*Secretary of War.*

The honorable the SECRETARY OF THE INTERIOR.

*Lieutenant Winters' report.*

FORT LARAMIE, WYOMING TERRITORY,  
January 16, 1874.

SIR: I have the honor to make the following report :

In compliance with paragraph 2, Special Order No. 185, current series, dated Headquarters Department of the Platte, Omaha, Neb., December 17, 1874, I started from Fort D. A. Russell, W. T., December 31, with a party consisting of the post-guide, one sergeant and nine privates of Company D, Twenty-third Infantry, with twelve days' rations. The Quartermaster's Department furnished one spring-wagon and two army-wagons, with ten days' forage. One odometer was attached to the spring-wagon and one to an army-wagon. I left Cheyenne December 31, 1874, and proceeded a distance of sixty-two miles (Hawk Springs) before being seriously interfered with by the weather, although there were several light snows, which undoubtedly interfered with the correctness of measurement to a certain extent.

On account of the severity of the weather I was compelled to lie over at Hawk Springs three days. The weather being moderated, I attempted to go on with the measurement, and proceeded as far as old Red Cloud agency, a distance of eighty-seven miles from Cheyenne; but the weather became so severe and the snow drifted so badly, that I consider the measurement valueless as a correct one, and, on account of the high winds drifting the snow, nothing but the general direction of the road for the last twenty miles could be obtained. Being informed at old Red Cloud Agency that it would be almost impossible to reach Red Cloud agency on account of the snow, I was compelled to come to this post for rations, where I have since been assigned to duty. It is my opinion that it will be six weeks or two months before the measurement can be resumed, as the weather is still severe, with more or less snow every day; and the route to be measured being rarely traveled during the winter, the snow and snow-drifts will remain a long time.

When the measurement is resumed it should be recommenced from Cheyenne,

Very respectfully, your obedient servant,

J. H. WINTERS,

*Second Lieutenant, Twenty-third Infantry.*

ASSISTANT ADJUTANT-GENERAL,  
*Department of the Platte, Omaha, Nebr.*

[Indorsement.]

HEADQUARTERS DEPARTMENT OF THE PLATTE,  
*Omaha, Nebr., January 25, 1875.*

Respectfully forwarded through Headquarters Military Division of the Missouri to the Adjutant General U. S. A. The measurement of the route between Cheyenne and Red Cloud agency will, on account of the weather, be deferred necessarily for six weeks or two months.

E. O. C. ORD,

*Brigadier-General, Commanding.*

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,  
*Washington, February 3, 1875.*

Official copy.

E. D. TOWNSEND,  
*Adjutant General.*

The honorable the SECRETARY OF THE INTERIOR.

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EVIDENCE AS TO DISTANCE.

*Affidavit of Richard Dunn and others.*

Personally appeared before me, a notary public in and for Laramie County, Territory of Wyoming, Richard Dunn, of Cheyenne, Wyo., who, being duly sworn, deposes and says that he has been engaged in the transportation of Indian goods and supplies from Cheyenne to the Red Cloud Indian agency, in Nebraska, during a period of fourteen months, from July, A. D. 1874, to the present time, and that during that time his train has traveled the route known as the "Eastern road," via old Red Cloud agency, thence down the Platte River sixteen miles, thence to the Red Cloud agency; that the distance thus traveled is as follows: From Cheyenne to the old Red Cloud agency, one

hundred miles; down the Platte, sixteen miles; from the Platte to the Red Cloud agency, eighty miles—making the distance from Cheyenne to Red Cloud agency one hundred and ninety-six miles by the Eastern road; that he has also traveled the road via Red Cloud agency (old agency) and Fort Laramie, thence via White River to Red Cloud agency; that this route was the one traveled during the period of high water in the Platte, which is generally from March till August; that the distance from Cheyenne to Red Cloud agency via this route is as follows: From Cheyenne to old Red Cloud agency, one hundred miles; from old Red Cloud agency to Fort Laramie, forty miles; from Fort Laramie to Red Cloud agency, eighty-six miles by the route actually traveled by cattle trains—making the distance from Cheyenne to Red Cloud agency via this route two hundred and twenty-six miles. Deponent further states that he has seen a report of a statement made by him to the commission of which Hon. Thomas C. Fletcher was chairman, to the effect that he stated the distance from Cheyenne to Red Cloud agency to be one hundred and eighty miles. Deponent says that he did state the distance to be one hundred and eighty miles or one hundred and eight-five miles, but he distinctly stated said distance to be by the mail route, directly north from the old Red Cloud agency, and that he then stated that no freight traveled said route. Deponent states that he never traveled said route while engaged in freighting for D. J. McCann.

RICHARD DUNN.

Andrew Shepard, Simeon B. Kerns, and Charles Mansfield, all residents of Laramie County, Wyo., being duly sworn according to law, depose and say that they are employés of Richard Dunn, the foregoing affiant; that they have read the foregoing affidavit of said Richard Dunn, and that they know of their personal knowledge that the statements made by said Richard Dunn in said affidavit are true.

ANDREW SHEPARD.  
SIMEON B. KERNS.  
CHARLES MANSFIELD.

Signatures witnessed by me—  
L. C. STEVENS.

TERRITORY OF WYOMING,  
*County of Laramie, ss:*

I, L. C. Stevens, a notary public in and for said county in the Territory aforesaid, do hereby certify that Richard Dunn, personally known to me to be the identical person described in the foregoing affidavit subscribed by him, appeared before me this day in person, and subscribed the same in my presence, and, being duly sworn according to law, made oath that the statements therein contained were true. I do further certify that Andrew Shepard, Simeon B. Kerns, and Charles Mansfield, personally known to me to be the identical persons described in the foregoing affidavit subscribed by them, appeared before me this day in person, and, being duly sworn according to law, made oath that the statements therein contained were true.

Given under my hand and notarial seal this second day of September, A. D. 1875.  
[SEAL.] L. C. STEVENS,

*Notary Public.*

TERRITORY OF WYOMING,  
*County of Laramie, ss:*

I, George B. Stimpson, clerk of the county within and for the county and Territory aforesaid, do hereby certify that L. C. Stevens, whose name is subscribed to the foregoing instrument and certificate of acknowledgment, is, and was at the time of so doing, a duly commissioned and qualified notary public within and for the county and Territory aforesaid; that all his official acts as such are entitled to full faith and credit; that said attestation is in due form of law, and that his signature thereto is genuine.

Witness my hand and the seal of said county hereto affixed, at my office, in the city of Cheyenne, this 3d day of September, A. D. 1875.

[SEAL.]

GEO. B. STIMPSON,  
*Clerk of said County, ex-officio Register of Deeds.*

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*Affidavit of J. Vigil and J. U. Basquez.*

COUNTY OF LARAMIE,  
*Territory of Wyoming, August 27, 1875.*

Personally appeared before me, a notary public in and for the county aforesaid, this 27th day of August, A. D. 1875, Juan Vigil and Joseph U. Basquez, both of Cheyenne,

in the Territory of Wyoming, who, being duly sworn, depose and say that they have been engaged in freighting between Cheyenne and the Red Cloud Indian agency in Nebraska for the period of three years last past, and are well acquainted with the different routes traveled by loaded trains engaged in the transportation of Indian goods and supplies between the points above named. The route traveled by trains engaged in said transportation, during the period of low water in the Platte River, is by the old Red Cloud agency, crossing the river at that point, and thence down the north bank of the Platte sixteen to eighteen miles, thence north to the agency by what is known as the lower, or eastern road. The distance from Cheyenne to the Red Cloud agency, as actually traveled by loaded trains by this route, is two hundred and ten to two hundred and fifteen miles. The route traveled by loaded trains during the period of high water in the Platte River, which, the present season, has been from March 1 to August 1, is by the eastern road to the old Red Cloud agency, thence to Fort Laramie, where the river is crossed by a ferry, thence to the Red Cloud agency, and the distance necessarily traveled by this route by said trains is two hundred and fifteen miles. The time occupied in making the trip from Cheyenne to the Red Cloud agency by either route is fifteen to sixteen days, depending upon the weather and the condition of the roads. The average distance traveled by a loaded train each day is fifteen miles, or one hundred miles per week.

JUAN VIJIL.  
JOSEPH U. BASQUEZ.

Subscribed and sworn to before me this 27th day of August, A. D. 1875.

[SEAL.]

E. SPARKS,  
Notary Public.

TERRITORY OF WYOMING,  
County of Laramie, ss :

I, Geo. B. Stimpson, clerk of the county within and for the county and Territory aforesaid, do hereby certify that E. Sparks, whose name is subscribed to the foregoing instrument and certificate, is, and was at the time of so doing, duly commissioned and qualified notary public within and for the county and Territory aforesaid, that all his official acts as such are entitled to full faith and credit, that said attestation is in due form of law, and that his signature thereto is genuine.

Witness my hand and the seal of said county hereto affixed at my office in the city of Cheyenne, this 8th day of September, A. D. 1875.

[SEAL.]

GEO. B. STIMPSON,  
Clerk of said County, *ex-officio* Register of Deeds.

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### THE APPLETON BUILDING CONTRACT.

*Agent Saville to Commissioner Smith.*

CHEYENNE, August 17, 1874.

SIR: I have the honor herewith to transmit a proposition of A. R. Appleton, to saw the lumber and the shingles, and complete the agency buildings now in course of erection, and build a slaughter-house and issuing-corral. This proposition is very reasonable and lower than I can have the same work done by employing men by the month. It will also hasten the work, which is very desirable, as it is getting late in the season and we are likely to be again overtaken by winter.

I think it an advantage to the Government to preserve beef by freezing, and I wish to do it this fall. In order to do this it will be necessary to have a slaughter-house. I therefore respectfully request permission to make a contract with Mr. Appleton for the above work on the basis of his proposition.

Very respectfully, your obedient servant,

J. J. SAVILLE,  
United States Indian Agent.

Hon. E. P. SMITH,  
Commissioner of Indian Affairs.

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*A. R. Appleton to Agent Saville.*

CHEYENNE, WYO., August 17.

DEAR SIR: Inclosed please find proposition for the completion of your work, already commenced, and the erection of such new ones as you need, together with the sawing of lumber, the making and laying of shingles, &c., &c.

In making my estimate and affixing prices therefor, I believe my prices will reduce the cost to Government very much in this, that I can sub-let a portion of it, and give piece-work to others, and then if they are disposed to work twelve or fourteen hours per day in order to make large wages, it is their own affair and not yours. I think it can be handled in this way by me much more economically than it would be possible for you to do the same work by the day or week; and by giving out piece-work, and inducing carpenters to work as many hours as possible, I can complete all the buildings before winter sets in.

Yours, &c.,

A. R. APPLETON.

Dr. J. J. SAVILLE,  
*Red Cloud Agency, Dak.*

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APPLETON'S PROPOSITION.

Dr. J. J. SAVILLE,  
*United States Indian Agent, Red Cloud Agency, D. T. :*

SIR: I propose to handle the logs furnished, and saw the lumber required to finish and build the buildings you need, for \$14 per thousand feet.

I also propose to saw the shingles and lay the same subject to your directions, you furnishing the necessary nails therefor, for \$10 per thousand shingles, measured on the roof.

The above propositions based upon your furnishing me the use of your saw-mill, shingle-machine, and cutting-off saw, with the engineer to run and keep the same in order, and subject to my orders, and your approval.

I further propose to build (you furnishing material) a slaughter-house 20 by 28 feet square, 12-foot story; said building to be planked up and down or perpendicular, with 2-inch plank, battened over joint, 2-inch floor-planks, with two drainage-gutters, also two sliding runs for hanging beeves upon, two sets of hoisting-machinery, with doors, scuttles, windows, &c., necessary to make it a complete slaughter-house, all complete for the further sum of \$450.

I also propose to build a cattle-coral in connection with said slaughter-house, 100 by 200 feet, 7 feet high, posts 7 feet apart, two girt, and boarded up and down, edge to edge, with a division in the center; also, to take up and reset the cattle-scales, and build a small house over the balance or weighing part of them for the weigher; also, a slaughter-pen, 30 by 30 feet square, 10 feet high, 2-inch plank, edge to edge; said corral and slaughter-pen to have a plank protection 2 by 12 inches, thoroughly spiked all around upon the posts, on the inside  $2\frac{1}{2}$  feet from the ground, all of which I propose to do for the additional sum of \$384.

I also propose that I will finish your unfinished buildings, ceilings, casings, batten-ing, weather-boarding, &c., as originally designed to make them comfortable—by the day—at \$3.25 per day.

Yours, &c.,

A. R. APPLETON.

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*Acting Commissioner Clum to Agent Saville.*

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
*Washington, D. C., August 25, 1874.*

SIR: I am in receipt of your letter of the 17th instant, submitting proposition of A. R. Appleton, to saw the lumber and shingles, and complete the agency buildings now in course of erection at your agency; also, to build a slaughter-house and corral; and in accordance with your recommendation, authority is hereby granted you to contract with Mr. Appleton on the terms proposed by him, for the work therein named, submitting said contract, upon its execution, for the approval of the Department.

Very respectfully, your obedient servant,

H. R. CLUM,  
*Acting Commissioner.*

J. J. SAVILLE, Esq.,  
*United States Indian Agent, Red Cloud Agency, D. T.*

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*Agent Saville to Commissioner Smith.*

RED CLOUD AGENCY, *October 5, 1874.*

SIR: I have the honor herewith to transmit a contract and bond entered into with A. R. Appleton for sawing lumber and shingles, finishing the agency buildings, and build-

ing a slaughter-house and issuing corral, in accordance with proposition submitted by him August 17, 1874. On arrival at the agency and commencing the work, Mr. Appleton found that he could do the sawing and shingle-making cheaper than he had estimated, and therefore put the price of sawing to \$12, and of making and laying the shingles to \$8 per thousand.

Very respectfully, your obedient servant,

J. J. SAVILLE,  
*United States Indian Agent.*

Hon. E. P. SMITH,  
*Commissioner of Indian Affairs.*

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THE CONTRACT.

Articles of agreement, made and entered into this 30th day of September, A. D. eight<sup>een</sup> hundred and seventy-four, by and between J. J. Saville, United States Indian agent, for and on behalf of the United States of America, of the first part, and A. R. Appleton, of Sioux City, Iowa, of the second part, witnesseth :

That the said party of the second part agrees to handle the logs furnished and saw the lumber required to finish and build the buildings needed at the agency for (\$12) twelve dollars per thousand feet; further, to saw the shingles and lay the same, the nails therefor being furnished for (\$8) eight dollars per thousand, shingles measured on the roof.

It is further agreed that the use of the saw-mill, shingle-machine, and cutting-off saw, and the services of the engineer to run and keep the same in order, be furnished the party of the second part for the purposes herein mentioned.

The said party of the second part further agrees to build, material being furnished, a slaughter-house 20 × 28 feet, 12 foot story; said building to be planked up and down with 2-inch plank, battened over the joints, the floor to consist of 2-inch plank, with two drainage-gutters.

Also two sliding runs for hanging beeves upon, two sets hoisting-machinery, with doors, scuttles, windows, &c., necessary to make it a complete slaughter-house.

Also to build a cattle-coral in connection with said slaughter-house 100 × 200 feet, posts 7 feet high and 7 feet apart, with two girths, boarded up and down edge to edge, with a division in the center; also to take up and reset the cattle-scales, and build a small house over the balance or weighing part of said scale.

Also a slaughter-pen 30 × 30 feet, 10 feet high, 2-inch plank, edge to edge; said corral and slaughter-pen to have a plank protection 2 by 12 inches, thoroughly spiked all around upon the posts on the inside 2½ feet from the ground. The necessary shoots and gates for driving cattle in and out are included in this contract. The sum of \$834 to be paid for the building of said slaughter-house, corral, &c.

Said party of the second part further agrees to complete the unfinished buildings, such as ceilings, casings, battening, and weather-boarding, as originally designed, for the sum of (\$3.25) three <sup>25</sup>/<sub>100</sub> dollars per day.

In consideration of the faithful performance of this agreement on the part of the party of the second part, the said party of the first part agrees to pay or cause to be paid to the said party of the second part, his heirs, executors, or administrators, for all work performed under this contract, the sums of money as hereinbefore mentioned.

It is, however, further agreed, that before the United States shall be bound by this contract, a bond in the sum of five thousand dollars (\$5,000) shall be executed by the said party of the second part, with two or more good and sufficient sureties, said bond to be conditioned for the faithful performance of this contract in all its particulars by the said party of the second part.

In witness whereof the parties have hereunto set their hands and seals the day and year above written.

J. J. SAVILLE,  
*United States Indian Agent.*  
A. R. APPLETON.

Signed in presence of—  
JAMES ROBERTS.

Know all men by these presents that we, A. R. Appleton, of Sioux City, Iowa, and J. W. Dear, and A. F. Curtis, of Red Cloud agency, as sureties, are held and firmly bound unto the United States of America in the sum of five thousand (\$5,000) dollars, lawful money of the said United States, for which payment well and truly to be made, we hereby bind ourselves and each of us, our heirs, executors, and administrators, jointly and severally, firmly by these presents.

The condition of this obligation is such, that if the above-bounden A. R. Appleton, his heirs, executors, or administrators, or any of them, shall observe, perform, and fulfill, all and singular, the covenants and agreements mentioned and contained in a certain contract of even date herewith between the United States, by J. J. Saville, United States Indian agent, and the said A. R. Appleton, then and in that case this obligation shall be null and void; otherwise to remain in full force and virtue.

In testimony whereof we have hereunto set our hands and seals this 30th day of September, A. D. 1874.

A. R. APPLETON.  
J. W. DEAR.  
A. F. CURTIS.

In presence of—  
JAMES ROBERTS.

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*A. R. Appleton to Inspector Bevier.*

RED CLOUD AGENCY, October 5, 1874.

DEAR SIR: Since you left I have considered your suggestions with reference to the price I was to receive for the work done here; although the amount of work performed per day is not as great as we expected or calculated upon, but sufficiently great for me to conform in some degree to your wishes. The reduction, as you will see by examining the contract, will amount to about \$500.

Hoping this will be satisfactory, I am, yours, respectfully,

A. R. APPLETON.

DR. J. D. BEVIER,  
Grand Rapids, Mich.

P. S.—Please write me.

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*Inspector Bevier to Commissioner Smith.*

WASHINGTON, D. C., October 21, 1874.

SIR: Inclosed I have the honor to forward a contract for your approval, entered into between Agent Saville of the Red Cloud agency and Mr. A. R. Appleton.

On the occasion of my recent visit to this agency I found Mr. Appleton engaged in manufacturing lumber, roofing the buildings, &c., and upon inquiry Agent Saville informed me that the contract had not been executed; that he had neglected it from day to day, but that the matter was all perfectly understood between himself, Mr. Appleton, and the Department; that Mr. Appleton had submitted to him in writing his propositions, which he had forwarded to your Office, asking permission to close a contract upon the terms therein stated, and that the honorable Commissioner of Indian Affairs had replied giving him such permission, with instructions to forward the contract to his Office for approval.

I asked to see the correspondence which I found as above stated.

Upon visiting the mill I first ascertained that all the men engaged in the making of lumber were Government employes up to the 19th September, the day I was expected there, as I had written Agent Saville I would be in Cheyenne the 14th, which would make me due at Red Cloud on or soon after the 19th.

I next ascertained that Mr. Matthews, who is carried on the rolls as engineer, had been, was, and would continue to do all the sawing; Mr. Appleton having in his employ in lieu of Mathews the engineer, the fireman, a cheap laborer, who does the work of fireman and engineer.

The agency-teams and agency-teamsters were engaged in picking up the shingles and lumber, and carting them when needed.

I found upon examining a Mr. Burch, an intelligent carpenter, in the presence of Agent Saville, that the custom in that country, and in Colorado and Wyoming Territories, where Mr. Burch had for some years been engaged in making lumber, was \$4 per thousand, the mill and logs being furnished, without the engineer or any other help; the men being boarded by the mill-owner, as Mr. Appleton's are, and that when the engineer was furnished, as in this case, the price per thousand should be correspondingly less.

Mr. Appleton's price is \$14 per thousand. As to the cutting and the laying of the shingles, Mr. Burch, Mr. Thompson, and Mr. ———, all carpenters, who also made their statement in the presence of Agent Saville, say it is worth \$1.50 per thousand for laying shingles, and from 50 to 75 cents for cutting them, thus making the total cost for cutting and laying between two and three dollars per thousand. Mr. Appleton's price, \$10 per thousand.

The slaughter-house and pen Mr. Appleton has sublet to this same Mr. Burch for \$180. Mr. Appleton's price for slaughter-house alone, without the pen, is \$4.50. (See his original propositions.)

Some of those carpenters told me they were anxious to get the above work at the prices they named, and were watching for the opportunity, when to their surprise and disappointment they learned it was privately let to Mr. A.

I then stated to Agent Saville that I should oppose the contract, for the reason that the prices were exorbitant, and that the Commissioner's consent to the same had been obtained through misrepresentation, (see Agent Saville's letter accompanying Mr. A.'s proposition,) and among other things said to him, "You board Mr. Appleton's men," &c. He said, "No." I told Mr. A. he must pay me for the board of his men. His manner convinced me that such was not true, and thereupon I called in Mr. A., and in the presence of Agent Saville, and without giving them any time for conference or consultation, said to Mr. A., "Dr. Saville boards your men?" "Yes," says he, "I told the doctor he must ration my men," &c., &c. They plead with me not to interrupt the contract, assigning, or trying to assign, various reasons in support of their terms. As it was growing late I suggested we would sleep upon it and would see them in the morning. In the morning, feeling unwilling to stop all the work then in progress, I told Mr. Appleton if he would alter his terms and put them down to something near reasonable, and write a contract accordingly and forward to me, I would carry it to Washington and would not oppose it. He said he did not like to alter his terms; it would look as though he originally designed to drive a sharp bargain with the Government, and if I would consent to let it remain he would share with me the profits, &c. I replied, saying that he might change his terms without unnecessarily reflecting upon his good faith, and assign as a reason that, after getting on the ground and learning more as to the facilities at hand, he could see his way out at lower rates, &c.

I left that morning for Cheyenne. On my arrival there, I wrote Dr. Saville the following letter:

"CHEYENNE, W. T., October 5, 1874.

"SIR: Should Mr. Appleton conclude to discontinue his work on account of the uncertainty of getting a contract, in that case you will make no settlement with him until such time and in such manner as the honorable Commissioner of Indian Affairs may direct.

"You will continue the contract for delivering logs, and the contract with Burch to complete the slaughter-house and pen, and pay him the price agreed upon, viz, \$180, less what Mr. Appleton may have paid him.

"You will continue the manufacturing of lumber and shingles; the roofing of the buildings; the building of the corral, and moving and resetting the scales; and select some good man to superintend the work, and employ such temporary help as may be necessary to carry it on. Mr. Appleton will be re-imbursed for any money paid his hands, and a just and fair compensation allowed him for his time and services.

"J. D. BEVIER, *etc.*

"J. J. SAVILLE, *etc.*"

Mr Appleton, according to promise, has forwarded to me his contract slightly modified, and I, according to promise, forward it to you. While the prices for sawing lumber, and making and laying shingles, building slaughter-house and pen and corral, resetting scales, &c., may be four times what it should be, yet there are bounds and limits to those items. The last proposition I regard as most objectionable, which perpetuates his stay interminable.

Very respectfully, your obedient servant,

J. D. BEVIER,

*United States Indian Inspector.*

Hon. E. P. SMITH,

*Commissioner of Indian Affairs, Washington, D. C.*

—————  
*Commissioner Smith to Bishop Hare.*

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,  
*Washington, D. C., October 22, 1874.*

SIR: I inclose herewith, for your information, a contract made by Agent Saville with A. R. Appleton for the performance of certain work at the Red Cloud agency, together with a communication from Inspector Bevier relative thereto.

Please return all the papers at the earliest opportunity; and I will thank you if, at your convenience, you will submit to this Office your views respecting the matter.

Very respectfully, your obedient servant,

EDW. P. SMITH,

*Commissioner.*

Rt. Rev. WM. H. HARE,

*30 Bible-House, New York City.*



*Bishop Hare to Commissioner Smith.*

NEW YORK, October 26, 1874.

SIR: I return herewith a contract made by Agent Saville with A. R. Appleton, together with a communication from Inspector Bevier.

I am not competent to judge of the fairness of the contract, but the whole affair, if justly stated by the inspector, is discreditable to the agent, and I think that he should be called upon to explain it.

It should be remembered, however, that the inspector may have a personal reason for desiring to make the agent smart. To refer to another matter, if the proposal to raise the United States flag was the occasion of the attack described in the telegram which appeared in the morning's papers, it was a gratuitous provocation of the Indians by Agent Saville, which shows great lack of common sense.

Very respectfully, your obedient servant,

WILLIAM H. HARE,  
By C. H. SMITH.

Hon. E. P. SMITH,  
*Commissioner of Indian Affairs, Washington, D. C.*

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*Commissioner Smith to Agent Saville.*

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,  
*Washington, D. C., October 29, 1874.*

SIR: I acknowledge the receipt of your communication of the 5th instant, inclosing, for the action of the Department, articles of agreement entered into by you with A. R. Appleton for sawing lumber and shingles, finishing the agency-buildings, and for the construction of a slaughter-house and issuing-corral at the Red Cloud agency.

In reply, I have to advise you that the contract is disapproved. You are directed to pay the subcontractors the several amounts due them for services rendered under the agreement with Mr. Appleton, said accounts to be sworn to as to correctness, &c., prior to settlement. All other persons employed by you to carry on the work will be paid a per diem for labor actually performed, the prices to be reasonable and the time sworn to, as set forth above.

Very respectfully, your obedient servant,

EDW. P. SMITH,  
*Commissioner.*

J. J. SAVILLE,  
*United States Indian Agent, Red Cloud Agency, Dakota Territory.*

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*Agent Saville to Commissioner Smith.*

RED CLOUD AGENCY, D. T.,  
*November 12, 1874.*

SIR: I am in receipt of your communication of October 29, disapproving the contract with A. R. Appleton, and directing me "to pay the subcontractors the several amounts due them for services rendered under their agreements with Mr. Appleton, said accounts to be sworn to as to correctness, &c., prior to settlements. All other persons employed by you (me) to carry on the work will be paid a per diem for labor actually performed, the prices to be reasonable and the time sworn to, as set forth above."

In reply I would respectfully state that, prior to the reception of your letter, the only subcontractor, Mr. Birch, who undertook to partly build the slaughter-house, had finished his work and Mr. Appleton had settled with him.

All men employed to carry on the work were employed by Mr. Appleton and paid by him. On reception of your letter, on the 6th instant, the work was suspended. Mr. Appleton settled with his men, and the most of them left for Cheyenne. It is therefore impossible for me to comply with the letter of your instructions, as Mr. Appleton is the only party present that I know in the business.

In explanation, I would respectfully state, that the unfinished condition of the agency-buildings was a source of embarrassments to me, as well as in some respects a loss to the Government. On August 17, 1874, I forwarded to your Office a proposition by A. R. Appleton, a competent builder, to finish these buildings. This proposition I then considered, as I do now, reasonable and advantageous to the Government. In accordance with your letter of approval of August 25, 1874, I notified Mr. Appleton to com-

mence the work, as it was necessary to push the work in order to get it done before winter set in, after the work had been commenced, but before the contract was written. Inspector Bevier visited the agency, and objected to some of the prices of work in Mr. Appleton's proposition, and suggested to me to have Mr. Appleton modify his proposition. I informed him that I had already passed my judgment upon the propositions; that I considered them reasonable; that I had in good faith entered into the agreement, and therefore would not ask Mr. Appleton to modify his proposition, but if he chose to suspend the work to do so, and I was willing it should be referred to the Department. I also stated to him that if he could come to an understanding with Mr. Appleton to modify his proposition it would be satisfactory to me. Mr. Appleton did make such modification as stated in my letter of transmittal accompanying the contract, and I understood that it was satisfactory to Mr. Bevier, and at the suggestion of Inspector Bevier sent the contract through him.

If this contract is not satisfactory to the Department, and I have committed an error in making it, I am willing in any honorable way to correct the error, but the implication, possibly unintentionally conveyed in the letter of the honorable Commissioner of Indian Affairs, that there is in it other than the most open and fair dealing, I most respectfully, but most positively, repudiate.

The work under the contract was being rapidly pushed forward, and two weeks more would have completed it. By this suspension the slaughter-house and corral remain unfinished and a part of the barn unshingled; also, 480 logs, measuring 42,976 feet lumber, unsawed.

I herewith inclose Mr. Appleton's statement of the work done, and respectfully request further instructions relative thereto.

Very respectfully, your obedient servant,

J. J. SAVILLE,  
*United States Indian Agent.*

Hon. E. P. SMITH,  
*Commissioner Indian Affairs.*

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*Appleton's statement.*

RED CLOUD AGENCY, F. T.,  
November 10, 1874.

*The United States to A. R. Appleton.*

To sawing 62,060 feet lumber, at \$12 per M.....	\$744 72
To making and laying 121,401 shingles, at \$8 per M.....	971 20
To making 15,760 shingles, at \$5 per M.....	78 80
To building slaughter-house .....	250 00
To 125 days' work, at \$3.25 per day.....	406 25
	<hr/>
	\$2,450 97

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*Commissioner Smith to Agent Saville.*

DEPARTMENT OF THE INTERIOR,  
OFFICE INDIAN AFFAIRS,  
December 21, 1874.

SIR: I am in receipt of your letter of the 12th ultimo, relative to the contract entered into by you with A. R. Appleton for the construction of certain buildings at the Red Cloud agency, said contract having been disapproved by this Office, and inclosing a statement of the amount of work performed by Mr. Appleton, with the cost of the same.

In reply, I have to say that I have given your statement a careful consideration; but I am not able to see how it can be worth \$12 per M feet to saw the lumber referred to by Mr. Appleton, when the mill and logs and engineer were furnished without any cost to him, and where the ordinary rates for sawing, where the whole labor of cutting the lumber is performed, are from \$3 to \$4, or \$4.50 at the largest figure.

Very respectfully, your obedient servant,

E. P. SMITH,  
*Commissioner.*

J. J. SAVILLE, Esq.,  
*United States Indian Agent, Red Cloud Agency, Dakota.*

*Agent Saville to Commissioner Smith.*

RED CLOUD AGENCY,  
January 4, 1875.

SIR: I am in receipt of your communication of 21st ultimo, relative to the contract with Mr. Appleton, &c., in which you say, "I am not able to see how it can be worth \$12 per M feet to saw the lumber referred to," "when the ordinary rates for sawing, where the whole labor of cutting the lumber is performed, are from \$3 to \$4, or \$4.50 at the largest figure."

In reply and in explanation, I will state that I based my estimate of the cost of the sawing of the lumber at this mill upon what the mill had done. This is one of Blandy's fifteen horse-power portable mills, and purports to cut 3,060 feet per day. It, perhaps, may do so in timber 20 inches or 24 inches in diameter, but it has never done that here. The logs here are pitch-pine, knotty, and average about 14 inches in diameter. From this timber the mill averages, in sawing lumber for the agency, about 1,200 feet per day. This partly results from the frequent repairs required upon the mill as one which will saw ten or twenty thousand feet, viz, six men besides the engineer. The wages of the men are from \$2 to \$2.50 per day.

I did not know the price of sawing at large mills, but formed my judgment upon the work the mill had done.

Very respectfully, your obedient servant,

J. J. SAVILLE,  
*United States Indian Agent.*

Hon. E. P. SMITH,  
*Commissioner of Indian Affairs.*

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*Commissioner Smith to Agent Saville.*

DEPARTMENT OF THE INTERIOR,  
OFFICE INDIAN AFFAIRS,  
March 19, 1875.

SIR: In reply to your letters of the 12th November, 1874, and 4th January, 1875, relative to the suspended contract of A. R. Appleton for the erection of certain buildings at the Red Cloud agency, I have to say that the explanations contained in said letters are satisfactory to this Office, and you are hereby directed to cause to be paid to Mr. Appleton the amount of his account, viz, \$2,450.97, from funds that are now, or may hereafter be, placed in your hands applicable thereto.

For your guidance in the payment of the above account, I would state that it will be necessary that the same should be stated on three different sets of vouchers, as follows: 1st. Sawing 62,060 feet lumber, at \$12 per M, \$744.22; making and laying 121,401 shingles, at \$8 per M, 970.20; and making 15,760 shingles, at \$5 per M, \$78.80. 2d. For building slaughter-house, \$250, accompanied by explanation showing the dimensions of the same; and, 3d, for 125 days' work, at \$3.25 per day, giving days and date of each man's service, and if the persons who performed the labor have been paid by Mr. Appleton, then their receipts to him should be with the account as subvouchers.

A copy of this letter should be with each set of vouchers as your authority in the premises.

Very respectfully, your obedient servant,

E. P. SMITH,  
*Commissioner.*

J. J. SAVILLE,  
*United States Indian Agent, Red Cloud Agency, Dakota.*

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THE SAMUEL WALKER REPORT.

CORRESPONDENCE.

A.

*Secretary Delano to Felix R. Irnutot.*

DEPARTMENT OF THE INTERIOR,  
Washington, D. C., February 4, 1874.

SIR: I am informed, unofficially, that Mr. Samuel Walker, of your office, has recently made some examination into the conduct of the agents and general condition of affairs

at Red Cloud and Spotted Tail agencies, by direction of the Board of Indian Commissioners, and that he has reported to the board upon the subject.

If what I have heard is correct, I have the honor respectfully to request information as to the time of Mr. Walker's appointment, and by what authority he was appointed, and also to ask for a copy of his report.

I have the honor to be, very respectfully, your obedient servant.

C. DELANO,  
*Secretary.*

Hon. F. R. BRUNOT,  
*President Board Indian Commissioners, Pittsburgh, Pa.*

B.

*Felix R. Brunot to Secretary Delano.*

BOARD OF INDIAN COMMISSIONERS,  
*Pittsburgh, February 6, 1874.*

DEAR SIR: Your letter of 4th instant, stating that you are "informed, unofficially," that Mr. Samuel Walker, clerk in the office of the board, had recently made some examinations at Red Cloud and Spotted Tail agencies by direction of the board, requesting to know "by what authority" he was appointed, and asking a copy of his report, came to hand yesterday, and I have the honor to reply.

I have to report, that through my own inadvertance a copy of Mr. Walker's report was not sent to you at the proper time. I laid it before the board at the January meeting, and, at my own suggestion, was instructed by resolution to transmit it to you. Mr. Cree subsequently asked if he should take it over, but was told that I wished to write a letter to accompany it. I will immediately direct the secretary of the board to send you a copy of the report, if he has not done so already.

As to the time when Mr. Walker was sent, I have not at hand the precise date, but I think it was about the 1st of December.

The authority was that of the board, through its chairman, under the acts of Congress appointing and continuing the board from time to time.

In regard to the report of Mr. Walker, I may say, further, that a few days before the meeting of the board I was solicited to furnish a copy for the information of the committee of the missionary society which had nominated and was responsible for the proper conduct of the agents at the two agencies concerned, at their meeting to be held in New York about the time of the board-meeting.

Deeming it important and proper that this committee should have all the information in possession of the board at its meeting, which would give them light as to the conduct of their nominees, I directed a copy to be furnished to them, on condition that it was to be used solely for the information of the committee in this connection. I am not yet aware that any other use was made of the information contained than to guide the committee in the duty of securing honesty in the administration of the agencies.

Very respectfully, your obedient servant,

FELIX R. BRUNOT,  
*Chairman.*

Hon. C. DELANO,  
*Secretary of the Interior.*

C.

*Thomas R. Cree to Secretary Delano.*

BOARD OF INDIAN COMMISSIONERS,  
*Washington, D. C., February 11, 1874.*

SIR: I have the honor to transmit herewith a true copy of the report made to Hon. Felix R. Brunot, chairman of the Board of Indian Commissioners, by Mr. Samuel Walker, of a visit to Red Cloud and Whetstone agencies.

Also, copies of affidavits prepared by Mr. Appleton as to beaves lost October 8, referred to in the report, and affidavit of Mr. J. Ecoffe as to Dr. Saville having whisky on the reservation.

Very respectfully, your obedient servant,

THOMAS K. CREE,  
*Secretary.*

The Hon. SECRETARY OF THE INTERIOR.

D.

## THE REPORT.

*The Red Cloud Agency.*

WASHINGTON, December 6, 1873.

SIR: In compliance with your directions, transmitted to me in an official letter of October 28, 1873, I have the honor to respectfully inform you that I have visited the Red Cloud and Whetstone Indian agencies in Dakota Territory, and have to report as follows:

On my arrival at Cheyenne, Wyoming, I went to the store-house of the Indian Department in company with Mr. W. H. Moore, store-keeper, and examined the supplies there awaiting transportation to the Red Cloud agency. The bacon was very good, but some of the coffee and sugar looked inferior. There were five brands of flour delivered under the contract for this year, as follows: 1st, Astor, Saint Louis; 2d, Occidental Mills, Council Bluffs; 3d, Papillion Mills, Nebraska; 4th, State Mills, Omaha; 5th, Anchor Mills. None of the sacks of the first four brands were marked, as required by contract, "Indian Department Flour." Some of the flour was in single sacks, but I could not ascertain how much. I secured samples of each brand of flour selected by Mr. Moore and myself, and respectfully submit them herewith; also Mr. Moore's affidavit as to the samples selected and his estimate of the quantity of flour in single sacks, &c. The flour appeared to be very inferior, and is said to be delivered by Mr. J. T. Baldwin for G. M. Dodge.

## HIGH PRICES PAID FOR CORN.

Some of the corn substituted for flour at Red Cloud agency, as per letter of Commissioner of Indian Affairs, dated September 16, 1873, was in the store, and looked like good grain, although I saw some of the same delivery at the agency very dirty and inferior. The price paid for it, as stated in the letter of the Commissioner of Indian Affairs, is \$2.26 $\frac{2}{3}$  per 100 pounds. This price is far above the market rates. Corn is being delivered in gunnies, in Cheyenne, at \$1.70 per 100 pounds, in small quantities. A large quantity can be obtained in burlap sacks, such as Mr. Dodge, the corn contractor, delivered in, for \$1.50 per 100 pounds. Clark, Parsons & Co., of Omaha, one of the most reliable firms in that city, offered to furnish 400,000 pounds at Cheyenne at that rate. So also did Mr. Coilett, a grain-dealer in Cheyenne.

I ascertained while in Cheyenne that the distance to the old Red Cloud agency by the road usually traveled by heavy trains is about ninety miles, while D. J. McCann charged the Government for one hundred and thirty-two miles; and that the distance from Cheyenne to the new Red Cloud agency is variously estimated at one hundred and eighty-six and one hundred and eighty-eight miles, as per affidavits of John Compton, train-master of D. J. McCann, signed also by G. W. Perkins, subcontractor, and of Charles Hecht, subcontractor, while D. J. McCann charged for two hundred and twelve miles. I also submit a copy of the contract between D. J. McCann and Charles Hecht, which shows that Mr. McCann only paid \$1 per 100 pounds for the whole distance to the old agency, and that the transportation is now furnished for \$1.20 per 100 pounds per one hundred miles to the new agency from the old.

## AFFAIRS AT NEW RED CLOUD AGENCY.

I arrived at new Red Cloud agency November 9. The affairs of this agency are conducted very loosely. I was informed by the clerk who receives the stores that nothing is weighed on receipt from the freight-contractor, who gets receipts for all his bills of lading, and that the agent, Dr. Saville, said he need not weigh. To any one at all acquainted with the character of the class of men engaged in freighting on the remote frontier, it is obvious that the Government loses largely by this practice, and it is inconceivable how any person possessed of the least desire to care for the interests of the Government and the Indians could tolerate such a practice. Neither is there any record of the amount of beef received at the agency, other than copies of the receipts issued to the contractor, which Mr. Bosler, who is really the beef-contractor, informed me he made out himself. The beeves had been received by an average weight, ascertained by weighing, as is alleged, some of the largest cattle, until November 7, when the cattle-scale was put up, with a cattle-corral, for weighing.

In examining the papers of the agency up to the date of my arrival I found no statement of the beef account with the contractor, and on asking Mr. Appleton, the acting agent, for an estimate of the amount for which receipts were due the contractor to that date, he informed me that he could not tell until he sent to Mr. George M. Bosler, at his camp, some thirty-five miles distant, and I was compelled to accept his promise to obtain the figures for me on my return from Whetstone agency. But even then Mr. Bosler did not bring his account, and I waited two days longer than was oth-

erwise necessary at Red Cloud agency, while Mr. Bosler went to his camp ostensibly to examine his accounts and the orders of the agent in his possession, and to let me know the result. He again returned to the agency the day before I left, and said the Government owed him for seven hundred and ninety-eight beeves, or maybe more, but he was not sure, as he said one of his herders had two of the orders which he had not seen. Thus the account of beef received at the agency was kept by Mr. Bosler. The issues of supplies are made to chiefs of bands for their bands, or to some chief or head-man designated by the band.

Flour, coffee, sugar, &c., are issued in quantities according to the amount on hand, and no record is kept of the amount issued, the returns being made out to balance with the amount on hand. The Indians are by this plan charged with the amounts stolen by freight-contractors and others, and fed to employés, all of whom are fed from Indian supplies. The beef is issued by beeves on the 1st, 8th, 15th, and 23d of each month—so many beeves being allowed to each band. For instance, Little Wound's band, said to number two hundred lodges, receives forty beeves for seven days' rations. When the average of the beef is greatly overestimated, the Indians are charged with and cheated out of the amount of the overestimate. If this band received their cattle at the actual value, they would only be entitled to forty beeves, each weighing seven hundred and thirty-five pounds, and all over that weight is an unjustifiable issue, which is covered by misrepresenting the actual number of lodges in accounting to the Department. Little Wound's band received one beef to five lodges, by a special arrangement of Dr. Saville, who promised to allow them that number if they permitted him to count their lodges. Little Wolf's band received a like proportion. On the other hand, Red Cloud's and other bands received less than this ration. I endeavored to get a statement of the number of beeves issued since Dr. Saville took charge, but found that no regular record of the number of beeves issued was kept, beyond the rough issue-lists of the commissary clerk; and those of the third quarter having been destroyed, after the return of provisions for that quarter was rendered, I had to limit inquiries into the beef transactions to the months of October and November.

#### INDIANS CHEATED OUT OF WHOLE ISSUES.

The papers of the agency show that on the 1st of October there were on hand 14,948 pounds of beef, and that during the month there were received, as per receipts of J. J. Saville, on the 1st day of October, 647 head, averaging 1,063 pounds each, and on the 15th day of October, 633 head, averaging 1,043 pounds each, making a total of 1,362,928 pounds.

From a statement of Mr. B. F. Walters, it is seen that 1,163 head were charged as issued to Indians during the month. The chief herder stated to me that he had on the 1st day of October 60 head of beeves, which, added to the 1,280 beeves for which receipts were given, would amount to 1,340 beeves, of which 1,163 were issued, leaving 177 head which should have been on hand October 31, less 52 head said by Mr. Appleton to have been lost by stampede, and 10 head said to have been given by Dr. Saville to Nic Jamis on account of rations for his half-breed children, living eighty-eight miles from the agency. It will be seen hereafter that there was not a pound of beef on hand at this date.

#### FALSE AND FRAUDULENT RECEIPTS FOR BEEF.

The receipts of Dr. Saville were, however, false and fraudulent. He did not receive 647 head on the 1st of October, nor 633 head on the 15th of October. On the 1st day of October no issue was made at the agency, because the herd of the contractor stampeded the night before delivery, and J. Bissinette, interpreter, swears that two issues were omitted in October, one on the 1st and one on the 15th. This testimony appears to be corroborated by a draught of an affidavit prepared by Mr. A. R. Appleton for the signature and attestation of the chief herder, in which he says that a herd of about 600 beeves stampeded on the 8th of October, which could not have been the case, as to the number stampeded, had the herd been received on the 1st, and an issue made of 282 head, as alleged.

On the 8th of October, 297 head were issued, a number, which I could not ascertain, having been received on the day before, and after issue the herd stampeded, and Dr. Saville then decided not to keep an agency herd, and directed the chief herder to turn over to Mr. Bosler's herd all the cattle recovered, which he did, to the number of 217. Of this number Mr. Bosler only acknowledged the receipt of 177 head.

Thus, after the 8th day of October there were no cattle left at the Red Cloud agency, and no herd was received except 185 head, issued on the 18th, (or more probably on the 21st,) and subsequently 399 head, said to have been issued on the 23d, (or more probably on the 25th.) The latter issue was made on the solicitation of Mr. Appleton by Dr. Saville, before the departure of the latter for Washington, for the 1st of November, no issue being made from October 25 until November 8.

On the 8th day of November 390 beeves, said to average 993 pounds each, were received and issued; and on the 18th of November 410 beeves, averaging 967 pounds,

were received and issued. I was present, and assisted in the weighing of the herd received November 18, and it was said by the whites and Indians to have been the finest herd received during the year.

RECEIPTS GIVEN FOR CATTLE NOT RECEIVED.

On the 21st of November Mr. George M. Bosler informed me that the Government owed him receipts for 798 head of cattle received during November. Dr. Saville, therefore, gave a receipt on the 1st of October for 647 head of cattle, and certified that he weighed twenty head, and that their average weight was 1,063 pounds, and for 633 head on the 15th, averaging 1,043 pounds each, when, in fact, no such number of beeves was received, and receipts were given for cattle which the agent never saw. There is no record to show that any of the lot received October 18 (or 21) were weighed at all. It will be seen, then, that the Government is charged with receiving 1,280 beeves during October, and that there were on hand, October 1, 60 beeves, making in all 1,340 beeves belonging to the agency. From these there were issued, October 8, 297 head, October 21, 185 head, and October 25, 399 head, leaving 439 head unaccounted for for that month, as Mr. Bosler claims receipts for 798 head for November.

I think it clear that fraud was intended. Mr. J. H. Bosler told me in Cheyenne that he made out the receipts for the agent's signature, and as those receipts purported to represent deliveries of cattle on dates on which both he and the agent, Dr. Saville, knew that no such deliveries were made, and that weights were certified to, especially on the receipt of October 15, when no cattle were weighed, there was clearly collusion between Dr. Saville and Mr. J. H. Bosler to obtain payment from the Government for beef not delivered, either as to number or weight of beeves. In confirmation of this, I invite attention to the affidavits of J. Bissinette, who swears that Dr. Saville told him that the cattle, about the beginning of October, averaged about 1,000 pounds, not 1,063, as certified to. The affidavit of Thomas W. Reed, subagent, shows that the cattle actually received from Mr. Bosler were not of the weights represented by the certificates, as does also that of J. Bissinette, interpreter, who swears that he called the attention of Dr. Saville to the fact that only large cattle were brought up to be weighed. I was also informed by a herder at the agency, who had been raised among cattle, and was a herder on the Kansas cattle-trail, that 920 pounds would be a good average for all the cattle received since August 1 at the Red Cloud agency. Mr. Appleton weighed the lot of 390 cattle received November 8, and allowed an average of 993 pounds, although the actual weight was 958 pounds each, he having allowed the contractor, Mr. Bosler, 35 pounds per head for overdriving. The following is a statement of the number of lodges of Indians said to be at Red Cloud agency since October 1, 1873:

	Lodges.	Indians.		Lodges.	Indians.
October 1 .....	2, 131	14, 917	November 1 .....	2, 351	16, 457
October 8 .....	2, 158	15, 106	November 8 .....	2, 419	16, 933
October 15 .....	2, 213	15, 491	November 18 .....	2, 386	16, 702
October 23 .....	2, 273	15, 911			

From the best information to be had on the subject, I am satisfied that there are no more than 1,100 lodges, or 7,700 Indians, at the agency. It is claimed that the agent cannot obtain an accurate estimate of the number of lodges, because the Indians are averse to being counted, and will not allow a census to be taken, and that he cannot lessen the issue of beef without risk to his life and the lives of the agency employes. On these points I would respectfully refer to the affidavits of J. Bissinette and Y. W. Reed herewith.

UNAUTHORIZED EXPENDITURES BY AGENTS.

I respectfully invite attention to the variableness of the issues in October, as to the number of beeves issued and the dates of issue. If the Indians were so violent, as represented, the agent would have been afraid to deprive them of two issues in one month. There is no authority for receiving or issuing so much beef, if I may except a statement made by J. H. Bosler, that the Commissioner of Indian Affairs had told Mr. Wilder "to go ahead and furnish what beef was wanted." By the terms of the advertisement for supplies for the Indian service for the fiscal year 1873-74, "the right to increase or diminish the quantity of each or any of the articles" is reserved by the Commissioner of Indian Affairs, and as I could find no authority from him authorizing the agent at Red Cloud agency to receive more than 416,666 $\frac{2}{3}$  per month, I infer that the agent's action in receiving more than that quantity has been illegal and not binding upon the Government, especially as this advertisement forms part of the terms of the contract with Mr. Wilder, and must be well known to him and the agent. Dr. Saville purchased ten horses after his arrival at the agency, which he certifies were absolutely necessary for herding purposes. I found four of them used for an ambulance team. He paid \$700 for the ten. They were of the kind known as "Broncos," which are usually purchased for \$50 apiece when sound and serviceable. Of the ten

purchased, only two might have been worth \$70 each. All the others could be bought at any time for from \$40 to \$45 each. None of the ten were fit for herding.

On the report of employés for the third quarter of 1873, Frank D. Appleton, son of A. R. Appleton, superintendent of buildings at Red Cloud agency, and, I believe, a brother-in-law of Dr. Saville, appeared on the roll as clerk from August 19, 1873, at \$125 per month. He only came to the agency November 9, 1873, and I was informed that A. R. Appleton, his father, received the check drawn for his services to September 31, 1873, and signed his (Frank D. Appleton's) name to the proper voucher therefor. During my stay at the agency a number of blankets of the annuity goods of 1873-'74 were shown to me. They are undoubtedly inferior to the samples upon which the contracts were made; also some knives, of which the Indians complained very much. I brought samples of the white, dark-blue, and scarlet 24-point blankets to Washington with me, and have turned them over to the secretary of the board; also one of the knives.

#### UNJUSTIFIABLE TRANSACTIONS.

I respectfully call your attention to the turning over of beeves by Dr. Saville to Mr. Bosler's herd, after giving receipts for them, at an average of 1,063 pounds each, and the subsequent receipt of the 18th, without weighing; also to the receipt of the 15th, given without at that time receiving cattle; also to the affidavit of Subagent Reed, which shows at least one instance in which beef justly due was kept back from the Indians while there was enough to their credit; to the allowance of 35 pounds per head extra on the herd received November 8; to the delivery of ten beeves to Nick Janis for his half-breed family; to the gift of two bolts of Indian cloth to Joseph Bissonette, as per his affidavit; and to the fact of Dr. Saville having had liquor on the Indian reservation, as sworn to by Mr. Ecoffee. There can be no justification for any one of the transactions referred to. I also respectfully invite attention to the accompanying statement of Mr. H. W. Moore. Todd Randall, the man referred to, now an Indian trader at Red Cloud agency, was recently at Whetstone agency, and does not bear a good character. I was informed that Mr. A. R. Appleton purchased the goods for Randall's trader's store at the Red Cloud agency. I was also informed that Mr. A. R. Appleton was discounting the checks of the agent paid to employés for services at the rate of 5 per cent.

#### THE WHETSTONE AGENCY.

I left Red Cloud agency on the morning of November 12, and arrived at Whetstone agency the same evening, after a drive of about forty miles. I was able to get but very little information at this agency as to the manner of doing business, the clerk, who was acting agent in the absence of Agent Howard, being unacquainted with the routine duties.

I examined the supplies delivered under the contract for 1873-'74, and found that the flour was a better article than that delivered at Red Cloud agency. There were only three brands, as follows: 1. St. James Mills, Neb.; 2. Exchange Mills, Sioux City; 3. City Mills, Sioux City; all of which appeared to be nearly, if not quite, as good as the samples of flour contracted for received from the Indian Office. Samples are respectfully submitted herewith.

#### A SPECIMEN OF POOR FLOUR.

I also examined the old flour which had been delivered by G. M. Dodge under the contract of 1872-'73, and respectfully transmit herewith a sample selected in the presence of the agent's clerk, Mr. Willard D. Bray, and S. F. Estes, who pronounced it to be a fair specimen of the whole delivery. It is a nondescript article, neither flour nor meal, and totally unfit for issue as flour. In receiving the supplies at this agency parts only are weighed. The clerk informed me that he thought nearly all the bacon was weighed, and sometimes the sugar and coffee. The flour and corn were not weighed. Several sacks of corn were taken and weighed, and their average allowed for the train-load from which they were taken. The issues were calculated by the number of lodges said to be present, not by the amounts actually issued, of which no record is kept. Tickets are issued to chiefs, headmen, or other persons representing bands or lodges, for the amounts which they are to receive. These tickets are orders on the issue-clerk from the agent's office for supplies for a stated number of lodges, which, as the clerk told me, never equal the number claimed by the Indians, as they usually overstated their numbers. I observed, however, that credit was taken on the returns for the full number claimed by the Indians, and, as an instance of this mode of dealing, I submit the following as coming under my own observation:

#### INDIANS CHEATED IN THEIR SUPPLIES.

A party of Minneconjous and Uncpapas, numbering 28 lodges, came to the agency while I was there and got rations for seven or eight days. The clerk issued some supplies, and when they insisted on having beef too, he gave them an order for one beef.



This was to supply 3,969 pounds of beef, and there was not one animal in the herd of beeves then at the agency which would weigh 1,000 pounds. If they happened to get one of the smallest ones which I saw there, they could not have had more than 260 pounds, net weight, of beef.

The beef here, as at Red Cloud agency, is issued by beeves, with the same general results in case of overestimated averages. The return of provisions for the third quarter of 1873 showed that the agent had on hand, September 30, 1873, 955,039 pounds of beef, calculated at 950 beeves, and the receipt of the agent was given in October for 1,056 head, making a total of 2,006.

Of this number, there was said to have been issued as follows: October 1, 233 head to 730 lodges; October 10, 269 head to 1,085 lodges; October 20, 307 head to 1,146 lodges; during the month, about 70 head to 100 of whites; making a total of 879 head issued in October. There was issued November 1, 315 head to 1,197 lodges; November 10, 373 head to 1,553 lodges; November 10, 47 head to 100 of whites; making in all 735 head issued in November. During the quarter there was said to have been six head stolen by Indians and one head lost by disease, leaving a total of 385 head to be accounted for at the date of my visit. Of that number, the chief herder and clerk (acting agent) reported to me, when I visited the herd, some ten miles distant from the agency, that there were 130 head on hand. I subsequently learned that 38 of the cattle shown to me as beeves were work-cattle, belonging to the agency and freighters in the neighborhood. There were, therefore, only 92 head of beeves at the agency, leaving 293 head unaccounted for. Subsequently the acting agent said that the round return of provisions for the third quarter of 1873, which he showed me, was not correct, and that he had not deducted from it 55 head said to have been taken by Indians. If this statement is correct, there yet remains 232 head to be accounted for, and the only inference is that receipts were given for a larger number of beeves than were actually received, unless the chief herder failed to give an accurate statement of his losses.

#### HOW THE BEEF-CONTRACTOR MAKES MONEY.

Having no means of weighing in gross provided as yet, the average of cattle at this agency was ascertained by weighing a few head selected by the chief herder and weighed by the butcher, who, I was informed, at one time weighed the end-gate of a wagon with each of the four quarters of a beef, and counted the whole as the net weight of the animal; and at another time cut the beef in two parts, leaving all the neck, backbone, &c., on one side, which he weighed and multiplied by two, to represent the net weight of the animal. This man and the chief herder are relied on by the agent, who never attends to the weights personally, to give the average weights for which the Government pays, and with which the Indians are charged.

I have no hesitation in saying that the average of the October lot must have been largely overestimated; for, of the 92 head on hand, there was not one which would weigh 1,000 pounds; while, on the other hand, there were two very small animals, between 2 and 3 years old, in the herd, not weighing 600 pounds each, and a large proportion of the balance would not weigh over 800 pounds each. It was said by the chief herder that this was the last lot of the herds of September and October, and did not represent fairly the size of the cattle in those herds. But if this were true, they, having been so long on hand, should have been in good condition, which they were not. I am convinced, after weighing the splendid lot of cattle delivered at Red Cloud agency November 17, and which averaged only 967 pounds, that no common herd of Texan cattle, which had in it any number of such animals as I saw in this herd, could weigh more than 900 pounds average. It appeared to me that the introduction of the work-cattle in the herd was an attempt to cover up an overaverage. When I spoke to the acting agent on the subject, he said it was not done by his orders.

#### INSUFFICIENT ISSUES OF BEEF.

I also examined a lot of 150 hides which were spread out to dry by the trader, and found the greater part to be small hides, such as might be taken from cattle weighing from 750 to 800 pounds. It became evident to me that the 92 head on hand were intended for the issue of November 20. It was my intention to be present at the receipt and weighing of one lot of the cattle received at the Red Cloud and Whetstone agencies, and I endeavored to make arrangements to that end. Mr. Willard, the clerk in charge at Whetstone, informed me that he expected a herd by the 20th or 21st, and I left Whetstone on the 17th to be present at the receipt and issue at Red Cloud agency on the 18th, intending to return on the 19th, and be present at the receipt and issue of cattle, October 20, at Whetstone, but Mr. George M. Bosler told me at Red Cloud agency that Mr. Willard had said that when he wanted beef he would send word to his camp, and that he had at that date, November 18, received no notice from Mr. Willard, and that he understood, when visiting the agency the day before my arrival, that enough beef was on hand for an issue. This lot of 92 was then clearly intended for the issue of November 20, no provision having been made for an additional supply. I respectfully invite attention to the issues of October 1 and 10. According to the number of

cattle issued October 1 to 730 lodges, the 1,085 lodges, issued to October 10, would be entitled to 345 beeves, while they received only 269. I also invite attention to a similar disparity in the issues of November 1 and 15. The issues charged to the Government are undoubtedly excessive, as are also the receipts, for which, under the terms of the advertisement for supplies for 1873 and 1874, the Government cannot be held responsible.

#### ISSUES CHARGED TO INDIANS NOT PRESENT.

The number of Indians to which issues are charged is far in excess of the number actually present. The clerk at the agency told me that he calculates the number present to be about as many more as properly belonged to the agency. Messrs. Kemble and Alvord ascertained that from 2,300 to 2,500 Indians properly belong to the Whetstone agency, and 5,000 persons would, therefore, be a fair estimate of the number of Indians fed. Or, estimated by lodges, there should be no more than 720 lodges to be issued to; and this I believe to be a liberal estimate of the number fed up to the present. Just before I left I heard that a large number of Minneconjoux were expected to arrive—perhaps 200 lodges. This would increase the number at the agency to 900 lodges, more or less, and I am satisfied that that is the highest number of lodges that received rations at Whetstone agency this year.

The corn delivered at this agency was complained of by Spotted Tail as being very old and dry. It is to be delivered as per the letter of the Commissioner of Indian Affairs of September 16, for \$3.60 per 100 pounds. This cannot be done without loss to the contractor. He can furnish corn, delivered at the agency, for \$4.62 per 100 pounds, at a fair profit, but not for less. On examining the agency records, I found that C. Ferris, jr., member of the trading firm of Pratt & Ferris, at Fort Randall, was on the roll of employés as subagent, at \$100 per month. The senior member of the firm of Pratt & Ferris, J. H. Pratt, is the trader at Whetstone agency. I respectfully invite your special attention to this arrangement, which appears to me to be entirely in conflict with the best interests of the Government. I found a voucher in favor of J. H. Pratt for 38,400 pounds of oats, at 7 cents per pound, delivered at the agency. This is a very high price. Oats were delivered to a private individual at Whetstone agency, on a small retail purchase, at 5.20 cents per pound. There was also a voucher for 6,400 pounds of seed-oats, at 7½ cents per pound. This is also proportionately high.

#### UNNECESSARY EXPENDITURES FOR LABOR.

I observed that one chief herder and seven herdsmen were employed at this agency, while Red Cloud agency only needed one chief herder and four herdsmen. The latter number is amply sufficient for all the needs of either agency. The number of laborers also appears to be excessive. There are eleven who receive \$50 per month, while the laborers at Red Cloud agency receive only \$40 per month, with the exception of four, who are skilled laborers. I think seven would be sufficient. There does not appear to be a necessity for more than one person to butcher. C. Bernard's services might be dispensed with. The herd farmer, Raymond, is a freighter, and attends particularly to that branch of the business. There were three Texan horses on the papers of the agency, of which I could learn nothing of the acting agent.

There were no papers left at the agency by late Agent Risley from which I could form any estimate of the transaction of business during his incumbency. From the best information I could get, he had not been at the agency in all more than thirty-seven days. The beef received under the contract of 1872-'73 was very much overaveraged, and was not of the kind contracted for, a large portion being two and three year olds, which could not have weighed more than 600 to 700 pounds each. The testimony on this point at the agency is almost unanimous.

I endeavored to obtain an accurate list of the persons who freighted under the contract to remove the public property at the old Whetstone agency to the present location; but, owing to the absence of most of the freighters, was unable to get the personal testimony of each as to the amount he carried. I ascertained, however, that Dr. Graves took no part in the removal, either personally or by deputy; all the goods, supplies, &c., were delivered and received by Government employés, and all accounts of weights, &c., were turned into the agent's office, from which due-bills were issued to the freighters for the amounts due them at \$1 per 100 pounds for the whole distance. I traveled over the roads which led from the old to the new Whetstone agency, and believe the distance does not exceed thirty-three miles.

I returned to Washington on the 1st instant, and reported for duty at the office of the board.

Very respectfully, your obedient servant,

SAMUEL WALKER,  
*Clerk of the Board.*

Hon. FELIX R. BRUNOT,  
*Chairman Board of Indian Commissioners.*

## THE BISHOP HARE REPORT.

ADMINISTRATION OF RED CLOUD AND WHETSTONE AGENCIES.

*Special report.*

To the Hon. C. DELANO,  
*Secretary of the Interior :*

SIR: The commission appointed to investigate into the administration of the Red Cloud and Whetstone (Spotted Tail) agencies, and to inquire into the temper and condition of the Indians connected with these agencies, and to make such recommendations as upon examination should seem to them judicious as to the line of policy to be pursued toward them, beg leave respectfully to report, that they met at the Red Cloud agency, Dakota, March 16, 1874, all the commissioners being present, as follows: F. H. Smith, one of the Board of Indian Commissioners; J. D. Bevier, United States Indian inspector; Rev. S. D. Hinman, for fifteen years missionary among the Santee Sioux; and W. H. Hare, missionary bishop to the Indians.

On motion, it was resolved that the commissioners organize and conduct their proceedings as a single body. Thereupon William H. Hare was chosen chairman of the commission, and F. H. Smith secretary.

## CONDITION OF THE INDIANS.

Before reporting the results of their mission, it may be well to state that the Indians properly connected with the Red Cloud and the Whetstone agencies are the Ogallallas and the Upper Brulés, respectively. They are among the most distant of the Sioux from civilizing influences, and the last who have accepted a position of dependence upon the Government, and their agencies are the resort during the winter of multitudes of northern Indians, (Minneconjous, Sans Arcs, Uncpapas, &c.,) variously estimated at from 10,000 to 15,000 in number, who range over districts still farther removed from civilization and the power of the Government, and who, when driven in from their roving life upon the plains farther north by the rigors of the winter, come to the Red Cloud and Spotted Tail agencies, attracted by the rations which the Government dispenses there.

The wilder spirits among the Ogallallas and Upper Brulés find in these sojourners congenial company. Combined, they constitute a turbulent party, which for the time rules the agencies with a high hand. The better-disposed Indians have not yet reached strength enough, either in number or character, to resist these impetuous hordes from the north and their abettors. Those who sincerely desire to learn a better way *dare not* raise their heads; and those who favor progress in quiet times, because it seems the winning side, are politic enough to float with the tide when its tumultuous waters run the other way. From the time of the arrival of these outside bands, white men living on the reservation are careful not to expose themselves after night-fall, and those who for months have been accustomed to travel through the country alone, without fear of molestation, seek an escort of friendly Indians. The agents are subjected to intimidation and to the most violent and unreasonable demands, while now and then small war-parties dash off into the adjacent country in the hope of happening upon a stray soldier or finding an opportunity of running off stock.

This turbulence usually continues and increases until it reaches its climax about the time when the severity of the winter is relaxing, and the visitors from the north are beginning to make their preparations for a return to their wild northern retreats.

Our commissioners found that the past winter had been no exception to the general rule. Comparative quiet prevailed at both agencies during all last summer and early fall, but upon the incoming of the northern Indians trouble at once began. The most extravagant demands were made for rations, and enforced by intimidation. The efforts of the agents to make a census of the people (which was essential to the proper regulation of the issue of rations) were thwarted and defied. When registration was, notwithstanding, attempted, the agents were forcibly restrained and their lives were threatened, and they were informed that, should they dare pass beyond certain limits which were marked out for them, they would do it at their peril.

Early in February a war-party, one or two hundred strong, was organized—perhaps there were several of them—and started on a marauding expedition for the settlement farther south.

Your commissioners have no exact information as to the amount of stock which was run off by these parties; but within ten days a man named King, a hunter, was shot on Laramie Fork; Edgar Gray, a teamster, was killed on the Running Water; Lieutenant Robinson and Corporal Coleman, while absent from their train, were pursued and killed near Laramie Peak; and Frank D. Appleton, clerk, was shot dead (as is supposed,

by one of the above-mentioned war-party on its return) within the stockade at the Red Cloud agency.

There is sufficient evidence to satisfy the commission that the better spirits discountenanced these lawless proceedings; that the murder of Appleton moved one of the chiefs to tears; that the agents were able to form a number of the Indians into a guard to protect themselves and their agencies; that one Indian, and he a northern man, demanded the return of stolen horses from a war-party of which his nephew was a leader, and, when it was refused, shot him and rescued the stolen property by force; and that another defended his agent at the peril of his own life. But, notwithstanding, turbulence seems to have reigned for some time almost supreme.

#### IS WAR THE NEEDED REMEDY ?

Lamentable as has been the condition of affairs, your commissioners have not discovered any proof that the Indians have been preparing for or intending to provoke a war with the United States. While it cannot be affirmed that these Indians are generally friendly in their feelings to the whites, their loyalty to the Great Father is evidently both general and deep-seated. It is, moreover, plain that there have been no common councils against the whites, and that there has been no concentrated action. Confirmatory of this opinion is the fact, that when the troops appeared at the agencies the great body of Indians who belonged there remained, leaving their visitors to go their way. The exhibitions of violence in which the turbulence has culminated have been, the commissioners are convinced, simply those of Indian rowdyism.

Whether the northern Indians intend war the commissioners cannot say. They have not been able to find any indications of it, other than those which have caused uneasiness in former years. If these northern tribes can be brought under the influence of the present feeding policy of the Government, a few years will witness the entire removal of all fears on this score.

The advance which has been made toward the solution of the Sioux problem, in the case of all those tribes which have been brought under the operation of the present policy, is manifest. It was but six years ago that the Indians now gathered about the Red Cloud and Spotted Tail agencies were constantly upon the war-path, and were among the most dangerous foes of the Government. Under the present policy their wild, fierce spirit has been taming down, and their proud sense of power and the defiant temper which resulted from it have been decreasing, while their dependence upon the Government has been increasing every month, so that a general war movement on their part, except under extraordinary provocation, is almost out of the question. Your commissioners have failed to discover any symptoms calculated to weaken their faith in the practical wisdom of the present policy of the Government and of its desire to avoid a war with the Sioux if it be possible. The history of our past Indian wars is humiliating. It is folly to drive to desperation, except under the pressure of absolute duty, a wild and ferocious people, who could bring into the field from six thousand to seven thousand warriors, with whom war is a passion, who range over a wild country of vast extent which is a *terra incognita* to the white man, but every inch of which is familiar to the Indian, and whose warfare would be characterized by all the peculiar difficulties with which guerrilla war confronts the army of a civilized people.

Only two methods of carrying on such a war can be conceived of, it is believed, which would give any assurance of success.

The first is to descend to the level of the Indian, and fight him with wild frontiersmen, after his own savage mode; a course which civilized people cannot adopt without self-degradation.

The other method is to inaugurate war on a scale gigantic enough to surround or occupy the whole Indian country; a plan which would call for an expenditure of money and the raising of an army which our people are not likely to authorize and sustain unless under a sense of duty or of wounded national honor, which there is no likelihood the present or future attitude of the Indians will create.

War, then, the commissioners consider out of the question, but not *support of the agents by the employment of military force.*

The Government owes it to its agents to save them from the necessity of being the toys or tools of lawless savages, and thus becoming a hinderance rather than a help to their real progress, and to put at their command sufficient power to enable them to discharge their duties and to make their reasonable demands respected.

It owes it to the better-disposed Indians to secure them another resource than falling in with the proceedings of the wild and riotous, or else becoming their victims, and to see that brute violence shall no longer keep at a distance those missionary and educational instrumentalities which the better Indians desire and their friends are ready to provide.

The commissioners know of no way in which this protection can be secured but by the posting of a military force in the neighborhood of all agencies among the wilder Sioux. They believe that the mere presence of troops would ordinarily accomplish all

that is desired; that the use of a military force for proper purposes would command the approval of the better-disposed Indians; that familiarity with the presence of troops would tend greatly toward taming the wilder Sioux, by accustoming them to the sight and tolerance of white men; that the support of troops would enable the agents to be a power "for the punishment of evil-doers and for the praise of those that do well," and to drive away from among the Indians the white desperadoes and fugitives from justice who have hitherto frequently been able not only to make the agencies their refuge, but to exert a very sensible influence there. The corrupting influence of private soldiers, which will at once occur to many minds as an objection to this plan, is not to be feared among the wilder Sioux as much as elsewhere, as the women are generally virtuous, and these bad influences might be reduced to a minimum by the placing of the post at a short distance from the agencies and by the exclusion of Indians from their precincts.

In confirmation of some of the points just made it may be well to state the interesting fact that your commissioners found on arriving at the agencies that, although there had been the greatest opposition on the part of the Indians to the coming of the troops, they did not attack them, and became reconciled to their presence when the commission assured them that the soldiers were not sent to make war, but to protect good men and their agency, and that during their whole stay of some weeks and their many conferences with the Indians but few urgent words of dislike to the presence of the troops were uttered, however much the Indian young men may have bantered the soldiers with alarming stories and threats.

Should the continued occupation of these agencies by troops be determined on, your commissioners recommend that the relations of the agents and the military commanders should receive careful consideration and be definitely determined.

#### NORTHERN TRIBES.

From the above narrative it is apparent, your commissioners think, that the agents at Red Cloud and Spotted Tail agencies have as many Indians in those, now properly connected with their agencies, (say about 5,000 or 6,000 each,) as they can possibly manage; that the northern tribes, who make it a habit to come into their agencies in the fall, are a disturbing element, strengthening the evil-disposed and enfeebling the good; and that they are a part of the Sioux Nation, numerous enough and important enough to call for a distinct effort of the Government for their conciliation and eventual civilization. To this end, your commissioners respectfully recommend that a delegation be induced to visit Washington the coming summer—a mode of treatment of tested efficacy; that they be informed that no Indians will hereafter be fed at either Red Cloud or Spotted Tail agency without being first enrolled; that they be discouraged from going to those agencies; and that they be offered an agency of their own. The question at once arises, where should the agency be located? The hive of the hostile Sioux, their retreat in times of danger, their place of council when marauding parties are being organized, is the Black Hills. All agencies, all military forts yet established by the Government, being upon the fringe only of an immense country, have left the vast power which circles about this spot, the pride of the nation, untouched.

An agency and a garrison planted somewhere near these hills would put the whole Sioux country and people under the control of the Government as they have never been before, and open up this at present impenetrable heart of the nation to the rays of civilizing influences; and if the bottom-lands of the forks of the Cheyenne and of the streams which flow into them from the Black Hills should prove, upon examination, good for agricultural purposes, as many represent that they are, the commission believe the planting of an agency in the Black Hills country worth all the expense which its establishment would involve.

#### COUNCILS WITH THE INDIANS.

The commission held a number of councils with the Indians at both the agencies. The northern Indians had gone off upon hearing of the approach of the troops, and the efforts of the commission to secure a hearing from them were not successful. The attendance of chiefs and headmen of the Ogallallas, however, at their agency, and of the Upper Brulés at theirs, was very general. The following points were urged upon them at both agencies, in an address delivered on behalf of the commission by their chairman, a copy of which accompanies this report:

- 1st. That they should submit immediately to the registration of their people.
- 2d. That they should deliver up Indians who murdered white men or committed depredations upon their property; or that if, for any reason, they were unable to do this, they should countenance their agent in calling in the military force to arrest the offender.
- 3d. That, as the occasion of most murders and depredations was the absence of Indi-

ans from their reservation, in the exercise of the privilege accorded them by the treaty of 1868, to hunt buffalo on the Republican Fork, and to roam in the country south of their reservation as far as the North Platte, they had better consent, for a proper consideration, to surrender this right.

4th. That the Government proposed to send a party of surveyors to run the northern line of Nebraska, and that the Indians should put no obstacles in their way.

5th. That the Indians should consent to the removal of their agencies to such localities as might be fixed upon by the commission, after a careful exploration by the commissioners, accompanied by a large representation of Indians.\*

The people were evidently much disappointed that the commission had no attractive promises to make nor presents to distribute, and the state of mind was exhibited on all sides which is to be expected when the Government, having pursued with some success the commendable policy of drawing savages in from their native defiance by conciliation and presents, arrives at the point when it must teach them their duties. Discussions with them revealed most unreasonable expectations, pitiable want of appreciation of the benefits already conferred, and gross misconception of the requirements of the treaty of 1868. Indeed, it became more and more apparent every day that neither the people, nor their chiefs who signed the treaty, now understand, nor indeed ever understood, its terms. This opinion was confirmed by conversation held afterward with persons familiar with the Indians. He who would have looked for anything else has not learned human nature well, nor his first lesson in dealing with the wild children of the plain. It was delightful, however, to notice the universal reverence and love which exist for their Great Father, as they term the President, and the self-control with which, with some exceptions, their speeches and their conduct were distinguished. The only violations of this moderation were on two occasions, when, to cut off remarks on either side, the Indians were on a sudden dispersed by a signal given by their chiefs, and the commission were left, the first time a little to their consternation, without an audience.

The registration, which was the first point urged by the commission, was assented to at the Red Cloud agency without much opposition, and was made (for a first essay, somewhat satisfactorily) by the agent within a week after our first council. At the Whetstone agency it met with more opposition.

The second point urged by the commission would have confronted them with a much less difficult task had the Indians not been able to array before them a counterbalancing record of depredations upon the persons and property of Indians committed by white men.

The reply to this second point was the same in substance at both agencies. The Indians said that a chief, Whistler, well known as a friendly Indian, and two of his men, had been murdered in the summer of 1872, and that within a few weeks a large number of horses had been run off by white men from the neighborhood of the Red Cloud agency.

They represented that these murderers and depredators had never yet been punished, and that if the Government of the United States could not succeed in capturing white men who murdered Indians, it was hardly fair that it should expect Indians to capture Indians who murdered white men. They urged, further, that the Indians had no instrumentalities for arresting criminals, and that the attempt to do it would only involve them in criminations and recriminations and broils among themselves. They said, however, that if their agents called upon the military to aid them in arresting evil-doers, the Indians would not object. This reply is not unreasonable.

The commissioners are glad to be able to report, as the result of their councils with the Indians of Red Cloud agency on this point, that they resolved to make up a list of all depredations which they know to have been made by their people upon the whites, which list they propose to forward to their Great Father, with the request that damages be paid out of the money belonging to them. The commission advise that their agents be instructed to follow up all cases of murder and other depredations by the Indians, but that in the use of the troops they should be governed by the greatest possible caution, and that they shall carry out the provisions of Article I of the Treaty of 1868. This reads as follows:

*"Treaty with Sioux Indians, 29th April, 1868.*

"ARTICLE I.

"From this day forward all war between the parties to this agreement shall forever cease. The Government of the United States desires peace, and its honor is hereby pledged to keep it. The Indians desire peace, and they now pledge their honor to maintain it.

"If bad men among the whites, or among other people subject to the authority of the

\* Upon further consideration, the last point was given up, so far as Red Cloud agency was concerned, for reasons that appear further on.

United States, shall commit any wrong upon the person or property of the Indians, the United States will, upon proof made to the agent and forwarded to the Commissioner of Indian Affairs at Washington City, proceed at once to cause the offender to be arrested and punished according to the laws of the United States, and also re-imburse the injured person for the loss sustained.

"If bad men among the Indians shall commit a wrong or depredations upon the person or property of any one, white, black, or Indian, subject to the authority of the United States, and at peace therewith, the Indians herein named solemnly agree that they will, upon proof made to their agent and notice by him, deliver up the wrong-doer to the United States, to be tried and punished according to its laws; and in case they willfully refuse so to do, the person injured shall be re-imbursed for his loss from the annuities or other moneys due or to become due to them under this or other treaties made with the United States.

"And the President, on advising with the Commissioner of Indian Affairs, shall prescribe such rules and regulations for ascertaining damages under the provisions of this article as in his judgment may be proper.

"But no one sustaining loss while violating the provisions of this treaty or the laws of the United States shall be re-imbursed therefor."

It became apparent in our councils and informal conversations with the Indians that they considered that their liberty to kill is restrained only so far as white men are concerned, and that they have no adequate conception of the fact that marauding expeditions against Pawnees, Poncas, &c., are displeasing to the Great Father. They affected great surprise when told that the massacre of the Pawnees last summer horrified their friends at the East.

Your commissioners suggest that their agents be specially instructed to inform them that these and all other Indians are the Great Father's children.

The third proposal of the commission touches a right which the Indians hold very dear, and it was hardly expected that it would meet with a favorable reply, and it did not.

But the privilege of hunting upon the Republican Fork and of roaming in the unceded land north of the Platte is fraught with evil. It keeps active in the Indians their wild and roving habits. It removes them for a considerable time from the good influences with which the Government is seeking to surround them on their reservation. It is the only just pretext which they have for crossing their boundary-line into the territory of the whites, and is every year the occasion of murders perpetrated either by Indians upon white men or by white men upon Indians. The shocking massacre of Pawnees about nine months ago would never have occurred but from the fact that the perpetrators were off for a hunt on the Republican Fork. The commission believe the right in question to be the source of a large proportion of the alarms from Indians which periodically run over parts of our western country, and of a great part of the irritation which exists to so lamentable an extent between the Indians and the border whites. The United States, as the guardian of these Indians, should deny them hereafter this harmful right, and could afford to make its surrender less unpalatable by making them a handsome present of blankets, Indian cloth, ticking, and blue drilling.

The fourth proposition of the commission, viz, that the Indians should assent to the running of the Nebraska line, was not very acceptable to them, but no warm opposition was offered to it. The commission are of the opinion that, if the Indians are informed through their agents, before the appearance of the surveyors, of their object, the survey may be undertaken this summer without increasing the danger of hostilities. The party should be accompanied either by an escort of soldiers, or better, by a paid escort of friendly Indians. A survey will probably make it apparent, however, that the Nebraska line runs far north of what the Indians suppose to be the southern boundary of their reservation. It is unfortunate that the treaty of 1868 determined the southern limits of the reservation by an imaginary line. An Indian cannot understand what this is. Extravagant claims, or, at the best, misconception, are the natural and certain result.

The fifth point brought up by the commission, the location of agencies, is perhaps the most important and far-reaching in its influences of them all. It seems to your commission that the time has come when a general plan for the location of agencies should be adopted, which shall embrace the whole Sioux Nation, and that the location of agencies shall no longer be governed, as it has been of necessity often in the past, by merely special, temporary, or local considerations. The commission were in hopes that the Indians at both agencies could be induced to consent to the removal of their agencies to any points which your commissioners should desire, and that thus they would be at liberty not only to map out, but to put into effect, a general plan for the location of the agencies for all the Indians who are not now upon the Missouri, or cannot be advantageously located there. There seemed sufficient reason for removal in the fact that the Whetstone agency is situated in a region of country where agriculture, to which it is the policy of the Government to turn the attention of the people,

is simply out of the question; and that the Red Cloud agency is located very near to, and perhaps even south of, the southern line of the Sioux reservation. The commission, however, found the Indians very much opposed to removal, and this opposition in the case of Red Cloud's people seemed so reasonable that the commission did not feel that they were justified in insisting on their removal. It is only eight months since these people were removed, much against their will, from a locality still farther south. The present site of their agency was chosen by an authorized commission who judged, upon the best information then to be had, that the selected location was north of the southern line of the reservation. This site is a beautiful one, and offers more advantages in the way of timber, water, and arable land than any which can be found within fifty miles. And, finally, considerable expense has been incurred in erecting a large stockade and a number of agency-buildings.

The case is far different, however, with the Whetstone agency, forty miles northeast of Red Cloud agency, on the White Earth River. It is situated in the midst of an utterly barren and repulsive region. It was placed there without authority. Wood is scarce. The water is inferior. The land is either covered by a very shallow soil or utterly denuded of it. The bottom-lands of the White Earth River, and the bottom-lands of all the creeks in the neighborhood of the agency, are so contracted that their practical value amounts to nothing. And, finally, the agency is at a great distance (from 225 to 280 miles) from any point of supply, existing or possible, on any route of river or railroad transportation. The site is thus as devoid of any practical advantages as it is of any feature that can attract the eye.

If it were the policy of the Government to let Indian life drift along as it may, until it accomplishes by its own blindness and folly its final extinction, or if the policy were based upon the principle that all efforts to turn the energies of the Indian toward self-support are futile, and that, therefore, one place is as good for them as another, the agency might well remain where it is. But if it is desired to place these Indians where agricultural effort may reasonably be required of them, where the large number of whites and half-breeds, who are incorporated with them, (numbering, perhaps, five hundred souls,) will have an opportunity to improve their condition, and where respectable men, with respectable families, will be willing to come as employés and teachers, change is essential. It should be made with expedition, too. A large population of half-breeds is growing up among them in utter ignorance of the simplest elements of education—intellectual, moral, and religious. Educational and missionary efforts, which they earnestly desire and for which they have subscribed some hundreds of dollars, have been delayed year after year, and are practically impossible as long as the present unsatisfactory condition of affairs continues. Moreover, the Government can hardly erect suitable winter-quarters for the military force stationed for the protection of this agency until a permanent location has been selected. The commission found little difficulty in persuading two of the three bands of which the Lower Brulés are composed to take their view of the case, and to consent to accompany them in search of a suitable location. Indeed, many of them were quite ardent in representing that those of the Indians who were desirous of beginning to plant were held in a part of their country where this course was an impossibility, and where they were removed some four or five miles from wood by the selfish opposition of one of the chiefs (Spotted Tail) and his band. The claims and conceit of this chief know no bounds, and being himself settled, with his band, upon Bordeaux Creek, where, having wood and water and receiving rations from the Government, he lives at ease, he persistently opposed all the efforts of your commissioners toward the selection of a site for the agency. As his influence towers above that of all others, the commission did not dare travel through the country against his will, and there was no course left to them, and those who were ready to accompany them in seeking a site for the agency, but to succumb.

He pursued a similar course in reference to several of the other propositions of the commission. It was in vain that they urged upon him, day after day, that the Great Father was resolved that the people should be counted. The Corn band and the Loafer band, constituting about half the people, consented immediately; but Spotted Tail first refused and then prevaricated, and the commission were obliged to leave without accomplishing this object of their errand. They are of the opinion that the time has come for decisive measures, and that one man and his band should no longer be permitted to breed a spirit of resistance among the people and retard their progress. They recommend that the agent be instructed to desist immediately from issuing rations to any band which has not permitted itself to be registered, and to refuse them rations until they submit, and that measures be taken to insure that the military force at the agency is sufficient to support him in carrying out these instructions.

They also recommend that this same commission be sent out again, and be provided with sufficient cavalry force to protect them in searching for a suitable site for an agency. They have reason to think that such a course would exert a most wholesome influence, by showing these people that they must acquiesce in the demands of the Government, and that it would not lead to war.



The commission have reason to believe that a suitable site for an agency may be found farther down the White Earth River, either at the mouth of Big White Clay, about two hundred miles from the Missouri, at the mouth of Wounded Knee Creek, one hundred and eighty-five miles from that river, or near the South Fork of the White Earth, about one hundred and twenty miles from the Missouri.

The commission are not prepared, with their present information, to recommend the removal of the agency to the banks of the Missouri. Such a site would be desirable were economy in furnishing supplies and ease of military occupation the only desiderata; but the good of the Indians the commission holds to be a matter of supreme concern. So far as the commission could learn, the only land on the Missouri available for the occupancy of the Brulés is that formerly occupied by them at the mouth of Whetstone Creek. Its extent is represented as very limited and entirely unequal to the wants of a large body of Indians whose energies are to be directed to farming. The supply of timber is very insufficient. The land lies opposite to a strip occupied by ranchmen, who live largely by traffic in whisky, and who, when the Indians were located at the mouth of Whetstone Creek, some years ago, flooded their camp with whisky, and made it such a scene of riot and bloodshed that the people even yet speak of it with horror. Even the presence of the military failed, it is represented, to suppress this traffic. It is an evil, it is to be feared, which no precautions could prevent at that spot among a body of Indians in which the white and half-breed element is as largely represented as it is among these Brulés.

#### PERMANENT HOME FOR THE SIOUX.

A great part of the Sioux reservation is an utterly barren district. The arable land embraced within it will not be sufficient for the wants of half the population when they have given themselves to agriculture. Even where the soil is good, a crop cannot be raised more than one year out of three, on account of ravages of grasshoppers and hail-storms, and the extreme dryness of the climate. Their reservation is thus a discouraging place for beginners in agriculture. Some of those of the Sioux who are making efforts in farming (for example, some of the Santees) are anxious to move to the Indian Territory. If good land is at the disposal of the Government in that Territory, the commission recommend that measures be taken for the gradual removal thither of all Sioux Indians who may be willing to emigrate. The Great Sioux reservation should be used as a place for taming the Sioux and training them for the occupation of the Indian Territory as their home.

#### PROMISE OF GUNS.

The commission found that the Indians of Red Cloud agency had been laboring under the impression that Commissioners Brunot and Kemble had, last year, made them, on behalf of the Government, a definite promise of guns. Indians base firm hopes on any semblance of a foundation. The evidence shows that those commissioners made no such promise, but merely expressed themselves in favor of giving the Indians a certain number of guns, and promised to use their influence in favor of it. Your commissioners are led to this conclusion by the testimony of military officers who were present, as well as by that of one at least of the interpreters.

#### HOARDING OF AMMUNITION.

It appears from the statements of the traders at Red Cloud and Whetstone agencies, herewith sent, that the whole amount of trade during the three months beginning December 1, a time when the largest number of Indians was present at these agencies, was \$37,224.59. The amount of ammunition sold to whites and Indians during the same time was \$1,416.90, or less than one-thirteenth of the entire trade.

During these months the number of Indians present was variously estimated from 20,000 to 25,000. If we take the less number as most likely to be correct, there would have been less than five thousand men, old enough to bear arms, present at both agencies. Deducting the old and the sick and those not owning arms, three thousand is probably the number actually buying ammunition. The amount purchased by each individual, therefore, was less than one-half dollar in value. The small quantity the purchasers would receive for that sum, owing to the high rates charged by the traders, would seem to show conclusively that no large quantity could have been hoarded. And if any individual belonging to hostile bands has purchased more largely, it has been probably for distribution when he should arrive at his own camp. This would make the quantity so small that another use than the killing of game could hardly have been intended. It does not appear that the demands made by Indians for permission to purchase ammunition have been larger than in previous years or than is usual.

#### ADMINISTRATION OF RED CLOUD AND WHETSTONE AGENCIES.

The commissioners arrived at Red Cloud agency Sunday morning, March 15, and on Monday began their investigations into the condition of affairs there, and continued them daily until March 18, when they drove to Whetstone agency, and began a simi-

lar examination there. They returned to Red Cloud agency Friday, March 27, and resumed their investigations, concluding them the following Tuesday, when they resumed their examination at the Whetstone agency. They judged that the best basis for conducting their inquiry into the administration of the agents was the allegations made against them in a report presented to the Board of Indian Commissioners by Mr. Samuel Walker, who visited the agencies last November, which report was referred by the Department to this commission. Copies of this report were placed in the hands of J. J. Saville and E. A. Howard, agents, and they were severally called upon to respond to its statements and the charges against their administration of their offices to be inferred therefrom. Their responses were subjected to a searching examination by the commission, and the truth of their statements ascertained. Wherever witnesses were referred to in proof of their assertions, they all (or a sufficient number of them) were summoned, and their testimony taken under oath. Wherever books or papers were quoted or appealed to, they were examined by the commissioners personally. The responses of the agents are submitted as part of this report. Testimony taken in this connection is filed herewith. It became apparent to the commission, in the course of their inquiries, that some of the affidavits which seemed to reflect most upon the character of the agents were such partial statements, that they amounted to a culpable *suppressio veri*; and that some of the testimony, on which were based the most damaging attacks upon their administration, was the testimony of a well-known deserter and thief.

Facts cited to the discredit of the agents, which were gleaned at the agencies during their absence, and which they then had no opportunity to account for, were, when brought to their notice, satisfactorily explained; practices which were irregular, were shown to have been unavoidable in the peculiar circumstances in which these agents were placed; and transactions which at first sight seemed suspicious, and to which a criminal intent has been imputed, were shown to have been characterized by entire good faith, to have been carried on in broad daylight, and, where not justifiable, to have been not wrong-doing, but the mistakes of men new in an office where, peculiarly, the incumbent can learn only from experience.

In regard to one transaction, which is not, perhaps, sufficiently explained in the reply of Agent Saville, viz, the enrollment and pay of F. D. Appleton, clerk, during a period when he was not actually discharging the duties of his office, the conclusion reached by the commission is as follows:

The appointment of F. D. Appleton was made in good faith, and from the date on which his name appears on the pay-roll. The same was in good faith accepted by him by telegraph. He was to have started immediately for the agency to assume the duties of his office, and was only detained by an accident, (broken leg.) The agent, daily expecting his arrival, retained his name on the pay-roll. The duties of his position were discharged by the agent and employés of the agency, and no other person received compensation as clerk up to the time of his assuming the duties of his office in person. The transaction involved irregularities, but the commission do not find that any fraud was intended by the agent.

The commission indorse the replies of the agents in all their material points, and give as the result of their prolonged investigation into the points touched upon in Mr. Walker's report, and the result also of their intercourse with the agents, and their personal observations of men and things at the agencies, the entire relief of Agents Saville and Howard from the suspicions cast upon their characters and their administrations, and the earnest conviction that these gentlemen have performed their duties during a time of great trial and in the midst of great embarrassments with energy, honesty, and entire fidelity to the interests of the Government and the Indians, and that they deserve the confidence and commendation of the Department.

The commission are of opinion that the service of the Department would be improved if the following instructions were issued, viz:

That all beef and other provisions shall be issued by orders upon an issue-clerk, and that these orders should pass through the agent's office in order to their appearance upon the books of the agency.

That agents shall keep all their original orders upon their issue-clerks, in order that they may have at hand the means of satisfying the inquiries of inspectors and other authorized inquirers.

That the present custom, by which departing agents carry all the papers of the agency away with them, and thus leave their offices without a history, and their successors destitute of any guides in their new duties, shall be henceforth forbidden, and that these papers shall be the property of the Department.

#### OVERISSUE OF BEEF.

In regard to one matter, which has come before the commission in several papers and which has been the occasion of a good deal of public animadversion, viz, the overissue of beef, the commission reports that it is unquestionable that there has been overissue. It is freely admitted by both the agents; they have reported it to the

Department from time to time. The commission believes it to have been unavoidable. In the first place, the Red Cloud and Spotted Tail agencies are but forty miles apart, and there is no doubt that the same Indians frequently drew rations at both agencies, an evil which was remediless as long as registration was impossible. In the second place, it appears that at Red Cloud agency the supply of other provisions was short, and extra beef was consequently issued, as reported in Agent Saville's letter to the Department, of December 29, 1873. In the third place, the testimony is abundant and unanimous to the point that these agencies, always the refuge in winter of northern Indians who have connected themselves with no agency in particular, were last winter the resort of a larger number than usual; that they united with the Indians belonging to the agencies in making the grossest misrepresentations as to their numbers, and basing on them extravagant demands for rations; that they thwarted all attempts of the agents to arrive at a true estimate of the amount of food they were entitled to; that a census could not have been made except at the peril of the agents' lives; and that the agents, failing in their efforts to number the people, always strove to cut down the issue to the lowest amount possible, and that their issues were generally far less than the Indians would have received had their exorbitant demands been fully complied with.

There is, however, no evidence whatsoever that more beef was issued than was actually used, either by immediate consumption, or by being dried and laid by in store; and rumors to the effect that the issue of beef was so excessive last winter that large quantities were left to rot, the Indians taking only the hides, are, the commissioners believe, entirely without foundation in fact.

#### WASTE OF FLOUR.

The commission saw many evidences that there has been more or less waste of flour. This has not arisen, so far as the commission was able to discover, from an issue exceeding that authorized by the Department, but partly from the fact that wild Indians are not fond of flour, and are apt to neglect its use, especially when the supply of beef is as abundant as it has necessarily been at these agencies; partly from the fact that some of the flour issued had been long on hand and had become musty, and partly from the fact that large quantities of flour, which the present agent found on hand when he entered upon his office last June, being utterly unfit for use, were dealt out to the Indians to be fed to their ponies. The substitution of corn for a part of the flour supply is very acceptable to the Indians, and meets with the approval of the commission.

#### VISIT OF SPOTTED TAIL TO CHEYENNE.

Such a visit is likely to be suggested and to be made under the influence of designing white men, and is always more or less to be suspected.

As appears from the report of the commission, under the head of "supplies," their quality is not such as to justify the complaints of Spotted Tail. Those familiar with wild Indians know that complaint is always the burden of their talk in an interview with those who are supposed to be in communication with the Great Father.

As to which of the two routes should be used in transporting freight overland to Whetstone agency, whether that from Cheyenne or that from Fort Randall, the commission gained no information which enables it to express a decided preference for one route over the other. If the cost via Fort Randall is less than via Cheyenne, the commission knows of no disadvantages under which the former labors which should give the preference to the other.

They think that the proposition that Spotted Tail's people, or those legally incorporated with them, should have the privilege of doing their own freighting, worthy of attention. If their agent is prepared to superintend it, and to make proper arrangements for the faithful discharge of the service, the plan has manifest advantages, and the commission recommend that it be tried.

#### SUPPLIES, THEIR INSPECTION, QUALITY, ETC.

Your commission are of opinion that a due regard to the interests of the Government and the Indians demands that all packages consigned to agents for the Indians in fulfillment of contracts should, without exception, bear the brand which marks them as the property of the Indian Department, and also the brand of the inspector, indicating that they have passed his inspection.

Their examination of flour in an unloaded car at the Cheyenne store-house, and of supplies in that store-house and at the agencies, revealed the fact that this branding is frequently omitted. Many packages bore neither brand.

They noticed that barreled pork is supplied, to a degree, at Whetstone agency instead of bacon. The supply of the latter article at both Red Cloud and Whetstone agencies was exhausted, so that the commission was unable to judge of its quality. They examined the pork, however, and found it sweet and good.

The commission was not furnished with samples, and, therefore, could not determine whether the supplies were up to the standard required by the contract. They exam-

ined, however, the flour, sugar, coffee, and other supplies on hand at both agencies and in the store-house at Cheyenne. They were all of fair quality. Both the agents agreed that it would be better to provide baking-powders instead of saleratus, as the Indians do not know how to use the latter properly.

The commission took particular pains to inquire into the quality and weight of the beef furnished by the contractor during the current fiscal year. The testimony of many witnesses, and the personal observation of the members of the commission, convinced them that the cattle have been remarkably excellent in quality, size, and condition, and that their average weight has been, on the whole, considerably above that required by the contract. The average weight required by the terms of the contract for the six months beginning July 1, 1873, was eight hundred pounds, while the cattle actually delivered at Red Cloud agency during the time regarding which the incumbency of the present agent enabled him to testify weighed on an average as follows :

*First six months.*

Date.	No. of head.	Average weight.	Total.
August 8.....	20	1, 050	21, 000
August 15.....	383	1, 010	386, 830
September 1.....	483	1, 040	502, 320
September 15.....	561	1, 056	589, 050
October 1.....	647	1, 063	687, 761
October 15.....	633	1, 043	660, 219
November 1.....	290	993	287, 970
November 15.....	410	963	396, 470
December 1.....	507	975	494, 497
December 15.....	508	946	480, 568

The average weight required by contract during the six months beginning January 1, 1874, was one thousand and fifty pounds, while the average weight delivered was as follows, viz :

*Second six months, up to date.*

Date.	No. of head.	Average weight.	Total.
January 1.....	312	904	282, 310
January 11.....	330	881	290, 856
January 21.....	340	1, 002	340, 908
February 2.....	356	993	352, 508
February 15.....	300	1, 016	305, 064
March 7.....	350	1, 063	372, 050
March 23.....	271	1, 053	285, 425

These latter figures are below those required by the contract, but not as much below as those for the first six months are above. The whole average has been in advance of that which the contract demanded.

The terms of the contract for the Whetstone agency are the same as those for the Red Cloud, viz, an average of eight hundred pounds for the six months beginning July 1, and an average of one thousand and fifty pounds for the succeeding six months. The average weights actually delivered have been as follows :

*First six months.*

Date.	No. of head.	Average weight.	Total.
July 12.....	322	942	303, 324
July 23.....	725	1, 048	759, 800
August 15.....	444	1, 052	467, 088
September 1.....	460	1, 050	483, 000
September 15.....	530	1, 005	532, 650
October 15.....	1, 056	1, 047	1, 105, 632
November 25.....	655	950	622, 250
December 12.....	355	915	324, 825

*Second six months, up to date.*

January 20 .....	401	940. 38	377, 092
February 4 .....	198	959	189, 878
February 13 .....	251	1, 012. 80	254, 207
March 19 .....	270	1, 028. 70	277, 749

The letter of the contract has not, as thus appears, been complied with at either agency, and the commission supposes that the contractor is liable for damages for non-compliance.

The mind of the commission, under these circumstances, is expressed in a letter of Agent Howard of March 26, and their indorsement of it given herewith, as follows.

Whether the contractor will accept this compromise, the commission are not informed.

“WHETSTONE AGENCY, DAKOTA TERRITORY,  
“ March 26, 1874.

“SIR: I had the honor in my letter of the 16th instant to refer to the question of the future supply of beef for this agency.

“I desire herein further to state that in consequence of the unsettled state of the country hereabout, it is difficult to get beef-cattle here of the proper description to accord with the original terms of the contract for this season.

“Since receiving Department letter of February 13, I have received one lot for issue which does not weigh up to the requirements of that letter.

“The contractor states that they were driven here from a distance of 80 miles with only one night's rest, thereby losing much of their weight, and that his herds having of late been frequently disturbed, they have materially fallen off in weight.

“He has delivered at this agency, from July 1, 1873, to February 13, 1874, inclusive, 5,397 head, weighing 5,419,746 pounds, averaging 1,004.21 pounds, and therefore he has exceeded the average weight actually required by the contract.

“I respectfully ask permission to receive and receipt for cattle weighing a less average than 1,050 pounds, which I think he should be allowed to deliver.

“On 19th March, he delivered here 270 head, weighing 277,749 pounds, averaging 1,029 pounds, which I request permission to receipt for at that weight.

“Very respectfully, your obedient servant,

“ E. A. HOWARD,  
“ United States Indian Agent.

“Hon. COMMISSIONER INDIAN AFFAIRS,  
“ Washington, D. C.”

“WHETSTONE AGENCY, DAKOTA TERRITORY,  
“ March 26, 1874.

“SIR: By the contract the average weight of cattle, during the first six months of the fiscal year, was to be at least 800 pounds. Evidence is abundant that the average was far in excess of this, say 1,000.

“We think this fact a justification of leniency to the contractor if he is not able to furnish cattle quite up to the average required during the last six months of the fiscal year.

“The evidence is sufficient that during the disturbances the contractor, by advice of General Ord, removed his cattle to the Platte, and in consequence had to drive his cattle, at the time of the last issue, 80 miles without sufficient food and water. Their loss in weight under these circumstances must have been very considerable. We believe that, but for the late disturbance, the cattle furnished March 19 would have averaged 1,050 pounds.

“We indorse the statement of the foregoing letter of Agent Howard, and recommend that the shortness of average weight during January, February, and March be overlooked, provided the contractor will furnish beef required for Whetstone and Red Cloud agencies over and above amount required by contract, at contract prices. We also recommend that the average weight of cattle to be furnished after this date shall be not less than 900 pounds.

“Very respectfully,

“WILLIAM H. HARE.  
“FRANCIS H. SMITH.  
“J. D. BEVIER.  
“SAMUEL D. HINMAN.

“Hon. COMMISSIONER INDIAN AFFAIRS.”

Your commissioners beg respectfully to close their report with the following digest of their recommendations and conclusions:

#### RECOMMENDATIONS.

That the agents at the Red Cloud and Spotted Tail agencies, and at any agencies hereafter established among the wilder Sioux, be supported by a military force, which should, however, except under extraordinary circumstances, be at a short distance from the agency and not immediately adjoining. The relation of the agent and the commanding military officer should be definitely determined. That an agency be provided for the Northern Sioux, and that, to this end, they be refused rations at the existing agencies, and a delegation of them be induced to visit Washington, and that the location of the agency be in the neighborhood of the Black Hills.

That agents be instructed to carry out the provisions of Article I of the Treaty of 1868.

That the northern line of Nebraska be run this summer.

That a liberal present of blankets, Indian cloth, ticking, and blue drilling be made the Upper Brulés and Ogallallas for the surrender of their right to hunt on the Republican and to roam over the neutral ground south of the reservation, and that they be informed that this right is withdrawn.

That the agent at Whetstone agency be instructed not to issue rations to any band which refuses to be counted, and that your commissioners be requested to find a suitable place for the agency, and that both have military protection.

That all beef and other provisions be issued by orders on the issue-clerk, which orders should pass through the office in order to their appearance on the books; that these orders be filed away for safe-keeping, and the books and papers of the agency be the property of the Government and not of the agent.

That the Indians of Whetstone agency may be permitted to take the contract for freighting.

That brands of United States Indian Department and of inspector be placed upon all packages consigned to agents under contract.

Recommendation as to beef for balance of the current year.

That, Indians being their own worst enemies, being bent on a mode of life that is fatal to their own good, and, moreover, rarely understanding the meaning of treaties, and more rarely still remembering the obligations therein laid upon them, a *just and generous declaration by the United States Government of what they must do* is a better mode of dealing with them than negotiation or treaty-making, wherever the Government is in a position to pursue the former course.

That a system should be inaugurated for the removal of the Sioux, as soon as practicable, to a climate and soil less discouraging to the efforts of beginners in husbandry.

That the Sioux be informed that depredations on other Indians displease the President.

#### CONCLUSION.

The late disturbances are not indicative of preparations for war.

The present policy is accomplishing the results desired.

Commissioners Brunot and Kemble did not promise these Indians guns.

Removal of the Upper Brulés to the Missouri is of doubtful wisdom.

Ammunition has not been hoarded for war.

Agents Saville and Howard are exonerated, and deserve confidence and commendation.

Beef has been overissued, but the agents were helpless to avoid it.

Beef has not been issued in such quantities that it has been left to rot.

Flour has been wasted; causes given.

Spotted Tail's complaints at Cheyenne were not justifiable.

Supplies of all kinds are wholesome and of at least fair quality.

Submitted on behalf of all the commissioners:

I am, very respectfully, your obedient servant,

WILLIAM H. HARE,  
*Chairman.*

F. H. SMITH,  
J. D. BEVIER,  
SAMUEL D. HINMAN,  
WILLIAM H. HARE,  
*Commissioners.*

WASHINGTON, D. C., April 22, 1874.

## INSPECTOR BEVIER'S REPORT.

*Commissioner Smith to Inspector Bevier.*

MARCH 10, 1874.

SIR: I send inclosed herewith copies of report and documents made by one Samuel Walker, who appears to have been deputed by the Board of Commissioners to make inquiries into reported irregularities at Red Cloud and Spotted Tail agencies.

I desire you to make full investigation as to matters treated of in these papers, and submit it with your report of these agencies.

Very respectfully, your obedient servant,

EDW. P. SMITH,  
*Commissioner.*

J. D. BEVIER, Esq.,  
*United States Indian Inspector, Red Cloud agency,  
(via Cheyenne, Wyoming.)*

## THE REPORT.

WASHINGTON, D. C., October 23, 1874.

SIR: I have the honor herewith to submit report of my visit and inspection of the Red Cloud agency, in charge of J. J. Saville, United States Indian agent.

I arrived in Cheyenne on the 18th of September, and remained there five days, waiting the return of the commission, who were daily expected in from the Whetstone agency, that I might see them, learn the result of their mission, and return with their conveyance to those agencies.

They returned on the 22d, and by this time another opportunity presented itself to go to Red Cloud via Sidney. This I preferred, as it gave me an opportunity to go over the road from Sidney to Red Cloud, and thus enable me to judge of the comparative merits of the two routes, viz, from Sidney, and from Cheyenne to Red Cloud and Whetstone agencies. Moreover, it gave me an opportunity to take the herd on my way, and see it.

While at Cheyenne, my attention was called to the flour *en route* to Red Cloud. I found ten car-loads had been received and forwarded to the agency. Mr. Palmer, store-keeper at Cheyenne, informed me that at the time the flour arrived there was no inspector to examine it, and, as the agent was in need of it, he had forwarded it on to the agency, keeping samples of each car-load. Those samples he showed me, which we compared with the contract-sample, and thought they all came up to the standard. Of the last or tenth car-load, Mr. Palmer showed me a sample which compared favorably with all the rest as well as the contract-sample; but of said tenth car-load twenty-three sacks remained behind accidentally. At this time Colonel Long was appointed inspector. He examined those twenty-three sacks, and condemned them.

I examined those twenty-three sacks, and found the quality inferior not only to the contract-sample, but inferior to the sample which Mr. Palmer gave me as the sample of the whole of that car-load. I regarded Colonel Long's action in condemning it as proper, as the quality was greatly inferior; but as those twenty-three sacks remained in Cheyenne simply for the want of transportation, the last wagon being loaded to its full capacity, I could not but regard those twenty-three sacks as a fair representation of the whole car-load. I cannot account for the discrepancy in quality between the twenty-three sacks and the sample retained by Store-keeper Palmer.

To pursue this flour-question to the end: I found another discrepancy which I cannot explain. The ten samples of the ten car-loads kept by Store-keeper Palmer at Cheyenne were all full up, in my judgment, to the standard, while the flour at the agency was mainly inferior. In company with Mr. Roberts, the clerk, and Mr. Roland, watchman and chief herder, both agency employes, we examined and compared the flour in the warehouse with the contract-sample, and found four out of five inferior. Query: Did the flour deteriorate in going from Cheyenne to the agency? So much for quality.

Mr. Roberts, the clerk before mentioned, says that, upon handling the flour, his attention was attracted to certain sacks, which looked small and felt light, and, in consequence of their suspicious appearance, he was induced to weigh them, when he found some weighed 77 pounds, some 84, some 94, and the others 98.

I weighed half a dozen or more sacks, one of each different brand, and they all weighed 98. Mr. Roberts thought it unnecessary to pursue our weighing any further, as he was quite confident he had issued all the light sacks. What proportion were light he had no idea. All receipted for as full weight. Since my arrival in this city I learn by letter that "five more car-loads have arrived in Cheyenne, and placed in Mr. French's warehouse, and some out of each car weighed, the average being 88 pounds to the sack."

On the 23d of September I returned to Sidney, and on the morning of the 24th started from Sidney to Red Cloud. On the evening of that day crossed the North Platte at Chimney Rock. The next morning passed through the herd of 10,000 head, spread over a surface of fifteen miles square. The next night arrived at Red Cloud; time, two days; distance, 120 miles. In this connection, it is but fair to say that the herd, spoken of as the best ever brought into the State of Nebraska, I found, as far as I could judge, as good as could be, nearly uniform in size, steers said to be from four to eight years of age, all in good condition. There were a few cows, but as they are sold by weight, and always preferred by the Indians, I know of no objection to them.

#### THE ROAD

from Sidney to Red Cloud is from forty to fifty miles less, and to Whetstone from seventy-five to eighty miles less. The distances are as follows: From Cheyenne, via Fort Laramie, to Red Cloud, one hundred and seventy miles; via Old Red Cloud, one hundred and sixty; from thence to Whetstone, forty more. From Sidney to Red Cloud and Whetstone you would continue the same road to the Niobrara, one hundred miles. There they would diverge, the one to Red Cloud, twenty miles; the other to Whetstone, twenty-five miles. Thus it will be seen that the distance to Red Cloud is one-quarter less, and to Whetstone more than one-third less, and less than half as far as from Fort Randall. Besides this saving of land-carriage, there is a saving of over one hundred miles by rail. The country from Sidney is quite level, with more water, grass, and fuel, although timber is scarce on all the roads; and, so far as I can judge, there is less sand than from Cheyenne via Old Red Cloud, the road usually traveled by freighters. There is every facility for building a store-house at Sidney of sufficient capacity for both agencies, where one store-keeper would suffice.

I would respectfully recommend that the road receive due consideration, as it would prove a great saving in distance and expense. The only drawback is the crossing the North Platte. Yet the herders at this point, Chimney Rock, and those familiar with it, claim that the crossing there is as good as at the old Red Cloud crossing.

On my arrival at the agency, the first thing that attracted my attention, after examining into the flour, was the Appleton contract. I found no contract actually entered into, but the basis for one clearly defined. Mr. Appleton had submitted his proposition to Agent Saville, which the agent had forwarded to your Office, asking your permission to make a contract upon the terms therein contained, and recommending the same to your honor for approval, representing it as the best and most economical arrangement for the Government.

The terms of Mr. Appleton were: For sawing lumber, Agent Saville furnishing mill, logs, and engineer, \$14 per thousand, while the customary price under such circumstances is from \$3 to \$4; for cutting and laying shingles, the agent furnishing logs, mill, cut-off saw, shingle-machine, and engineer, \$10 per thousand, while it was worth from \$2 to \$3; for building slaughter-house alone, \$450, while both slaughter-house and slaughter-pen is sublet for \$180. For other items and a more full account of this transaction, please see my letter accompanying the Appleton contract.

The private manner in which this contract was let, the relationship of the parties, the exorbitant prices, the pains taken to exclude all competition, the looks, manners, and prevarication of the parties, developed during the investigation, left me no room to doubt the nature and character of the transaction.

I next pass to the purchase of oxen, cows, wagons, &c., for the use of the Indians. In Agent Saville's letter-book I found a letter written to the honorable Commissioner of Indian Affairs, dated August 24, 1874, in which he says: "In accordance with your letter of approval of June 16, 1874, of my requisition of April 1, 1874, I have purchased of D. J. McCann twenty yoke of American oxen, four and five years old, at \$150 per yoke, and twenty good Durham cows at \$60 per head, and one Durham bull at \$100. As this is to be a basis of a stock of cattle to be raised by the Indians, I have thought it advisable to get the best grade of cattle in the market which was not classed as fancy stock. I have purchased these after careful inquiry as to the price of this class of stock in Nebraska, Iowa, and Missouri, and I believe I have got them at as low a price as they could be delivered at this agency. I have purchased them in open market, without advertising for proposals, for the reason that it was very desirable to get them to the agency in time to get in hay, and break some land for spring crops before too late in the season to do so. Also, several families are anxious to have houses. I wish to set them to hauling logs for their houses, in order to build them before cold weather sets in. In my action in this case I respectfully request your approval."

Upon reading this letter I remarked, "I see you have been buying some stock for the Indians. Where are they?" He answered, "No, that letter I put forth as a feeler. They are not yet purchased." I also called his attention to a letter written by F. H. Smith, secretary of the Board of Indian Commissioners, dated September 5, 1874, in which he reiterates, "I have the honor respectfully to acknowledge the receipt of your circular of April 10, 1874, &c. I have purchased twenty yoke of oxen, twenty cows, ten



wagons, and six breaking-plows for those who have undertaken to work this season," &c. I expressed my surprise, saying, "You have minutely described this stock, their ages, blood, quality, and price, and I certainly supposed you had purchased them." He replied, "McCann supposed he could purchase them of a party in Cheyenne, but come to find out he could not." I inquired if he had not issued the vouchers for those cattle. He said, "Yes." I asked him where they were. He answered he had them and then, he showed them me. Inclosed is a copy. They are dated August 20, 1874, for \$6,247, and says "that the account is correct and just; the stock actually purchased were actually necessary for the public service, and the price as low as could be procured."

On my return to Cheyenne, Mr. McCann informed me that he had the opportunity to make those purchases of a party near Cheyenne, but, thinking the price high, he had left it open, hoping to make the purchase upon better terms elsewhere. Finding himself unable to do so, he had concluded to take them. It would seem to be time enough to say they were purchased when they really were; to describe their quality when seen; to state the price when ascertained; and to make, date, sign the vouchers when the property was received.

The Indians provided for at this agency, as estimated by Agent Saville, are—

Ogallallas proper.....	7,000
Minneconjoux, San Ares, and Uncapapas.....	1,600
Northern Cheyennes.....	2,000
Northern Arapahoes.....	1,000
Total.....	11,500

The Cheyennes and Arapahoes, by act of Congress last winter, cannot be fed or draw annuities unless they move south to the Indian Territory. They do not want to go. They say their people there are at war with the Government, and this is their old home. They are willing to consolidate with the Sioux, and the Sioux are willing to have them do so. Can it not be done?

#### OVERISSUE OF BEEF.

Beef is being issued, and has been for over three months past, in larger quantities than usual per head. Besides the overissue *per capita*, there is a larger number than was estimated for, rendering a deficiency certain, unless some measures are taken to arrest it.

#### CONSOLIDATION.

The commission who recently visited this and the Whetstone agency have returned, and I understand will recommend the consolidation of the two. Most of the members of that commission have consulted me in regard to it, and asked my co-operation. These agencies are within forty miles of each other, both in the State of Nebraska, and outside of their reservation. This reservation is large and comparatively valueless. Grazing, to some extent, may be carried on, but agricultural pursuits of any other kind are out of the question. I look upon both of these agencies as poor-houses for the feeding of pauper Indians, and as having no permanency in their present location. Besides, being in the State of Nebraska, no such population, either white or Indian, can ever be self-sustaining there. They all belong to the same family, and so near each other as to be in daily and hourly communication. Everything that occurs at one agency is immediately known at the other. Every little inequality or difference of management at the one is immediately discussed at the other, giving rise to more or less dissatisfaction. To-day Red Cloud Indians are getting more beef than Whetstone, and a greater inequality will be seen when the annuities are distributed, when Whetstone will get the larger share. Under one intelligent head these sources of irritation would cease to exist, and uniformity of administration secured.

On the score of economy there would be considerable gain. The old buildings at Whetstone, now in process of moving, are very poor, and would barely answer the purposes of a subagency temporarily, while new and permanent buildings for a new and permanent agency would cost a large sum of money. One store-house at Sidney, with one store-keeper, would take the place of the two now in use, viz, at Randall and Cheyenne, together with their two sets of employes, and a saving of distance by land and rail of perhaps one hundred and sixty miles.

Believing this project has its merits, I would respectfully commend it to your favorable consideration.

Very respectfully, your obedient servant,

J. D. BEVIER,  
United States Indian Inspector.

Hon. E. P. SMITH,  
Commissioner of Indian Affairs, Washington D. C.

## AGENT SAVILLE'S REPLY TO WALKER'S REPORT.

*To the honorable Board of Indian Commissioners :*

In answer to the charges preferred against me by Mr. Samuel Walker, under date of December 6, or so much thereof as I am advised by your honorable body it is your wish I should make answer to, I would most respectfully state and represent as follows, to wit :

1st. To charge marked number one I answer : That of the flour received by me as United States Indian agent, all of it was not marked or branded. What proportion I cannot say with any certainty. Since I have been agent I have never been advised what particular brands were necessary except the inspector's brand, and when in Washington I informed the commissioners that such brand was wanting on some of the flour delivered at this agency.

With reference to any of the flour being in single sacks, I am satisfied such was not the case.

In regard to the character or quality of the flour, I have to say, I have never been advised what particular grade was required under the contract, though the flour received and used by me was sweet, must have been made of good wheat, and was sufficiently good to give entire satisfaction for my own and the consumption of the employes about the agency. In support of the foregoing, I would refer to B. F. Walters, William Stokes, and Benjamin Tibbetts.

2d. In regard to charge number two I can only say I have no means of knowing the exact distances referred to in such charge. There are two roads, the shortest of which I have traveled over, and should estimate the distance by such route from Cheyenne to Old Red Cloud to be from 95 to 100 miles, and from Cheyenne to the New Red Cloud from 180 to 190 miles. Though the other is a much longer road, it is necessary at some seasons to travel it.

3d. In answer to charge three I would say, the same is wholly untrue ; that I am informed, and believe the same to be true, that the clerk who receives the stores never told Mr. Samuel Walker or other party that nothing is weighed or receipted from the freight contractor, nor is it true that such is the case ; everything so received is weighed on delivery. I never said I would not weigh, nor did the party named by Mr. Walker tell him that I made such a remark. In support of this, I suggest the names of my receiving-clerks, B. F. Walters, Benjamin Tibbetts, and Joseph Bissonette.

4th. In answer to charge four I would say, the same is wholly untrue, and to negative the same I refer to my books ; the testimony of J. H. Bosler, to disprove that he ever made such statement as is by Mr. Walker claimed to have been made ; also evidence of George M. Bosler.

5th. Answering charge five I say, it is true that until November 7 the beeves were received by an average weight, as up to that date it was the only way I had of ascertaining the weight of such beeves, but it is wholly untrue that the weight of the cattle received by me was ascertained by weighing some of the largest cattle ; but the truth is that a fair and just average of cattle was selected for the purpose of ascertaining the weight of the number received.

This averaging was the practice until the scales were put up, which was done as soon as practicable. In fact, I urged forward the putting up of the large scales with all dispatch. In support of the foregoing, please call the butchers, Benjamin Tibbetts, B. F. Walters, and Joseph Bissonette.

6th. In answer to charge six I would say, it is true the issues of supplies are made to chiefs and headmen ; it is also true that as to some articles the issues were made with reference to the amount on hand. The reason of this was that since October I have never had a supply of articles on hand sufficient to make a full issue of all ; and to satisfy the Indians for such deficiency I have been compelled to be more liberal in my issues of beef, of which I could command a supply at all times ; nor is it true that no record is kept of what is issued, and in regard to the foregoing I would refer to B. F. Walters, Joseph Bissonette, Thomas Monohan, and my monthly reports for September and October.

7th. In answer to charge, or rather argument, seven, it is difficult to respond, as no specific charge is made, and my answer to charge six disposes of the facts upon which the conclusions in number seven are based, though it may be proper for me to state that all employes should be, and are, fed from the supplies, as is allowed, and such rations accounted for. In support of this, I refer to the records of the agency, my clerk, and many others.

8th. In answer to charge eight, I deny that no records are kept of the number of beeves issued ; full and complete records are kept of all issues ; in evidence of which, I refer to the books of the agency and the testimony of my clerk, B. F. Walters.

9th. In answer to charge nine I would say, that the papers of the agency do not show that there was on the 1st of October on hand 17,914 pounds of beef, but did show on hand 11,068 pounds ; that during that month there were received on the first day of

October 647 head, averaging 1,063 pounds each; and on the 15th October 633 head, averaging 1,043 pounds each. That on the first day of October I did not have on hand 60 head of beeves, but only 11, for which receipts were given, which 11, added to 1,280, would amount to 1,291, of which I issued 1,212 head during the month of October, leaving 79 head, which I had on hand on the 31st day of October, less 67 lost and killed by Indians out of my herd without authority, which loss was duly reported to the Department by me. My receipts were never false or fraudulent. I did receive the number of beeves in October as above stated. There was an issue made on the 1st day of October, and the herd of the contractor never, to my knowledge, stamped. No issues were omitted in October, as there were four issues during that month, to wit, on the 1st, 8th, 21st, and 23d; only that the issue of the 15th was postponed until the 21st, my reasons for which postponement appear in my report for that month, to which I respectfully refer.

In regard to the stampede of cattle, I shall be pleased to explain: On the 1st of October there were issued 267 head, and on the 8th there were issued 360 head; after this last issue a part of the agency-herd stamped, and I then decided not to keep an agency-herd, but requested Mr. Bosler to retain the cattle in his custody until I needed them for issuing, which he kindly consented to do, and also assisted me in getting up the cattle which had stamped. This Mr. Bosler was not compelled to do, as his contract permitted him to make all his deliveries for a month in two installments. I directed the chief herder to turn over to Mr. Bosler's herd all the cattle recovered, and in compliance with this order the herder did turn over to Mr. Bosler's herd 242 head, and Mr. Bosler collected 355 head, making in all 597 head, for which Mr. Bosler acknowledged the receipt of, and accounted to me for the same. There were no cattle issued on the 18th, but on the 21st of October there were issued 186 head, and on the 23d of October 399 head. The 23d was the regular issue-day, and the issue was then made for that reason, and not on the solicitation of any one. After this I decided to make the issue every ten instead of, as formerly, every seven days, with a view of diminishing the gross amount of the issue, if possible; hence the next issue was deferred until the 8th of November, when 390 head were issued, averaging 993 pounds each, all of which were weighed; and on the 18th of November 410 beeves were issued, averaging 967 pounds, which, though a fine herd, were not so large or so heavy as many former issues.

As to what Mr. George M. Bosler told Mr. Walker, I know nothing. I did give receipts dated on the 1st of October for 647 head, and the receipt dated 15th of October for 633 head, all of which cattle were weighed as certified to, and averaged the full amount allowed. My custom was, up to the middle of October, to send an order to the contractor for a certain number of cattle. When the order was filled and the cattle turned over to my herder, he so reported to me; then I sent an order to my herder for enough to supply an issue, when the cattle were brought to the corral, and sometimes 10 and sometimes 20 were selected as an average, killed, and weighed. This was done out of every lot received until I got my scale set up, since when all have been weighed.

10th. In answer to charge ten, I deny that receipts were given for any cattle not delivered to the agency by the contractor, or for cattle which I never saw, unless at some time when I was absent from the agency. I further state that there is a record of all cattle received during the month of October, as well as every other month. On this charge I would refer to the records and the clerk, B. F. Walters.

11th. In answer to charge eleven, I deny each averment in the same, and further answer that the lot of cattle weighed by Mr. Appleton actually weighed 993 pounds on the scales, and that nothing was allowed the contractor for overdriving. As evidence on this point, I refer to the records and George M. Bosler.

12th. In answer to charge twelve, I would say, that it has always been impossible for me to make any personal estimate of the number of lodges, though I have on several occasions attempted to count them, but the Indians were so much opposed to any proceeding of the kind, that my life was endangered in the attempt. I was therefore compelled to rely upon the best information I could gather in regard to the matter, and almost always allowed a much less amount than was returned by the Indians. (In regard to this, I would refer to Joseph Bissonette, T. W. Reed, and every other man on the agency, without respect to age or color. Also, to my report for the month of October, and special report.)

13th. In answer to charge thirteen, I can simply say, no issues were omitted in the month of October. There were four issues in that month. (In regard to this, see records; also, call the clerk, B. F. Walters.)

14th. In answer to charge fourteen, I would say, I kept the Department fully advised of all my proceedings, and particularly that I was compelled to make overissues of beef, and the reasons why, viz, that I was short of other rations, and the hostile attitude of the Indians. (See my report.)

15th. In answer to charge fifteen, I would say, that I did purchase ten horses; that I paid \$70 apiece for them; and in regard to the matter I make the following explanation:

tion. The horses were needed; the Commissioner authorized the purchase of them. I went into the market and attempted to buy, and found but one man I could purchase from, and I bought of him. The price I paid was reasonable, and as low as I could buy. After the purchase, I advised the Commissioner of what I had done and he approved the act, as I needed the ambulance mules to draw lumber, &c., and for a while used four of such horses on the ambulance in place of the mules. (In regard to this see my correspondence with the Commissioner and call Jos. Kamer.)

16th. In answer to charge sixteen, I would say, when I came to the agency I found Edward McEvena acting as clerk, and, being advised that he was a good one, I requested him to remain in that capacity, but he informed me that he could not, and should be compelled to leave; whereupon I telegraphed to Frank D. Appleton, at Sioux City, Iowa, that I would give him the situation if he would come out immediately; he answered by telegraph that he would be here on the 17th of August, when I placed his name on the pay-rolls. After waiting until that time, and needing a clerk, I employed one temporarily, daily expecting Mr. Appleton. After some weeks, the mails being much delayed, I received a letter informing me that the day before he was to start for the agency he had broken his leg, but would come as soon as he could travel; as so long a time had elapsed since the date of the letter and its receipt, I concluded he must then be on the road, so I continued the temporary incumbent in the position until Appleton arrived, when he assumed the position, and paid the man who had acted for him and in his place. (In regard to this I refer to Otis W. Johnson.)

17th. In answer to charge seventeen, I would say, I did deliver to Joseph Bissonette two half-bolts of cloth, one red and the other blue. I delivered this cloth to him to be distributed among the Indians on occasions of death, it being a custom of theirs that they must have something of the kind to modify their grief and make their hearts glad. Though a costume of this color may appear somewhat unusual as a badge of mourning, I am informed the cloth was disposed of as directed. (In regard to this I would refer to Joseph Bissonette.)

The foregoing is most respectfully submitted to the consideration of your honorable body by

Your most obedient servant,

J. J. SAVILLE,  
*United States Indian Agent.*

RED CLOUD AGENCY, DAKOTA TERRITORY,  
March 17, 1874.

#### AGENT HOWARD'S REPLY TO WALKER'S REPORT.

WILETSTONE AGENCY, DAKOTA TERRITORY,  
March 22, 1874.

To the Hon. BOARD OF INDIAN COMMISSIONERS :

In answer to the charges preferred against me by Mr. Samuel Walker, under date of December 8, 1873, or so much of such charges as I am advised it is the wish of your honorable body I should make answer unto, I would most respectfully answer and represent as follows, to wit:

1. In answer to charge marked one, I would say that the issues are calculated from the number of lodges, and an amount issued based on such calculations, and a full record is kept of this amount so actually issued; and the clerk never, as I am informed and verily believe, told any one that the stated number for which an issue was made did not equal the actual number. All the issues calculated were fully expended, though the number of lodges given in, because believed to be excessive, was often cut down, but in such case a record was only made of the amount of the issue actually made. (See records; call Clerk E. Willard and Dominick Bray.)

2. In answer to charge number two, I would say I never gave or issued anything to supply more than the quantity actually needed, and neither beef nor anything else was charged in excess of what was actually expended. (See records; call Willard and Bray.)

3. In answer to charge three, I would say I did not have on hand the 30th day of September 950 head of beeves, but 775 head; I did receive in October 1,056 head, making a total of 1,831 head; of this number I expended in October 883 head, in November 749 head; there was lost and stolen during this quarter 66 head, and after the issue on the 10th of November I had on hand 133 head. The work-cattle were not among the beeves, except one, which was pointed out to Mr. Walker by the herder as one of the work-cattle. (See record; Willard, John Atkinson, Simou Lunderman, and John Whalen.)

4. In answer to charge four, I would say that it is true the weight of the cattle, up to November, was determined by selecting from 10 to 20 as an average; that I often

participated in the selecting; that when this was done there were no scales, but scales were put up as soon as practicable, and then all the cattle were weighed. The end-gate of a wagon was never counted as a part of the weight of the beeves, nor was one-half cut or weighed, as stated. I either attended to the weighing in person or had some reliable person to act for me in that capacity. (Call C. Benard and J. Atkinson.)

5. In answer to charge five, I say the work-cattle were not introduced into the herd, and the acting agent did not say what is claimed in regard to the matter. (Call E. Willard, J. Atkinson, and S. Lunderman.)

6. In answer to charge six, I would say that the inferences in the same, drawn from the statements of acting agent and George M. Bosler, are wholly without foundation; that the acting agent told Mr. Walker that he should try and avoid an issue of beeves on the 20th of November. (Call E. Willard, George M. Bosler, and George H. Jewett.)

7. In answer to charge 7, I would say: October 1, I issued to 1,076 lodges, and that on the 15th of November there was no issue at all.

The estimate of number of Indians to whom issues should be made was based upon the best information I could gain. The clerk at the agency did not tell Mr. Walker that he calculated the number present to be about as many more as properly belonged to the agency. There have been far more than 720 lodges present at the agency. I have always endeavored to cut down the amount of issues demanded. (Call E. Willard, Louis Bordeaux, and see records.)

8. In answer to charge eight, I would say that it was necessary there should be an agent at Fort Randall to receive and care for supplies at that point. C. Ferris acted as such agent there, and when so acting as receiving agent at Fort Randall he was the junior member of the firm of Pratt & Ferris. Neither member of the firm was at Whetstone at all. I was a stranger in the country and acquainted with Mr. Ferris. I knew of no other person to appoint at Fort Randall except Ferris. (Call E. Willard.)

9. In answer to charge nine, I would say that, in regard to the oats, I met the Commissioner of Indian Affairs in Sioux City, and he asked me if I could not buy the oats. I replied that I thought I could, and immediately applied to Mr. Charles and Mr. Pratt to buy the oats as low as they could. Mr. Pratt delivered the oats, and I had no information upon which I could decide that the price was unreasonable. I do not believe any lots were delivered here at the price stated by Mr. Walker. (Call E. W. Raymond and George H. Jewett.)

10. In answer to charge ten, I would say, respectfully, that I never at any time employed more herders than were necessary, and even with the number I had there was a great deal of trouble in protecting the cattle. As soon as I ceased to keep an agency-herd the herders were discharged. (Call Atkinson, Lunderman, and C. Benard.)

11. In answer to charge eleven, I would say that when I first took charge of the agency I cut the prices all down to \$40. The men had been receiving \$50 and \$60 per month before. After I cut the prices down the men refused to work at that price, and, as I could not supply their places, I was compelled to put them up to \$50. I have but one butcher, C. Benard, and he has an assistant, a man who is only paid \$30 per month. It would be out of the question to dispense with the services of C. Benard, unless I could do without a butcher. (Call E. Willard and any employés.)

12. In answer to charge twelve, I would say that the superintendent, E. W. Raymond, has never been away from the agency or worked a day for himself during all the time he has been in my employment, and I regard him as one of the most reliable and necessary men on the agency. He may own some teams that are employed by other parties, but his ownership of such teams never in any manner prevents him from faithfully discharging all his duties as superintendent. (Call Raymond, D. Bray, E. Willard, and Louis Bordeaux.)

13. In regard to charge thirteen, I would say that at the time of Mr. Walker's visit to this agency two of the horses referred to by him were at the herd-camp, and the other was at Fort Randall for the use of the herders there, and the horses are still in my possession. (In support of this call J. Atkinson and Paul Dorion.)

The foregoing is most respectfully submitted to the attention of your honorable body.

Very respectfully, your obedient servant,

E. A. HOWARD,  
*United States Indian Agent.*

Dated at Whetstone agency this 22d day of March, 1874.

## KEMBLE AND ALVORD'S REPORT.

RED CLOUD AGENCY, WYOMING TERRITORY,  
June 16, 1873.

SIR: Referring to your communication of the 17th of May, reciting the appointment of a special commission, composed of Messrs. Brunot, Kemble, and Alvord, for specific purposes, and giving instructions as to the performance of certain duties by the second and junior members of the commission in advance of its principal work, the undersigned respectfully submit this partial report:

I. As to the preparation for a general conference at this point for the main objects of the commission and the determination in advance of the temper of the Sioux Indians within reach; this duty was performed by Mr. Kemble prior to the arrival of his associate, and a preliminary report thereon rendered by him from this place, dated June 2, 1873.

II. An engagement was made by telegraph, through General Stanley at Fort Sully, for the assistance of the Rev. Samuel D. Hinman as interpreter, but that gentleman has not yet joined the commissioners, nor has anything been lately heard from him.

III. The chiefs and headmen of the Northern Cheyennes and Arapahoes, now attached to this agency, are to be met in council by the undersigned to-morrow, to determine the *personnel* of their delegation to Washington, and the result will be made the subject of a special report to your Office.

IV. The only other matter embraced in the instructions referred to relates to certain complaints about the beef-issues at the Santee and Whetstone agencies, as shown by certain papers on the subject accompanying those instructions.

These papers did not reach Mr. Kemble until his arrival at Cheyenne, Wyo., so that he was unable to confer with Superintendent White in this connection, but Mr. Alvord stopped at Omaha for that purpose, and upon such information as he obtained from Superintendent White, the documentary evidence in his office, and from disinterested parties at that place, satisfied himself fully that there was no just ground for complaint as to beef-issues at the Santee agency or any other point within the Northern Superintendency.

Messrs. Kemble and Alvord together visited the Whetstone agency at its new location during the week ending June 14, 1873. (This Red Cloud agency is on the north bank of the North Platte River, about five miles west from the point where the boundary-line between Wyoming and Nebraska crosses that stream. Your commissioners left this place Monday, June 8, and, traveling an estimated distance of one hundred and thirty miles by the road (about one hundred miles air-line) in a general northeasterly direction, arrived at the new Whetstone agency in the night of the following day. The latter, from the best maps and information obtained, is judged by them to be at or very near the point where the northern boundary of Nebraska crosses the White River, and situated upon its southeast bank. Returning, the commissioners left that vicinity on Friday morning, June 13, and reached this place on the evening of the succeeding day.)

With reference to the specific charges as to beef-issues at this Whetstone agency, no report can be now rendered, chiefly because the late agent, together with his only clerical assistant, succeeded in leaving the place just prior to the visit of the commissioners, removing all documentary evidence as to the business transactions at that agency prior to the present month, and leaving a class of employés so unprincipled in character and evidently so interested themselves in the late operations there that no reliability could be placed upon any statements made by them.

In general terms, however, your commissioners express their opinion that the indefinite charges of irregularity in the Indian service in this region, and especially the "leakage in beef" referred to by Mr. Welsh, result from the state of affairs at the Whetstone agency. The quantity of beef actually received by the Whetstone agent during the past year was unquestionably greatly less than that receipted for to the contractor, the amount really delivered to the Indians far less than appears upon the provision-returns, and the Indians reported thereon as receiving subsistence much in excess of the true number.

In brief, while unable, for want of specific data, to make a detailed report on the points specially referred to them, your commissioners found such a state of irregularity, confusion, and corruption at this agency—the result of the management of the late agent—that they recommend a special investigation of its affairs, covering his whole term, and the suspension of his accounts, with all outstanding vouchers and indebtedness certified by him, until such investigation can be had.

During the brief visit of your commissioners at this place they searched diligently for information on the late operations there, and have in possession many facts not called for by their instructions, but which are at the disposal of your Office, either in

the form of notes or as a special report. They are also prepared to offer suggestions on various points relating to the management of both these agencies visited by them, as the result of their observations here.

V. It is believed expedient to mention here that your commissioners found residing upon the reservation, in the immediate vicinity of the agency, as now located, subsisted therefrom, in many ways lately subsidized by the agent, and living generally in concubinage with the Indian women, about eighty white men. Seventy of these were met in person, and a brief statement of some facts in relation to them, as given by themselves, is appended, (A.) Here is a band of men, plainly of the most undesirable class, with a common self-interest, certain to be a constant source of trouble to the agent, and to retard the progress of the Indians so long as they remain among them. Half of the eighty claim to have rights of residence, &c., as "legally incorporated" with the Sioux, and recognized by the treaty of 1868, while most of the remainder hold that they are entitled to equal privileges by reason of "marriage" (cohabitation) with Dakota women. It is recommended that this important subject receive the immediate attention of the Department.

VI. The present agent for the Upper Brulés, who entered upon his duties at the Whetstone agency on the 1st instant, called the attention of your commissioners to telegraphic instructions received by him, directing the building of the new agency by employes, upon plans to be determined upon consultation with the special commissioners when there. Accordingly, he was recommended to construct the buildings described in the annexed schedule, (B,) arranged in two hollow squares, or inclosed courts, placed *en échelon*, a plan thereof being left with the agent. This recommendation was made without detailed specifications, bills of lumber, or estimates of cost, and having solely in view the apparent immediate wants of the agency, regardless of the question of its permanent location, which still seems to demand further consideration.

Very respectfully, your obedient servants,

EDWARD C. KEMBLE.  
HENRY E. ALVORD,  
*Special Commissioners.*

Hon. COMMISSIONER OF INDIAN AFFAIRS,  
*Department of the Interior, Washington.*

#### APPENDIX A.

White men at or near the Whetstone agency: Number, 80. Ages: From 20 to 65 years. Nativity: England, Ireland, Sweden, France, Prussia, Mexico, Canada, and a majority of the United States.

Legally married to Dakota women.....	10
Living with Indian women.....	45
	55
Children of these (55) white men—Indian mothers.....	157
Ages of same: One month to twenty-six years. (Sixteen of the 157 are young men.)	
Length of residence of white men among these Indians:	
From 2 months to 5 years.....	40
From 5 years to 40 years.....	40
	80

Number claiming "treaty rights," 40.

Men of white fathers (dead or absent) and Indian mothers now on same reservation (not including the 16 noted above): Number, 24; ages, 16 to 25 years.

#### APPENDIX B.

*Buildings recommended by Messrs. Kemble and Alvord, special commissioners, to be constructed by Agent Howard at (new) Whetstone agency, as soon as permanently located.*

1. For agency-office, clerk's room, council-hall, and dispensary, 100 feet long by 25 feet wide, and 10 feet high, (side walls.)
2. Store-house, 100 feet long, 22 feet wide, and 12 feet high, clear.
3. Another. Same.
4. For residence of agent and physician, double building, 40 feet by 40 feet, main part one and one-half stories high, giving two rooms and kitchen to each on lower floor; space for two rooms above.

5. Residence for farmer and teachers, double building, 40 feet by 30 feet, one story; two rooms and kitchen, each tenement.
6. A like building for engineer and miller.
7. For butcher and beef-issues, ice-room, tool-room, and shops, 100 feet long by 20 feet wide, and 10 feet clear.
8. For employes' quarters, mess-room, and kitchen, 80 feet long by 20 feet wide, and 10 feet high, clear.
9. Sufficient cheap stabling, according to judgment of agent.
10. Shed-room, open, ample for wagon, implements, and temporary storage when needed, in judgment of agent.

*Miscellaneous.*—Two wells, hay-scale and shed, stockading and gates.

*Material.*—Logs, generally pine, two sides hewed or slab-sawed, for main walls; sawed pine (native) lumber for roof and floor, framing, and all finishing, where practicable; doors, sash, some finishing and flooring, of purchased dry pine; roofs, native pine shingles, except for stables and sheds.

NOTE.—Ample room provided in inclosures for additional building, if needed.

H. E. A.

#### ADDITIONAL NOTES TO ABOVE REPORT.

*Henry C. Alvord to Commissioner of Indian Affairs.*

LEWENSVILLE P. O., VA., July 22, 1873.

SIR: Herewith I transmit two pages of *notes* relating to the affairs at the Whetstone agency, which should be sent to Inspector Kemble or such other person as may have received from him the "Notes and memoranda" prepared by Messrs. Kemble and Alvord after their late visit as special commissioners to the Sioux.

Said papers were in the hands of Colonel Kemble, the last I knew of them; but I have an impression that he has recently been called upon to forward them either to the Indian Office or to an officer charged with a special investigation of Whetstone agency "irregularities."

Yours, very respectfully,

HENRY E. ALVORD,  
*Late Special Commissioner, &c.*

HON. COMMISSIONER OF INDIAN AFFAIRS,  
*Washington, D. C.*

*Additional notes of Whetstone agency, gathered from papers on file at Indian Office, Washington, July 1 and 2, 1873, by Henry E. Alvord, Special Commissioner.*

*Money.*—First quarter 1872. Risley received from Washburn, February 27, 1872, \$1,543.18. Washburn's unpaid roll, January 1 to February 27, paid by Risley, \$3,830.67. Risley's roll, part first quarter, 1872, \$1,474.24. (Risley's total disbursements first quarter, \$12,000.)

Second quarter, 1872. Roll, \$4,372.34. Total disbursed, \$6,803.89. Balance June 30, \$1,921.23.

NOTE.—Who is David R. Rogers, laborer? Why *ten* herders this quarter? See voucher 3.

Third quarter, 1872. Roll, \$6,555.23. Total disbursed, \$3,793.01. Balance September 30, \$22,387.53. (!)

NOTE.—D. R. Rogers again. Too many laborers and herders. Excessive *escorts* paid. Fourth quarter, 1872. Roll, \$8,021.00. Total disbursed, \$20,939.02. Balance December 31, 1872, \$1,443.51.

NOTE.—Inquire as to vouchers 1 to 5. No. 11, (hauling rations from storehouse to Indian lodges by hired teams, \$360.) No. 18, D. R. Rogers and other laborers? Vouchers 22 to 47 cover nearly \$10,000 paid out for use of teams of the "men of the country," for sundry purposes, at *per-diem* rates.

THE GRAVES TRANSPORTATION CONTRACT.—Executed November 5, 1872. Forwarded to Indian Office, Washington, December 24, 1872. Returned disapproved, January 15, 1872. Risley wrote in defense at Washington, February 20, 1873, (and stated move began December 28, 1872.) Office reply, unfavorable to contract, February 28, 1872. Risley wrote at Washington, March 1, 1873. See letter with estimate of weight of freight, &c., to move: (50 pounds to each Indian; 6,625 persons; 331,250 pounds, and one month's supplies; 390,460 pounds; 721,710 pounds; estimated distance 87½ miles. (!) Cost, \$1.75 per cwt., per contract. Estimated cost of move, \$12,629.93.)



May 18, 1873. Risley reports from Beaver Creek, agency removed entirely, and states voucher issued for transportation of Indians and baggage, Government property and supplies, &c. (See letter Whetstone R., 139.)

May 31, '73. Dr. Graves assigns contract to Posey S. Wilson, banker, Cheyenne. He forwards it. Vouchers received Indian Office, Washington, June 24, 1873. It is for 2,236,126 pounds, (three times estimate,) transported 75 miles, at \$2 per cwt. per 100 miles; amount, \$33,541.89. Payment suspended. See voucher with its strong certificate, by Agent Risley, as to articles transported, their weight, the distance, (*really 35 miles*.) &c.

*Beef received for to the contractor by the Whetstone agent.*

Date.	Gross weight.	Average per head.	Date.	Gross weight.	Average per head.
	<i>Lbs.</i>	<i>Lbs.</i>		<i>Lbs.</i>	<i>Lbs.</i>
July 10, 1872.....	686, 750	1, 025	November 23, 1872.....	614, 000	1, 000
August 1, 1872.....	404, 625	975	December 10, 1872.....	2, 631, 265	1, 000
August 19, 1872.....	880, 720	1, 010	March 19, 1873.....	1, 068, 015	968½
September 27, 1872.....	1, 016, 000	1, 000	April 10, 1873.....	322, 644	1, 002
October 23, 1872.....	680, 636	998	May 30, 1873.....	617, 900	925

NOTE.—Above taken from receipts forwarded to Indian Office for settlement.

*Losses of beef-cattle at Whetstone from agency herd.*

Second quarter, 1872, 17 head; average weight, 975 pounds; loss, gross, 16,575 pounds. Third quarter, 1872, 177 head; average weight, 1,010 and 1,025 pounds; loss, gross, 179,055 pounds.

NOTE.—Above taken from provision-returns of Agent Risley for periods named.

*Amount of beef kept on hand by agent at Whetstone.*

July 1, 1872, 689,090 pounds; quarter October 1, 1872, 1,282,450 pounds; January 1, 1873, 2,184,651 pounds, gross. (!)

NOTE.—These figures from provision-returns of agent on file in Indian Office.

*Number of Indians rationed by agent at Whetstone according to his returns.*

Average number to whom issued during each of the several months named: March, 1872, 2,700; April, 4,575; May, 5,575; June, 5,575; July, 7,200; August, 8,975; September, 10,735; October, 12,135; November and December, 12,135. No returns at Indian Office now, (July 10, 1873.)

MEMORANDUM, JUNE 12, 1873.—The number of Brulé and other Sioux at and belonging to Spotted Tail's (Whetstone) agency, and including those temporarily absent but properly rationed there, as given by Indian chiefs, and verified by statements of employes, &c., and observation of special commissioner, from 2,300 to 2,600 souls.

The greatest number of Indians at and around said agency, and those rationed during any month from July 1, 1872, to June 1, 1873, according to same authority, 8,000; 5,500 being of northern and eastern bands of Sioux.

The above notes are furnished to be added to those of Messrs. Kemble and Alvord, special commissioners, already signed by them.

HENRY E. ALVORD,  
*Special Indian Commissioner.*

## INSPECTOR DANIELS'S REPORT.

OMAHA, NEBR., August 30, 1873.

SIR: Pursuant to instructions from the Department dated Washington, D. C., July 12, 1873, pertaining to the examination of affairs at the Whetstone agency, while in charge of late Agent D. R. Risley, I visited the said agency on the 25th of July, and again, after receiving Department letter of July 23, on the 16th of August, spending two days to make the examination complete. August 29 I met late Agent Risley in Omaha, with the papers connected with his duties as agent. After a full investigation into the affairs connected with the Whetstone agency under late Agent Risley, I do not find

that there has been any more supplies receipted for than were received. The issue of rations was made upon the number of lodges as given by the Indians themselves; and statements of disinterested parties, both whites and Indians, are that there were from fifteen to twenty hundred lodges present to receive supplies during the fall and winter of 1872 and 1873. Also, at times the action of the Indians in supporting their demands for the number of lodges stated was such as to render the lives of Government employes insecure unless conceded.

I find that the number of laborers employed were in excess of what the necessities of the service required; that the number of herders actually employed in that capacity was less than the number reported on the report for third and fourth quarters, 1873. (See affidavit of John Atkinson, chief herder.)

In the Graves voucher for moving the Whetstone agency, the distance between the old and new location is estimated to be seventy-five miles. I find from the best information that can be had, that the distance could not have exceeded fifty miles. The present traveled road, which is about thirty-six miles, was unexplored at the time the agency was removed. The freight of the old agency was hauled by "men of the country," and weighed when loaded. The names of the parties engaged are herein inclosed, but the amount of freight that each man transported could not be had, owing to their absence.

I herewith inclose affidavits of persons living at the agency, and vouchers of Henry Graves.

Very respectfully, your obedient servant,

J. W. DANIELS,  
*United States Indian Inspector.*

HON. EDWARD P. SMITH,  
*Commissioner Indian Affairs, Washington, D. C.*

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*Affidavit of Dominick Bray.*

Dominick Bray being sworn, says: I have been at this agency employed by the agents since 1868. Was employed by agent D. R. Risley as "first-class laborer" to issue rations to the Indians. Supplies were hauled to Indians last summer. If the Indians were camped a long distance away their rations were hauled by the hundred, and if near they were hauled by the day. Mr. Todd Randall hauled, but Mr. E. W. Raymond hauled the most with his own teams. I issued to more than 1,500 lodges sometimes. They would run from 800 to 2,000 lodges during the year ending in June last. I heard they lost cattle last year, but can't say how many. David R. Rogers was at work here as assistant to the carpenter. The Indians acted bad many times, and Spotted Tail's Indians were the worst. There was no dependence to be placed in the statements of the Indians about their number of lodges, and we had to issue just as they said. I know nothing about the number of cattle received at any time or the number of employes at the agency. They had no beef to issue for about thirty days, early in the spring.

DOMINICK BRAY.

Sworn and subscribed to before me at the Whetstone agency, Dak., this 16th day of August, 1873.

J. W. DANIELS,  
*United States Indian Inspector.*

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*Affidavit of E. W. Raymond.*

E. W. Raymond being sworn, says: I was employed by Agent Risley the 1st of January, 1873. Have been with these Indians for twenty-three years. I was employed by Mr. Risley as superintendent of farming. My own teams hauled rations for the Indians last winter and spring. I was to be paid by the 100 pounds, at the rate of \$1 per hundred. When I hauled to Spotted Tail's camp I was to be paid the same as though it was hauled here. They were moving the agency, and I hauled to both places, the new agency and the camp. The estimated distance that the freight was transported was fifty miles. I should think the present traveled road between the two agencies to be about forty miles. I have hauled no supplies by the day while Agent Risley was here. In the removal of the agency I moved Indians, hardware, grain, lumber, and flour, &c. Excepting flour the freight was all weighed. I don't know how many Indians were here from September, 1872, to July, 1873. Last fall and winter there were two or three times as many as there is now; I think they would average over fifteen hundred (1,500) lodges. Cattle were received twice or three times

since last December by Agent Risley. I don't know how much either herd weighed, but I told Mr. Bosler that I thought they would go over 750 pounds; that came in March. They were without beef for a month. I hauled 221,390 pounds of freight from the old agency.

E. W. RAYMOND.

Sworn and subscribed to before me this 16th day of August, 1873, at Whetstone Agency, Dak.

J. W. DANIELS,  
*United States Indian Inspector.*

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*Affidavit of Charles Benard.*

Mr. Charles Benard being sworn says: I was in the employ of late Agent Risley as butcher, for the time he was here. Have been at this agency since 1868. The cattle were weighed on the large scales. They weighed from 10 to 100 out of each drove. The cattle I butchered weighed from 900 to 1,000 pounds and over. One that I killed last fall weighed 1,100; they were good, fat cattle. I don't remember the number they received at a time, but one time I think it was 2,500. I know this because it was spoken of, as they got so many at a time. They received cattle three times this spring, but I don't remember the number at a time. I think it was a month we were without beef when the beef came in March.

CHARLES BENARD.

Signed and sworn to before J. W. Daniels, United States Indian inspector, this the 16th day of August, 1873, at Whetstone Agency, Dak.

J. W. DANIELS,  
*United States Indian Inspector.*

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*Affidavit of Todd Randall.*

Todd Randall being sworn says: I have been with these Indians since 1866. Have been in the employ of the Government most of the time. I hauled supplies to the Indians camped away for Agent Risley. He paid me \$5 a day for 2-mule teams and \$7.50 per day for 4-mule teams. Hauled for him very near three months in the second and third quarters of 1872. The disposition of the Indians at times has been very bad. They would try to intimidate by force and talk. The man in charge of the agency, as well as the whites here, had to yield to their demands to keep the peace and save their lives. A great many Indians were here last winter, more than twice as many as there are now. I don't know the average number. I had teams to work in moving the agency to this place—four 4-mule teams all the time, and part of the time five teams, besides two Indian teams that worked for me. Three trips Bridgeman's teams hauled for me. He had two teams. The freight consisted of mostly flour. I think seven loads of lumber, plows, &c. I hauled in my name 139,705 pounds. The estimated distance the freight was hauled was fifty miles. The present road was impracticable at that season of the year. The way we travel to the old agency now is about thirty-five miles.

TODD RANDALL.

Sworn and subscribed to before me this 16th day of August, 1873.

J. W. DANIELS,  
*United States Indian Inspector.*

WHETSTONE AGENCY, DAK., August 16, 1873.

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*Affidavit of Joseph Bissonette.*

Joseph Bissonette, sr., being duly sworn says: I have been among these Indians for forty years. Was employed by Agent Risley at Spotted Tail's camp to assist him in farming. During the fall and winter when the rations were sent to the Indians, I was there to issue to them. In my camp at Spotted Tail's camp there were 300 lodges. I could not say how many lodges drew rations, but there were a great many. The rations were hauled to camp by Mr. Raymond's teams and Mr. Randall's teams. They hauled rations every ten days. At times the Indians acted bad, and had it not been for the influence of the "men of the country," who have been long with them, there would have been much more trouble. This was caused by the presence of northern Indians. They were without beef this spring about thirty days.

JOSEPH BISSONETTE, SR.

Sworn and subscribed to before me at the Whetstone agency, Dak., this 16th day of August, 1863.

J. W. DANIELS,  
*United States Indian Inspector.*

*Affidavit of H. Rouleau.*

Mr. H. Rouleau being sworn says: I was in the employ of late agent Risley, in charge of all the property excepting supplies. The "men of the country" hauled supplies to the Indian camps all last year. They hauled by the hundred. When the agency was moved I kept an account of all the property shipped. It was all weighed on the scales but a few loads after the scales were taken down. The account that was kept by me was taken by Mr. Cox when he left. I hauled one load which weighed 3,500 pounds. I could not say how many Indians were here, but I should judge from 1,500 to 1,800 lodges. There were a great many, and they, at times, behaved themselves very bad, and threatened the man in charge if he did not do as they wanted. I know they lost a good many cattle last season, but don't know how many.

HUB. ROULEAU.

Signed and sworn to before me this the 16th day of August, A. D. 1873.

J. W. DANIELS,  
United States Indian Inspector.

WHETSTONE AGENCY, August 16, 1873.

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TALK WITH RED CLOUD IN WASHINGTON, MAY 28, 1875.

*Council with delegation from Red Cloud and Spotted Tail agencies, held by Assistant Secretary and Commissioner of Indian Affairs, May 28, 1875.*

Secretary COWEN. Who do you want for an interpreter?

Answer. Mr. Randall.

Secretary COWEN. The President was not able to come to-day. He intended to, but it was impossible; and he sent word for you to talk in the presence of myself, the Commissioner of Indian Affairs, and Professor Marsh. We will have your words written down and will report them to the President, who will see you again and have an additional talk with you on this subject. We understand that you, or Red Cloud, at least, wants to make some complaints about the condition of affairs at the agency, and we want to hear all he has to say. Mr. Hinman is here, and can make any corrections and suggestions if he thinks there is any mistake in the interpretation.

RED CLOUD. There is something that is going on that does not please me altogether, and that is the reason we have come to have you explain it. What I first want to speak about is the Nebraska line. I also come to speak about matters about the agency. I come to see and tell my Great Father that there were some of our people last year that did not get blankets and clothing sufficient. We suffered with cold. Look at me, my Father. I am a man. My friend, I know my grand Father does not know these things.

There is another thing. The provisions that were bought and sent to us—the different kinds of provisions—flour, sugar, coffee, and tobacco, the agents do not buy; but they examine our provisions and everything that was sent to us. (To Professor Marsh:) Did you bring those samples of the things I gave you last summer?

Prof. MARSH. I showed them to the Great Father, and told him what you told me to tell him.

RED CLOUD. That was the idea of the people of my band in giving you those samples. For two years we were furnished with beef, and when they were weighed some were small and some were large, but they weighed them altogether. I don't want to lay the blame for this on any one in this matter; I don't know who is to blame. I think my Great Father sends me the kind of provisions as he promised to do, and the number that he promised. Last winter we lived very hard. It was a hard winter for us; for one or two months we lived very hard. We had no fresh pork; it was all barreled pork, and we don't like that kind of pork. The tobacco we get is not very good, it does not suit us; we cannot smoke it well; it is sweet and has molasses in it, and is sticky and won't smoke. In regard to blankets, we are a large people, we want large blankets to wear. A great many of our blankets were branded like soldiers' blankets; we don't like to have them branded in this way—like soldiers. That is what I have to say, and I am telling the truth. I call on the Great Spirit to witness that I am telling the truth.

Mr. MARSH. I want to know if he is complaining of the quantity or quality of his provisions?

RED CLOUD. A portion of our flour was very bad this year, and the barreled pork we don't like. The tobacco was bad too, and some of our sugar was bad. Portions of all these articles were bad. The pork was all bad.

General COWEN. About what proportion of these things were bad?

RED CLOUD. The amounts probably in the tribes were five or six wagon loads last year. The wagons are not covered, and it rains in our country, and they get wet sometimes in crossing the river; and that might possibly be the reason these things were bad. Some of the flour is black, and we cannot eat it. The sugar is the same way, and comes there wet, but it might have been rained on in crossing the river. The sugar last year was yellow, and we don't like that kind.

General COWEN. What complaint have you to make about the cattle?

RED CLOUD. The cattle that are driven there are small, from yearlings up to three years old, mostly small beeves. Many that are driven to us are small. There are yearling calves among them. They give these small cattle and calves to the Indians without weighing them.

COMMISSIONER. You receive these cattle when they are given to you?

RED CLOUD. It is the calves they take out of the herd and don't weigh them, and give them to us. That is all I have to say. I just wanted to tell you about the quality of the provisions.

COMMISSIONER. Do you know about the contractor keeping cattle by themselves that are sick or lame?

RED CLOUD. The beef-contractor drives beeves there every twelve days, and there is a place where they put those cattle by themselves.

COMMISSIONER. They don't issue the sick or lame cattle to the Indians, do they?

RED CLOUD. Out of the cattle that are driven there some few of them are lame, and they are all put together, and the agent issues them to the Indians.

COMMISSIONER. You mean that these cattle are issued to the Indians, or taken care of by the agent?

RED CLOUD. The cattle are brought there by the contractor and weighed and turned over to the agent, and are issued to us by the agent.

COMMISSIONER. You don't understand. You say that there is a herd of cattle that are sick and lame, and are kept by themselves. Do these cattle belong to the contractor or the Indians?

RED CLOUD. I don't seem to understand about these lame cattle. The cattle are driven through by the contractor, and delivered to the agent by the contractor, and then kept by the agent.

COMMISSIONER. Are these sick and lame cattle kept by the agent?

RED CLOUD. I am now referring to last winter. Then the cattle came in there and some of them were poor; and these were some that were left after the contractor had delivered them. There were some that were left and kept in the herd.

COMMISSIONER. Who kept them?

RED CLOUD. The agent's man, a Mexican, an employé of the agent who had the cattle in charge.

COMMISSIONER. How many of these cattle were there?

RED CLOUD. A few.

COMMISSIONER. How many?

RED CLOUD. From sixty to seventy; perhaps over.

COMMISSIONER. Had those cattle been weighed?

RED CLOUD. Yes, sir.

COMMISSIONER. What became of the cattle?

RED CLOUD. I am speaking now of the cattle that strayed off. It was very cold weather, and storms drove them off.

COMMISSIONER. I want to ask again what became of those cattle?

RED CLOUD. The cattle that were over were driven there, and the amount that was over more than was issued the agent gave to the Indians, one each to the families around.

COMMISSIONER. Does the agent generally do that?

RED CLOUD. The cattle were not issued very regularly. It was a very hard winter. Sometimes there were cattle more than enough for one issue, and the few over, the agent would give those cattle to the Indians as far as they would go. A good many froze to death, and many white men froze at the same time. It was hard to get the cattle together to issue.

COMMISSIONER. These cattle were issued by the agent after the issue was made? Didn't you say just now that the cattle were kept by the Mexican herder?

RED CLOUD. That was when there was an overissue. They—

Mr. HINMAN. (Interrupting the interpreter, Randall.) He didn't say that at all.

Mr. RANDALL. That was what he meant.

COMMISSIONER. I want you to say what Red Cloud says.

RED CLOUD. These cattle that were left over at the issue were put in the herd kept by his nephew, the herder. These cattle were put there, and when they were dying with the cold weather, they were given out to the Indians.

COMMISSIONER. But I ask you now about the cattle that were kept by themselves. I asked you that to begin with. These were cattle that were kept with the herd.

SPOTTED TAIL. Those cattle that were poor and sick died. They did not keep them up and they died.

COMMISSIONER. Spotted Tail doesn't know that; I am asking Red Cloud. You say, Red Cloud, that there was a herd of sick and lame cattle kept by themselves. Do you say so, or did I misunderstand you?

RED CLOUD. The cattle were brought up by the contractor to the agency. They were weighed and turned over to the agent, and the agent keeps a herd there, and sometimes there are more cattle there than are—

Mr. HINMAN. (Interrupting the interpreter.) He doesn't say that. He says the cattle were brought from a great way off. While on the way they belonged to the man who brought them. After they were turned over to the agent, they belonged to him. But I don't know who took out the lame cattle, or who they belonged to.

COMMISSIONER. Now I want to speak of those sixty or seventy that were left over one time. At what time was that issue?

RED CLOUD. In December.

COMMISSIONER. What was the time when these cattle were turned into the herd?

RED CLOUD. Right after.

COMMISSIONER. Did you go with General Bradley to see some cattle?

RED CLOUD. Yes.

COMMISSIONER. When was that?

RED CLOUD. That was after this time.

COMMISSIONER. Where did you go?

RED CLOUD. Above the agency; above the military camp.

COMMISSIONER. What herd of cattle did you go to?

RED CLOUD. I went to a herd that was kept on this branch by the agent.

Mr. HINMAN. He didn't say that.

COMMISSIONER. Were they kept by the contractor, or by the agent?

RED CLOUD. I don't know. The cattle came together. They were cattle that were left over, and were kept herded on this creek.

COMMISSIONER. Who was herding them?

RED CLOUD. A Mexican and a nephew of the agent.

COMMISSIONER. How many cattle were there?

RED CLOUD. I did not count them.

COMMISSIONER. Can't you tell whether there were ten or one hundred?

RED CLOUD. Eight.

COMMISSIONER. Were these the kind? Were they just such cattle as you had been receiving all winter?

RED CLOUD. The cattle that were there were the poor cattle that were left out of the herd. Those were the poor ones that were rejected.

COMMISSIONER. Then you don't mean to say that the cattle that were given you were as poor and as bad as these cattle?

RED CLOUD. During the winter a great many good beeves were given. There were some poor, but these poorest ones were driven out and were taken out of the herd, and not issued to the Indians. Most of them were good beeves. There were a great many very good beeves.

COMMISSIONER. Did you tell General Bradley that these eight cattle were the kind that the agent generally gave you?

RED CLOUD. It was Red Dog that told General Bradley that the agent gave the Indians poor cattle sometimes.

Mr. HINMAN. I don't think that is right. Red Cloud says General Bradley asked if those were the cattle they had issued to them, and Red Dog said those were the kind of cattle.

COMMISSIONER. If General Bradley had asked you that question, would you have answered that way?

RED CLOUD. Red Dog said that and I said nothing. I am not responsible for it at all. I went out to the military camp, and Bradley asked where the cattle were kept, and he said we will go there. While they were driving in the herd I was in the house, and I heard Bradley ask Red Dog if those were the cattle issued to them; and Red Dog said yes, but he meant the kind of cattle—that they were Mexican cattle; but he did not refer to the quality.

COMMISSIONER. Do you know what became of those cattle?

RED CLOUD. As to the agent, there was a time that 17 cattle were killed, and he took the hides and gave us orders on the store for the hides, and when we counted up we were \$40 short.

COMMISSIONER. Was it the agent or the trader that made you come short?

RED CLOUD. He gave orders for \$3 instead of \$4. But in regard to the invalid herd that was spoken of, there were seven or eight of them that were never given to the Indians at all.

COMMISSIONER. Do I understand that these eight were some the agent rejected, and were not issued to the Indians?

MR. HINMAN. He does not say that they were issued, but that the Indians took them.

COMMISSIONER. You say the agent didn't issue them, but the Indians took them for themselves?

RED CLOUD. It was a pretty hard time for the Indians to get anything to eat, and they took those and killed them.

COMMISSIONER. But you say the agent rejected them, and the Indians took them themselves?

RED CLOUD. Yes; the Indians took these cattle and killed them.

COMMISSIONER. Well, let us have that settled. Do I understand you to say that these cattle, when the contractor drove them up, were rejected by the agent?

RED CLOUD. Yes.

COMMISSIONER. And then these were the cattle that afterwards Red Dog showed to Bradley?

RED CLOUD. Yes.

Professor MARSH. Didn't you say that the contractor turned over these cattle to the agent, and that he issued part of them to the Indians, and that those were left in the hands of the agent—the Mexican and his nephew taking care of them?

RED CLOUD. When the cattle are brought, a good many of them are left over after the issue, especially if a large number were brought; the remainder are turned over to the agent's herder. This time there were none over but the rejected ones, and they were turned over with the rejected ones to the agent's herder.

MR. MARSH. Can you give me the reason why these cattle were turned over into the agent's herd?

COMMISSIONER. I don't know much about it, but I think I can explain it. The contractor keeps no herd within eighty miles of the agency. If there are any cattle left over, of any kind, they have to be left with the agent.

Professor MARSH. When the herd comes up from the contractor, doesn't the agent take the whole herd?

RED CLOUD. Yes.

Professor MARSH. Then these cattle that were left over were accepted?

RED CLOUD. No; those that were left over were rejected. There are generally about sixty left over; this time there were only eight.

Professor MARSH. If they were not accepted by the agent, and the agent did not consider himself responsible for them, why did the nephew, the agent's herder, take care of them?

RED CLOUD. There was nobody else to take care of them, and they cost money to somebody and were put in there.

Professor MARSH. I want to ask if, at the next issue, any cattle were heavier than those that Bradley saw?

RED CLOUD. I want to be just in this matter and say the truth. Some herds of cattle that are brought up there have large and some have small cattle; this one was a good one.

MR. MARSH. At the next issue were any cattle heavier than those poor cattle?

RED CLOUD. I told you that the cattle at the next issue were good. If I should say that they were all large, I should not tell the truth. They varied, but it was a good issue.

MR. MARSH. Were you at the next issue?

SPOTTED TAIL. We all attend the issue of cattle. We do not expect to get cattle all so high, (indicating the height with his hand;) but some so high, and some smaller.

MR. MARSH. Were you, Red Cloud, present at the next issue?

RED CLOUD. I have the heart. I and my men all go to the issue. The cattle are different sizes, and I have to go, because all the families want to get the large ones. It would be better if the cattle should be issued by weight.

Professor MARSH. When the herd comes up and is accepted by the agent, are all weighed, or only a few of them?

RED CLOUD. We have a large corral with a large entrance, with large scales at the entrance, and the cattle are driven on to them, six or seven at a time; and so every hoof is weighed. I think my father (meaning the agent) has been neglectful in one thing. He does not keep the scales in order. The planks are too thick. They should be made light as possible, so that the cattle may weigh as much as possible.

Professor MARSH. Were the samples given me of tobacco, flour, and sugar fair samples of what you generally had issued to you?

RED CLOUD. We don't mean to say that all the provisions were according to the samples given; but those samples were selected by Red Dog from the houses. He said that was what they were eating, and asked you to ask the Great Father to give better.

Professor MARSH. But you gave me those; were they a fair sample of what you were getting generally?

RED CLOUD. Those samples were taken part from my house and part from Red Dog's; and I merely meant to say that they were taken from food that was issued. I do not mean to say that it was all like that.

General COWEN. How much was like that?

RED CLOUD. I said five wagons. I don't know, but I think they got wet going through the Platte.

General COWEN. How long would five wagon-loads last you?

RED CLOUD. I have a very large band and a large tribe of people; and I think it would take from seven to eight wagon-loads for one issue.

COMMISSIONER. How many issues do you have in a year?

RED CLOUD. Every ten to thirteen days they issue beef.

COMMISSIONER. Except these five wagon-loads, were the rest of your supplies of a good quality?

RED CLOUD. That which is not wet is of a good quality.

SPOTTED TAIL. All the supplies which I have received, from the time the agency was established to the present time, have been bad.

RED CLOUD. I think the provisions are wet to make them weigh more.

Professor MARSH. Is the tobacco, coffee, and sugar good?

RED CLOUD. The tobacco was wet; and it is of a kind that we don't want; it is mixed with honey and molasses, and is made for chewing and not for smoking.

COMMISSIONER. I have some better tobacco for you this year. I did not buy it of the same man as last year.

Mr. MARSH. Was the coffee good?

RED CLOUD. It was not very good to drink, but we had to drink it because we had no other; but we would like to have better.

Professor MARSH. Did your people suffer from starvation last winter?

RED CLOUD. It was a very hard winter.

Professor MARSH. How long did you go without beef?

RED CLOUD. The last winter has been very hard; our issue has been every thirteen days, and it has been from thirteen to twenty-one days. That man, American Horse, is appointed to attend the issues and see that everything is right.

COMMISSIONER. Do you know why the contractor didn't have his cattle there, when that long time of issue occurred?

RED CLOUD. They were bringing a large herd over, and there were very cold days, and two warm days, and then some cold days; and the man who was bringing them over was frozen.

COMMISSIONER. Do you blame the agent or contractor for the man being frozen?

AMERICAN HORSE. We are in earnest about this matter, but do not want to blame anybody; we want you to give us the best provision you can; and in this conversation we don't blame anybody. I am appointed to stand at the scales at all issues. I don't mean to blame the agent; I merely say these things because I was asked.

COMMISSIONER. Is there anything else you want to say?

CONQUERING BEAR. I would like to say a word in regard to beef. We have issued to us cattle that are old and cattle that are young; hereafter we want cattle of the same age; not old ones nor young ones; I mean I would like to have the contract made that only cattle from four to seven years old be accepted for our agency.

General COWEN. We will carry your words to the Great Father. I am very glad that you have had an opportunity to tell us about these things; and in future, if you have anything to say, you must let us know.

Professor MARSH. I would like to know if Red Cloud and his band are perfectly satisfied with their present agent.

RED CLOUD. When I came first to Washington the President told me he would give me an agent, and I must look out for him; if he didn't please me, to bring him back; that he had a great many men, and would give me a good one. I have brought him back here for you to consider the matter. I want the Great Spirit to hear me, and give me a good and wise man for an agent. I don't want a western man, but a man from the East, and a man that is wealthy. These western men fill their pockets, and when they are full, they fill their hats; and then they say, "good-by," and go away. I know there are a great many good men the Great Father has here, and I want a man for an agent that has a good heart and money, and one that will look after our interest, and take good care of us. I came here with my agent, and didn't mean to say anything about this thing, but have been forced to say it.

General COWEN. The reason we asked was because we wanted to hear all you had to say, and we will have the Great Father give you a good man for an agent.

COMMISSIONER. I want to say a word about your blankets. You complain of your blankets being marked U. S. I. D., (United States Indian Department.) That was done because it is said by some persons that many of the Indians sell their blankets to the traders; but I don't know whether this is true; and they say, too, that the agent sells your blankets to the traders. Now, in order to know whenever any of your blankets are sold in these ways, we put that mark upon them. That is one reason; it is to protect you and to protect us. Now about your clothing being short or scarce. The same is true of you as of the Cheyenne River agency. The Indians who have come in there from the upper country were not there when the estimates were made for fur-



nishing the clothing, and the clothing sent did not go round among all of you. This year you will have more clothing, because you have been counted, and more Indians have been found there than were there a year ago. But I don't want to make you too happy, because you will be disappointed again. There is not clothing enough bought for you this year, and there cannot be, because there is not money enough. You require more and more clothing every year, because you get less yourselves from your buffalo-hides and furs.

About your pork. I sent you pork because there is more in it to eat than there is in a pound of bacon. The soldiers like it better than they do bacon; but your agent told me that you did not like it, and this year I have not sent it to you, but have sent bacon instead.

RED CLOUD. We never eat pork, and I don't want it sent to us.

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TALK WITH LITTLE WOUND AND SITTING BULL, IN WASHINGTON, JUNE 5, 1875.

*Council held by the Commissioner of Indian Affairs with delegation of Sioux from Red Cloud agency, at the office of Commissioner of Indian Affairs, Washington, June 5, 1875.*

COMMISSIONER. I understand that some of the young men want to speak this morning, and I would be glad to hear anything they have to say.

RED CLOUD. My friend, we are going home to-day, and these young men you see here want to shake hands with you and bid you good-by. We came also to ask about something we have not heard about. I would like to ask about the pay for those who came with me, the interpreters and all the Indians.

COMMISSIONER. There are some things to be said about those men who have come along that I would rather not be obliged to say to you. They have not come by the wish of anybody but themselves, so far as I know, and they have been sources of mischief and trouble ever since they came here. They got you to insist on going to the Washington House, and they got some of you to go there after I had told you that it was not a proper place for you; they have led you into bad practices since you have been here; they have taken you, with Beveridge, the proprietor of the Washington House, at night, into bad places, and now they have the impudence to come and ask me to pay them for that sort of service, and I leave it you to judge whether I had better do it or not. That is all that is to be said on that subject. I have told your agent to spend for you, in getting such presents as you want, \$25 apiece. This is in addition to what you have already received in suits of clothes and other things that your agent has bought for you. I wish I could make it more, and do for you what you ask in that respect, and to furnish each of you a horse, with saddle and equipments; but that I am not able to do, because I have not the money to make the purchases.

LITTLE WOUND. You tell the truth when you say that you did not invite the interpreters to come along with the Indians; we have heard that before; but if we had come with only the three interpreters belonging to our delegation, these three interpreters would dispute as to what we said. We invited these three to come in order to be witnesses on our return as to what was done. As for myself, I am not influenced by these men. They wanted to come along with us, and now they say we have deceived them, and between the two they are falling to the ground. They blame us for not getting paid. We came here at the invitation of the President, and we expected to go home with horses, equipments, and guns, so that our people would receive us gladly. If we go home without anything of this kind, when we arrive there the people will all laugh at us.

COMMISSIONER. I would not give you guns if I could. If I could give you horses and saddles, I would, but I have no power about it; I cannot do it, and so it is not worth while for me to encourage you in any way to expect it. About those men that you speak of as interpreters: In the first place, they are not interpreters at all. The best of them, Todd Randall, when he came to interpret for Red Cloud, broke down, and Red Cloud had to get some one else. Palliday, the only one who did belong to you as an interpreter, was employed by me. He could interpret. He is a good interpreter; but he likes whisky so well that he broke down. Whisky broke him down. He got so drunk that I could not see him for several days. I shall pay him for what he did and see him home. Richard will also be paid; he came at my request; but those other men, who have deceived you, who have kept you from doing your duty, and have led you into bad houses, have no claim for anything, and they may be thankful that they are not driven out of the country. How are you to trust these men, when they go home, to tell what was done here—men that will do all they can to defeat the best interests of the tribe and bring you into disgrace in Washington; what do you want of

them when you get home? Now, this is a plain talk to you, but I may just as well talk of things as they are rather than we should deceive one another.

Now I want to say a word to Sitting Bull. I have heard with great pleasure of your conduct and of the conduct of one or two others of the Red Cloud agency. I have heard from your agent and from the military officers at the agency of the great service you have rendered the Government. You have proved yourself to be a very brave and true man, a friend to your own people and a friend to the whites. Your good conduct has been reported to the President, and I am instructed by him to give you a token of his regard in recognition of your good services.

LITTLE WOUND. My friend, I want to speak to you about another matter. These things I have heard to-day do not please me; but I shall let it go by, and I want to say a few words to you. When I came here you gave me some advice about the proper way when I went buffalo-hunting, and I have always done that way, as you instructed me. The man that is interpreting for me brought me the news that you wished to have me sell the hunting-privilege. I told him that it would be better to wait a few years; but you have given me word, and I will take it back to my people and let them decide. There are a great many buffalo left in that country. I have told my agent that those young men who left the agency to go hunting did not do so because they wanted to disobey the Great Father, but they wanted to sell the robes when there was no issue. When I go home I shall tell my people what you have said about hunting buffalo, and I think they will say yes; but I think you ought to give more money to us for our women and children. That is all I have to say, and I wish you to consider these things.

COMMISSIONER. I have always heard well of Little Wound when he went on his hunting expeditions. The officers and soldiers have always reported that you were disposed to do right; but you know very well that you scarcely ever go hunting that something does not occur which makes trouble between your people and the whites; and every year this grows more and more likely to occur; and I am glad to hear you say that you will give up this right that is very dear to you. I will present your case to the Secretary of the Interior, and through him to the President, and then to Congress, asking that Congress will give the additional sum of money which the Secretary promised yesterday to try to get; but I hope that you will be able to distinguish between this promise that we will *try* to get this money and the promise that we will *give* you the money; those are two different things.

SITTING BULL. I had said that I would go home without, but I have concluded to say a few words to you. The young men also have brought their opinion about matters which are spoken of here as well as the chiefs, and I have brought these young men here so that they may consider whatever questions come up. I have now been here more than ten days, and have listened to all that has been said on both sides. Although I have said nothing, I have taken into my ears everything that has been said. I thought I would go away without saying anything to you, but I am going to say a few words before I go. These two men who did our business for us do not tell you their own opinions, but of all the people, and they tell you the opinion of our delegation. You have told them since they have been here of the wish of the President, also the words of the Secretary of the Interior and yourself. You have heard one of the chiefs say that he would agree to it, and I am of the same opinion; and when I go home I will see my people and get them to agree to it. When the chiefs consider anything that is for their good and happiness of their people in the future, they try to do the best thing they can. I should have been very glad to have taken the news home that we had accomplished our business here. The people that are left at home and the chiefs are waiting to hear what their chiefs have done in Washington; and when I go home I think they will give you an answer. They will listen to everything that has been proposed here, and I think they will assent. I would like to have them say yes. I thought when I came here with this delegation that the chiefs would accomplish something here, but as it is we will go back and consider with our people. When I go out of the building to-day, I would like the agent to take me straight home, without stopping at any other place.

COMMISSIONER. I want to speak to those young men about those half-Indian men and half-white men. I am sorry they are white at all who live among you. You will find now and then men living among you of that sort that you can trust, but as a general thing you will find them only mischief-makers. When you find one disposed to be a mischief-maker, ready to come between you and your agent and between you and your Great Father, you may be pretty sure he is your worst enemy, and the less you submit your affairs to him or pay any attention to what he says the better it will be for you. I am very glad to have met you here, and very glad to have seen you this morning. I hope you will have a pleasant journey home, and that when you report to your people what the Great Father wants done about these hunting-privileges, about Wyoming and the Black Hills, they will see that he is your good father and wants to do the best thing for them.

RED CLOUD. Six of my young men have remained four days at the Washington

House, and one all the while. Wherever white men eat they always expect to pay for it; the bills there will amount to less than \$100. When I return home I would like to leave the railroad at Sidney; it is much nearer home than Cheyenne; and even if we walk home, we will make better time. We can get there at night, and walk home in the night.

COMMISSIONER. I will leave that matter to Dr. Daniels. He is going home with you, and whatever way he thinks quickest and best he will adopt. About the board of those Indians who have found accommodations at the Washington House—

RED CLOUD. That is the wish of all my people. That is the road we go buffalo-hunting on.

COMMISSIONER. I have no objection to your leaving the railroad at Sidney, but will leave it to Dr. Daniels. Now about paying for the board of those Indians who have preferred quarters at the Washington House. The proprietor of that house knew very well that I did not want you to go there, and he knew very well why I did not want you to go there, yet he has tried from the day you came to get you there. Some of you he has actually forced to go; and others of you who did go there, and some of you who remained at the Tremont, he has taken out himself at midnight to some of the worst places in this city. I do not think he will have the face—and I give him credit for a great deal of cheek, but I do not think he will have the face—to present me any bill for the board of Indians this year; and he has got you to do it because he is ashamed to present it himself.

RED CLOUD. He brought a bill to take to you. I showed it to Dr. Daniels, and he said the name was not attached to it, and so I must take it back. I am not a relative of that man you speak of; I have never spoken any evil against any white man. I think you are prejudiced against that man.

COMMISSIONER. Well, I am, slightly.

FACE then spoke to Red Cloud as follows: I told you just how that matter would be when we commenced it. We came here with divided councils; we have accomplished nothing, and we have no one to blame but ourselves. The Red Cloud agent is a good man; he is a brave, true man. We tried to break him down, but we could not. He is the man we ought to take back with us and keep. We have tried him. I am a young man, and I have suffered a great deal in my efforts to protect the agency.

#### CATTLE WEIGHED AT RED CLOUD AGENCY

*August 11, 1875, in presence of the commissioners.*

The following is a true copy of the record of the weight of the 377 head of cattle weighed at Red Cloud agency August 11, 1875, made on the spot by Mr. Harris:

Number of head.	Weight in pounds.	Number of head.	Weight in pounds.
6	5,885	6	6,125
5	4,735	6	6,245
7	6,980	6	6,435
6	6,605	5	5,520
4	4,405	6	6,175
5	6,215	4 steers	4,545
6	5,710	3	3,210
6	5,430	4 steers	4,180
3	3,075	3, (one of them a cow)	3,570
5	5,470	4	3,895
4	4,085	6	7,160
5	4,975	4	4,160
7	7,070	6	6,495
6	6,435	5	5,620
5	5,390	3 steers	3,995
5	5,470	1 small steer	960
5	4,920	2, (one of them a cow)	1,920
5	5,255	3	2,965
5	5,385	4	4,110
1, (a cow)	960	5	5,190
5	5,690	5	5,325

## Cattle weighed at Red Cloud agency—Continued.

Number of head.	Weight in pounds.	Number of head.	Weight in pounds.
3 .....	3, 160	4 .....	4, 355
2 .....	2, 080	6 .....	6, 355
3 .....	3, 395	6, (2 of them cows).....	6, 150
2 .....	1, 850	2 steers.....	2, 345
4 .....	4, 180	6 .....	6, 215
4 .....	4, 000	5 .....	5, 405
4 .....	3, 780	5 .....	5, 560
5 .....	5, 185	4 .....	4, 500
3 .....	3, 220	3 .....	3, 020
2 .....	2, 020	5 .....	5, 270
4 .....	3, 950	5 .....	6, 220
2 .....	2, 195	4 .....	4, 400
6 .....	6, 390	4 .....	4, 040
5 .....	5, 850	5 .....	5, 865
6 .....	5, 905	4 .....	4, 160
5 .....	5, 660	4 steers .....	4, 095
6 .....	7, 160	5 .....	4, 940
6, (2 of them cows).....	6, 000	5 .....	5, 100
5, (2 of them cows).....	5, 345	6, (3 of them cows).....	6, 020
5 .....	5, 165	5 .....	5, 075
1 cow .....	942½		

Average weight 1,053 pounds.

## LETTER FROM PROFESSOR MARSH.

YALE COLLEGE, NEW HAVEN, *October 8, 1875.*

DEAR SIR: In the volume of testimony taken before the commission I notice, on page 660, the following: "Red Cloud asked Professor Marsh to tell his Great Father that the blankets sent to him were not fit for horse-blankets. Professor Marsh delivered the message to the President, *and did not inform him that it was not true.*" This sentence was not in Mr. Smith's statement as read before the commission, nor in the printed copy he delivered the next day. Moreover, it is untrue. Red Cloud gave me no such message, and I stated nothing of the kind to the President. Mr. Smith has interpolated the above sentence into his statement since the commission left Washington.

There were other misstatements in Mr. Smith's communication as read before the commission, to some of which, as the testimony will show, I called his attention at the time, and he promised to correct them. This he has not done. One of these is his statement, on page 657, that he had previously given me "a letter of credit to Red Cloud." This also is untrue, as he never gave me a letter of credit, or any other letter, to Red Cloud or any of his band.

I deem these corrections important, as Commissioner Smith is now widely distributing, at public expense, printed copies of his statement, with nothing in the document to show that the above assertions he has made are not true.

Very truly, yours,

O. C. MARSH.

Hon. T. C. FLETCHER, *Chairman.*

## REPLY OF COMMISSIONER SMITH.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,  
*Washington, D. C., October 13, 1875.*

DEAR SIR: I have read the letter of Professor Marsh to yourself, under date of October 8, 1875. Respecting this communication, I desire to say: Professor Marsh is correct when he says that the sentence which he quotes was not in my statement "as read

before the commission." But when he says it was "interpolated" he uses language in the same reckless manner which has characterized all his charges against the Indian Bureau. The "statement," after being read to the commission, was retained by me, with the understanding that it should be put into proper form for printing. In other words, I reserved for myself exactly the same privilege which the Professor reserved and freely exercised for himself in preparing his testimony, viz, to correct in the proof by changes, both by erasures and additions, until it took the final form in which he desired to submit it.

Whether the statement that Professor Marsh carried Red Cloud's lie about his blankets to the President is untrue or not is a question to be settled between himself and his friend, the reporter of the New York paper. The dispatch which appeared the morning after his interview with the President says that he did carry that message. The account of that interview was given to the press by Professor Marsh himself, as he admitted to me. Again, as to the question of "interpolating" and "untruth," if you will turn to page 723 of the testimony you will find that Professor Marsh himself put into my hands a slip containing this newspaper dispatch, and proceeded to cross-examine me thereupon before the commission, as follows:

"Q. Is there anything in that dispatch that is absolutely incorrect?"

"A. Yes, sir.

"Q. Will you please point it out?"

"This may be true in form, but it is false in effect and in the intent of the man who sent it. According to this statement, Professor Marsh told the President that Red Cloud said his blankets were not fit for horse-blankets. Professor Marsh knows that what Red Cloud said on this matter was a lie, and yet he allowed this statement and others of a similar character to go for truth, and be commented upon with very serious criticisms as if they were true, and all the time with Professor Marsh's name attached to them or associated with them as a sponsor for their truth."

It would seem as if that would have been the proper occasion for Professor Marsh to have discovered that the statement that he brought Red Cloud's message to the President was not true, and failing in calling any attention to it at the time, his silence must be taken for a confession. And his after-thought, of trying to recover himself from the wretchedly sorry position into which his foolish credence in Red Cloud's twaddle has placed him, will hardly save his case from the discredit which must hereafter attach to it.

Professor Marsh also complains as if it were a very serious matter that I did not correct a mistake into which I had fallen, of confounding Red Cloud with Spotted Tail. By reference to page 721 of the testimony it will be seen that I admitted this error before the commission, which admission, recorded as a part of the evidence, is a sufficient correction, and the only one which could be made after the question had become the subject of cross-examination.

Professor Marsh attaches importance to the fact that I have distributed printed copies of my statement without making the above correction. As will be seen, there was in fact but one correction which required to be made, the substitution of the name of one Sioux chief for that of another, and that is made in another part of the testimony. Any complaint about wide-spread distribution of my denial before the commission of his false charges comes with bad grace from a man who for five months has made free use of a willing and hostile press, and has spent freely of his large fortune, in printing and mailing, in every direction, pamphlets containing the grossest charges of fraud against public officers, which on inquiry have been found utterly baseless and without even a pretext for justification.

I am, very respectfully, your obedient servant,

EDW. P. SMITH,  
*Commissioner Indian Affairs.*

Hon. T. C. FLETCHER,  
*Chairman Red Cloud Investigating Commission.*



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ERRATA.

- Page 23, line 8, for "Professor Harris's report," read "Bishop Hare's report."  
 Page 97, line 37, for "according to remembrance," read "according to my remembrance."  
 Page 231, line 46, for "out of seven," read "out of the seven."  
 Page 232, line 22, for "small," read "smaller."  
 Page 345, line 2, for "Irwin," read "Irvine."  
 Page 364, line 8 from bottom, for "assigned," read "filled."  
 Page 453, line 31, for "1875," read "1874."  
 Page 517, line 19, for "fix my mind," read "fix it in my mind."  
 Page 533, last line but one from bottom, for "spoke," read "inch."  
 Page 533, last line from bottom, omit the word "and," before "double-trees."  
 Page 534, line 12, for "growing," read "grade."  
 Page 540, lines 11 and 13, for "20,000," read "200,000."  
 Page 541, line 13 from bottom, for "I get it for \$1.45," read "I get 45 cents for it."  
 Page 547, line 22, for "Lovejoy," read "E. Clay."  
 Page 578, line 1, omit the word "calves."  
 Page 582, line 32, for "Littlefield," read "Littlefield's."  
 Page 587, line 32, for "I found it," read "if I found it."  
 Page 735, line 16, for "November," read "October."





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