

REPORT  
OF THE  
COMMISSIONER OF INDIAN AFFAIRS.

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DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
*Washington, October 15, 1884.*

SIR: I have the honor to submit herewith my fourth annual report, and believe that a careful perusal of it will show that along the pathway of progress in the last twelve months some dark spots have been removed and some bright spots made brighter. More Indians are living in houses and fewer in tepees than there were one year ago. More are cultivating the soil and fewer following the chase than when I made my last annual report. There are more in the carpenter, blacksmith, and other mechanical shops, trying to earn an honest living, and fewer at the war dance, scalp dance, and sun dance than in October, 1883. There are also several hundred more Indian children in industrial, agricultural, and mechanical schools, fitting themselves to become useful, intelligent citizens, than there were twelve months since. During the same period many Indians have with the proceeds of their own labor purchased improved farm machinery and agricultural implements, and are making praiseworthy efforts to take their places among the independent agriculturists of the country. Taken altogether, an impartial view of the situation warrants the belief that some time in the near future it is fair to presume that, with the aid of such industrial, agricultural, and mechanical schools as are now being carried on, the Indian will be able to care for himself, and be no longer a burden but a help to the Government.

EXPENSE OF INDIAN SERVICE.

I am not aware that any report from this office has ever shown just how much the Government contributes from the United States Treasury to feed and clothe the 200,000 Indians who are its wards, outside of the five civilized tribes. The public at large finds from the proceedings of Congress and the public press that \$5,000,000 in round numbers have been appropriated for the Indian service, and this gives to each Indian \$25, which, if true, would not enable any person, either white or Indian, to live very luxuriously, for it is a fraction less than 7 cents a day.

But small as this is, it is by no means the worst feature of the case, because after deducting from the \$5,000,000 the money due the Indians, and which the Government only holds in trust for them, and then deducting cost of transportation and other legitimate and necessary expenses, it is found, by a careful examination of the accounts, that the Indians actually get of the money *belonging to the Government*, to feed and clothe them, only about \$7 per annum per capita, or a fraction less than 2 cents a day for each Indian. It takes from the Treasury of the Government \$1,000 a year for each soldier in our Army, whose chief business it is to see that peace is preserved on the frontier, while it takes from the same source for each Indian only \$7. I make this comparison not for the purpose of conveying the idea that the Army appropriation is too much, for I do not *know* that it is, but for the purpose of showing that the Indian appropriation is too small, because I *do know that it is*, if it is expected to transform the Indians from being wild roving nomads into peaceable, industrious, and self-supporting citizens in any reasonable time.

Among the items for which more liberal appropriations should be made, are pay of police, pay of additional farmers, and pay of the officers who compose the courts of Indian offenses. I am sustained by the best and highest authority in saying that "there is that scattereth and yet increaseth, and there is that withholdeth more than is meet, but it tendeth to poverty." More liberality in paying Indian agents, and assisting such Indians as need it and show a disposition to help themselves would be true economy, and hasten the day when the Indians would need no pecuniary aid from the Government.

#### DELIVERY OF GOODS AND SUPPLIES.

One great cause of embarrassment in the management of the affairs of this Bureau is the failure to make the appropriations for the Indian service in time, so that deliveries may be made at the distant agencies within the year for which the appropriations are made, and as a consequence the Indians are as completely deprived of any benefit for that year as though none had been made. In this connection I call attention to the fact that after the appropriation bill passes much time is necessarily consumed before contracts can be let, and after contracts are awarded from fifteen to thirty days' time is consumed before bonds and contracts can be executed and approved. In addition to this many of the goods purchased, such as clothing, hardware, wagons, &c., have to be manufactured after contracts are awarded and bonds approved. It is therefore very evident that unless the Indian appropriation bill passes early in the session, many of the goods and supplies for the extreme northwestern agencies cannot possibly reach their destination within the year for which they are purchased.

The newspapers of the country have been full of complaints for months past, because certain Indians at the extreme northern agencies were

suffering for food, and by inference the cause of this suffering was attributable to neglect on the part of this office; while on the contrary, the suffering of these Indians for lack of food, was attributable *directly* and *entirely* first, to the fact that the appropriations for them were not made until three months after they should have been made, and second, that when made, the amount allowed was less than was asked for by this office, and consequently insufficient for the absolute wants of these Indians. The Blackfeet, Blood and Piegan Indians, and those at Fort Peck and Fort Belknap agencies, were driven to great straits to sustain life during the winter and spring of 1883 and 1884, being compelled to kill many of their horses and young stock cattle for food, and to resort to every possible expedient, such as eating bark, wild roots, &c., and there is little doubt that many deaths amongst them were the direct result of lack of food. Throughout their severest trials, however, I am glad to be able to say that they have been guilty of very few acts of lawlessness or depredation.

It is evident that owing to the entire disappearance of game and the inability of these Indians to support themselves for the present by agriculture, and in the absence of stock herds old enough and large enough so that the increase might afford a permanent, even if very limited, supply, they will be compelled to depend nearly altogether on the Government for food for several years to come. These Indians, notwithstanding their late sad experience, are cheerfully endeavoring to make the best of their present opportunities, and are anxious to help themselves. Much has been done by them during the past year in digging irrigating ditches, fencing and breaking fields, building dwelling-houses, &c., and they are, with few exceptions, diligently and patiently struggling for independence; and there is good reason to hope that with proper assistance, in a few years each household will own a team and have enough land under cultivation, which, with a few stock-cattle, will be sufficient to make a great majority of them nearly independent. In view of all these circumstances, I believe that there has never been a time in the history of these tribes when judicious assistance and encouragement from the Government would have been so beneficial to them as at present.

I have called attention to these things before, and now do so again, with the hope that Congress may see the necessity of making appropriations for the Indian service as to *time* and *quantity* so as to prevent, in the future, all just complaints of this character.

#### MANNER OF MAKING APPROPRIATIONS.

In my last annual report I called attention to this matter in the following language:

“Under the present system of making appropriations for the Indian service, and the rulings of the accounting officers of the Treasury in the



settlement of accounts, this office is very much embarrassed, and large loss of funds is occasioned. Money that might be very advantageously used if the Department had any power to exercise its discretion in the matter, now goes back into the Treasury every year to the amount of hundreds of thousands of dollars, because some change or circumstance occurs that could not possibly have been foreseen at the time the appropriation was made. If the appropriations were made more in bulk, or so as to allow the Department to use its discretion in their expenditure, so that any part of an appropriation not needed for the object or purpose for which it was made, or that could be spared therefrom, could be used for some other object or purpose in the Indian service, it would aid very materially the smooth and successful operations of this office; provided always, however, that no treaty stipulations should in any manner be interfered with. No one, however well posted in the affairs of the Indian Office, can by any possibility know exactly what will be needed at every point for one year in advance, and as a matter of course members of Congress cannot be better posted in these matters than those whose business it is to watch every part of it for three hundred and sixty-five days in the year. If Congress will fix the amount to be expended for the Indian service, and leave the Department to distribute it as the wants of the service seem to require, I am confident it would be a great improvement on the present manner of doing business. Under the present system some non-treaty tribes of Indians receive 3 pounds gross of beef per capita each day, and some 2 ounces per capita each day. If the plan I suggest were adopted this disproportion could be remedied, while it cannot be remedied under the present system.

"If the manner of making the appropriations for the Indian service be contrasted with that of the War Department, it will add strength to the suggestions which I have made. The appropriations for the War Department for the year 1883, amounting in round numbers to \$25,000,000, were made under less than sixty different heads, leaving, very properly, as I believe, a large discretion with the Secretary of War as to their disposal. The appropriation for the Indian service of about one-fourth that amount is cut up into about two hundred and sixty separate and distinct appropriations, each one of which must be used as specially provided, and for no other purpose, although it may happen that in one place there is an abundance, while in another want and famine may prevail. In other words, the whole War Department, with all its Bureaus, has only about sixty different appropriations, while the Indian Bureau alone has its appropriations under two hundred and sixty different heads. I have thought it my duty to call attention to this in order that the much-needed change may be made in the manner of making appropriations for the Indian service."

Congress at the last session, in the direction of this line of policy, provided in the Indian appropriation bill that "Government property now on hand," not required at the reservation where it is, might be



used for the benefit of other reservations. This, it will be observed, only provides for the property which was on hand at the date of the passage of the act, to wit, on the 4th of July, 1884, but does not authorize any apportionment or distribution of goods or supplies purchased after that date. This does not meet the necessities of the case to which I referred, and I now again invite attention to this matter and urge the importance of such legislation as will allow of the distribution of goods and supplies of all kinds to non-treaty tribes of Indians in such manner as to kind and quantity as in the opinion of the Department may be calculated to promote the best interests of the service; and I do not hesitate to assert that the same amount of money disposed of in this manner will do much more good and give more general satisfaction than it does on the present plan.

#### SALE OF ARMS AND AMMUNITION, AND LIQUOR TO INDIANS.

I again call attention to the fact that no law exists to prevent the sale of arms and ammunition to Indians. This office can and does prevent persons licensed and under bonds as Indian traders from furnishing either arms or ammunition to Indians; but outside parties furnish both arms and ammunition, because there is no law to punish them for so doing. This practice places the Indians in a semi-independent position to the Government, which has been productive of much trouble, and, in some instances, loss of life. I hope, therefore, that Congress may see the necessity of passing a stringent *prohibitory law* on this subject, so that the *personal liberty* of both whites and Indians may be interfered with in this particular.

Congress, at the last session, so far responded to my repeated requests for funds to be used in the prosecution of persons who furnish intoxicating liquor to Indians as to make an appropriation of \$5,000 for that purpose. This is one step in the right direction, and the first one that has been taken upon this particular subject, and it has already produced good results, one of which is that some of the violators of law are now in prison. But this is but a step in the commencement of what should be followed by legislation to make it thoroughly effective. After the offender has been arrested, tried, and found guilty, the punishment under the law as it now stands may be, and in many instances is, so light as to be no terror to the evil doer. When from \$100 to \$500 have been expended in prosecuting a case to conviction of the offender and then have him fined \$1 and imprisoned one day, as has been the case in some instances, it is very obvious that this worst of all evils in the Indian country will not be removed, and is so broad a farce as to be justly ridiculed and despised. The only effectual remedy for this is the one which I have repeatedly recommended, and that is to make the penalty *not less* than \$300 fine, and *not less* than two years' imprisonment. The law now reads *not more* than \$300, and *not more* than two years' imprisonment.

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The Indians themselves complain of the Government's allowing white men to furnish liquor to their people, and in some cases do all in their power to cure this evil by severely punishing their own people who indulge in the use of intoxicating liquors. What must an Indian think of a Government claiming to be governed by the principles of Christianity, and urging them to abandon their heathenish practices and adopt the white man's ways, which at the same time allows the meanest and vilest creatures in the persons of white men to demoralize and debauch their young men by furnishing them with that which brutalizes and destroys them? What is wanted now is a penalty attached to the law for its violation commensurate with the crime, and I earnestly request that Congress at its next session will, in addition to the good work which it has begun by appropriating money for the prosecution of those who furnish liquor to Indians, also make the penalty for the violation of the law so severe as to make it dangerous for any one to violate it.

### REMOVALS OF INDIANS.

*Crows.*—Since my last report was made, the Crow Indians, whose reservation in Montana is estimated to contain 4,713,000 acres, have been removed from their old location in the western part of the reservation to the valleys of the Big Horn and the Little Big Horn Rivers. Much difficulty was experienced in making this removal, from the fact that Congress only appropriated \$10,000 for this purpose, while the bids received after advertising twice according to law, for the construction of the agency buildings, ranged from \$43,000 to \$70,000. After trying in vain for months to secure the construction of the necessary buildings by this means, it was decided to send a special agent on to the ground selected for the future home of these Indians, and to construct out of the timber growing there the buildings required. The work intrusted to this agent, I am glad to say, has apparently been satisfactorily done, and as a consequence we have to-day not only the required agency buildings, for which contractors asked from \$43,000 to \$70,000, but have also in addition 52 log cabins for Indian dwellings.

During the last year 300 acres of land have been broken for cultivation at the new agency, about 100 homesteads taken, and more land cultivated by the Indians than in any previous year of their history. In addition to this a large number of stock cattle have been purchased for them, thus placing them a long way in advance of the position occupied by them one year ago. All this has been done without creating a deficiency in any branch of the appropriation, and without the violation of any law or regulation of the Department, and thus a long step taken in the direction of transforming the "wild Crows of the mountains" into a peaceable and self-supporting people.

Not only has this been done, but it has thus been made possible to add to the public domain at least 3,000,000 acres of this reservation, leaving still all the land necessary for the use and occupancy of this



tribe of Indians. If this 3,000,000 acres are so disposed of as to give the Crows some benefit of the proceeds thereof, they will no longer require any aid from the Government, and thus one fraction of the Indian problem will have been solved, and an example and incentive given to other tribes of Indians to do likewise.

*Tonkawas.*—A small tribe of Tonkawa Indians has for many years been living in the State of Texas without any reservation or right to any particular location. Congress for several years has made a small appropriation for their relief, and in the absence of any authority to appoint, or funds to pay an agent, an officer of the Army has been detailed to look after their interests. The condition of these Indians has not improved, but, on the contrary, has become worse each year. At the last session of Congress an appropriation of \$10,000 was made for the "support, civilization, and instruction of the Tonkawa Indians, and for their removal to a reservation in the Indian Territory." Arrangements have now been made for removing these Indians from Texas to the Iowa reservation in the Indian Territory, where by treaty stipulations the Government has the right to place other Indians than the Iowas. This will place these Indians under a regular agent, and on land where they can legally remain, with an opportunity to make homes for their families, and engage in agricultural pursuits, and a chance to avail themselves of the advantages of the Government schools in that region.

#### COURT OF INDIAN OFFENSES.

In my last annual report I had the honor to call your attention to the "Court of Indian Offenses" which had been established at a few of the agencies; and, believing that the organization of this court would be a practical benefit to the Indian service, and tend materially to the advancement and civilization of the Indians, I recommended that a sufficient appropriation be made for the purpose of paying the judges a reasonable compensation for their services. At every agency where the court has been established it has been well received, and the decisions of the judges respectfully acquiesced in and quietly and peaceably enforced. At some of the agencies this court has been instrumental in abolishing many of the most barbarous and pernicious customs that have existed among the Indians from time immemorial; and if properly encouraged, and the Indians are made to believe that the Government is honest in its endeavors to promote their welfare and intellectual and moral advancement, I believe that in a few years polygamy and the heathenish customs of the sun dance, scalp dance, and war dance will be entirely abolished.

The reports of the agents of the agencies where this court is organized indicate very conclusively the beneficial results already accomplished. The agent of the Umatilla Agency, Oregon, says that this court—

Has worked admirably and made a radical change, especially among the young men of the tribe, for the better, as all disorders or offenses that come before the judges here are inexorably punished.



The agent of the Fort Peck Agency, Montana, says that this court—

Has been of practical value to me. All minor offenses and difficulties that frequently arise, that of necessity must be adjusted, are turned over to the judges of the court. The Indians are willing to abide by their decision and submit to the penalty imposed. The decision and authority, coming as it does from their own people, has the moral tendency to educate them up to the idea of law.

The agent of the Nez Percé Agency, in Idaho, says :

The court has done a good work during the past year in correcting error and crime. The following is a list of cases passed upon by said court :

Offenses.	No. of cases.	Fines collected.
Drunkenness .....	17	\$168 25
Theft .....	3	25 00
Wife-beating .....	2	23 00
Plurality of wives .....	1	20 00
Disorderly conduct .....	1	10 00
Contempt of court .....	1	10 00
		256 25

Amount of fines imposed and not yet collected, \$30.

The agent of the Standing Rock Agency, Dakota, says that he organized the court of Indian offenses at his agency in October last, and is—

Pleased to state that it has given entire satisfaction. The judges are good men, who command respect and have the confidence of the Indians, and their decisions have been just and impartial, and have in every case been sustained by public sentiment. Sessions of this court are held every alternate Saturday, and it aids me materially in administering the affairs of the agency.

The agent of the Devil's Lake Agency, Dakota, says :

The court of Indian offenses is of great assistance to an agent in keeping the Indians under proper restraint and enforcing the laws published by the Department for the punishment of offenses, for without their assistance the facts in the cases would never be got at. "It takes a thief to catch a thief," and it requires an Indian lawyer to sift an Indian statement and the evidence of Indian witnesses. Crimes and much petty trouble are prevented, because the Indians know that the true facts in the case will be understood and learned by the Indian judges; whereas a white man could be fooled, as they express it. The system also relieves the agent of much disagreeable work and odium in connection with the duty of imposing fines or imprisonment upon offenders. I have divided the reservation into three school districts, and the judge residing in each district is responsible for the attendance at school of the children in that district. If these men were under pay the task of keeping children at school would be a less arduous one. During the year the judges have tried forty-two cases and passed sentence of imprisonment or fine upon thirty-four offenders.

The agent of the White Earth Agency, Minnesota, says :

The court here has relieved me of many trying cases, and now it would seem as if it would be impossible to do without them. Their judgment in most cases has been excellent, and their decisions submitted to without any complaint in most cases. There are a few lawless persons here that have been able to do as they wished for many years, and the restraint that this court has been to them has caused some little dissatisfaction. But it is only a question of time and it will become a permanent fixture and recognized as the only way to settle the little differences among them. If these judges could be paid a reasonable salary for their time and services there would not be any doubt of the continued good results from this court.

The agent of the Santee and Flandreau Agency says that his court of Indian offenses has tried thirty-three cases during the past year, and the fines collected have aggregated \$56. He thinks the court is doing good service and is of much benefit to the agency in preventing and punishing crime.

The agent of the Omaha and Winnebago Agency, Nebraska, says:

The Indian court of offenses has proven efficient and effective in dealing with the class of disorders which come under its control. It is, however, daily more apparent that the three judges of this court should be compensated for their services, as they are frequently called upon to do unpopular things, and, if true to the duties of their office, often risk personal friendship and help. This is a just reason why they should be made independent and secure against loss. Another reason is found in the fact that the judges must be of necessity taken from the more advanced and progressive people, and such have farms that cannot be left without loss while they are giving their time to trials. Each convening of the judges costs them a day's time, which cannot be given without loss. With proper compensation and under proper provisions the duties of the judges could be enlarged and the order and discipline of the people enhanced.

The three judges of this agency have also joined in a strong appeal for compensation for their services. They say that they have patiently investigated every case brought before them, that their authority has been fully recognized by the whole tribe, and every penalty ordered by the court has been executed, and that, among other things, polygamy has been entirely abolished under their administration.

As appears from the above, one great drawback to the successful organization of this court is the lack of money to pay the judges and other officers of the court a compensation for their services. Hence many of the agents have been unable to organize the court, because their best Indians are unwilling to leave their farms and business occupations when they know that their only reward may perhaps be a loss of influence and popularity among the tribe. It is a rare case of unselfish devotion to the public welfare for a white man to accept an office with responsible duties attached, unless it is also accompanied with a commensurate salary. It is not reasonable to expect the Indian to be more unselfish than his white brother, and hence if it is desired that this court should be continued, and carried into successful operation, it is absolutely necessary that some provision be made to pay the officers of the court a reasonable compensation. The judges, in my opinion, should not be asked to serve for less than \$20 per month, and for the payment of this salary and other necessary expenses an appropriation of \$50,000 would be sufficient. If this amount was appropriated the court could be successfully established at every agency where it was found necessary. The agents would be relieved of a large amount of unnecessary labor and annoyance, and it would be a matter of economy to the Government in saving the expense heretofore incurred of suppressing crimes which are now included in the jurisdiction of the court of Indian offenses. I therefore respectfully recommend that Congress be asked for an appropriation of \$50,000 for the purpose above mentioned.



## INDIAN HOMESTEAD ENTRIES.

The Indian appropriation act for the current year contains a clause allowing Indians to avail themselves of the homestead laws without the payment of fees and commissions on account of entries or proofs, and appropriates the sum of \$1,000 to aid Indians in making selections of land and the necessary proofs. Under this act several entries have been made by Indians in Washington Territory who for years have been in possession of land along the Columbia River. It is believed that this provision, and your action in directing local officers to refuse entries of whites upon lands occupied by Indians, as embodied in circular of the General Land Office dated May 31, 1884, will enable many Indians to secure titles to their lands.

This clause also provides that all patents for lands under the Indian homestead act shall be of the legal effect and declare that the United States does and will hold the land thus entered for the period of twenty-five years in trust for the sole use and benefit of the Indian by whom such entry shall have been made, or in case of his decease, of his widow and heirs, according to the laws of the State or Territory where such land is located; and that at the expiration of said period the United States will convey the same by patent to said Indian, or his widow and heirs as aforesaid, in fee, discharged of said trust and free of all charge or incumbrance whatsoever.

## ALLOTMENT OF LANDS IN SEVERALTY AND PATENTS.

During the year 12 certificates of allotments have been issued to the Indians on the White Earth Reservation, under the treaty with the Chippewas of the Mississippi concluded March 19, 1867 (16 Stat., 721); 9 to the Pottawatomies of the Indian Territory, under the act of May 23, 1872 (17 Stat., 159), the cost of the land to the United States in the nine Pottawatomie cases having been reimbursed by the allottees; 12 to the Sioux Indians at the Rosebud Agency, under the sixth article of the Sioux treaty concluded April 29, 1868 (15 Stat., 637), and 2 to the Sisseton Indians on Lake Traverse, under the treaty of February 19, 1867 (15 Stat., 505).

Patents have been issued as follows: 78 to the Chippewas of Lake Superior and the Mississippi, on the Lac Court Oreille Reservation, under the provisions of the third article of the treaty of September 30, 1854 (10 Stat. 1110); and 6 to the Sisseton and Wahpeton bands of Sioux, under the fifth article of the treaty of February 19, 1867 (15 Stat. 505); making the total number of certificates and patents issued 119. Allotments have also been approved by the President in favor of 119 Indians in Washington Territory, and the issuance of patents to 60 of these has been authorized. This office has also approved, in addition to the foregoing, allotments to 102 Indians in Washington Territory, and requested the issuance of patents.



Several of the agents report that their Indians are earnestly asking for allotments, which have hitherto been delayed for the want of an appropriation to survey the reservation.

The bill to increase the quantity of land to be allotted the Nez Percé and Willamette Indians, to which reference was made in my last Annual Report, passed the Senate at the last session of Congress, but no action was taken by the House. The general allotment bill also passed the Senate in a form generally acceptable to this Office, but received no action from the House. It is hoped that favorable action may be taken upon both these bills by the House of Representatives at the next session.

#### SURVEY OF INDIAN RESERVATIONS.

The first appropriation of any consequence in ten years for the survey of Indian reservations was made at the last session of Congress, when the sum of \$50,000 was appropriated "for survey and subdivision of Indian reservations, and defining by surveys the boundaries of reservations and of lands to be allotted to Indians." The act provides that \$5,000 of this amount, or so much thereof as may be necessary, shall be used for surveying and defining the boundaries of the Navajo Indian Reservation. Although the sum appropriated is but half the amount estimated for, it will do much to relieve the service of one of the most serious embarrassments with which it has had to contend. It will enable this office to rerun and remark the lines of certain reservations which have heretofore been surveyed, and possibly to inaugurate some original surveys, so that the work of allotment will probably be continued during the year to a greater extent than heretofore. It is the intention to use this money where it is most needed, and rely upon Congress for further appropriations to accomplish the surveys in other places.

The want of a proper definition of reservation boundaries has been for years, and is still, one of the most fruitful causes of contention and disorder known to the Department, and it is to be hoped that the full amount of my estimate for surveys for the ensuing fiscal year may be provided, in order that existing disputes may be speedily settled, and a subdivision of lands within the reservations made, wherever required and deemed advisable, for the settlement of the Indians in individual homes.

#### LEASING OF INDIAN LANDS.

Since the date of my last annual report, numerous applications have been received from parties desirous to lease Indian lands, held by ordinary occupancy, by tenancy, or by sufferance, mainly for cattle grazing purposes. To all such, answer, based upon Department ruling on the question in the Fenlon case, April 25, 1883, has been returned that no authority of law existed for the making of such leases or agreements by the Indians or by this Department, and that the Department would not approve them.

As a matter of fact, however, some few agreements of the character mentioned have been entered into by certain Indian tribes on their own responsibility, from which the Indians are drawing more or less pecuniary benefit. These agreements, however, have not received the approval of the Department for the reasons above stated. It is very desirable that Congress should put this much vexed question upon a proper basis, so that Indian lands not necessary for other purposes may be made a source of income to the Indians under such rules and regulations as the Secretary of the Interior may prescribe.

#### CRIMES AND OFFENSES.

A law is badly wanted for the punishment of crimes and offenses amongst Indians themselves. In my last annual report I referred to this subject at considerable length, and pointed out the embarrassment occasioned this Department by reason of the excepting clause in the United States Statutes (section 2146), which remits to tribal usages and customs the punishment of crimes and offenses committed between the Indians themselves. Outside the five civilized tribes in the Indian Territory, who have their own legislatures, courts, and judicial machinery, and amongst whom life and property are as secure as they are in the States, the Indian is not amenable to any law for injuries committed on one of his own race in the Indian country. The result is that the most brutal and unprovoked murders are committed, and the murderer goes "unwhipt of justice."

A notable instance of this is the case of "Crow Dog," who killed the celebrated Chief "Spotted Tail" on the Sioux reservation, and who was tried and convicted before the first district court of Dakota, sitting as a United States court, which held that under the peculiar provisions of the treaty of 1868 and the agreement of 1877, with the Sioux Indians, it had jurisdiction of the offense, notwithstanding the general provision in the statutes. Upon petition for writ of *habeas corpus* and *certiorari*, the United States Supreme Court held that the statutory exception was not repealed by the provisions of the treaties, and that the first district court of Dakota was without jurisdiction to find or try the indictment against the prisoner; that the conviction and sentence were void, and that his imprisonment was illegal.\* The consequence is that Crow Dog is at large upon the reservation unpunished.

Another notable case was that of Johnson Foster, a Creek Indian, who committed a cold-blooded murder upon Robert Poisal, a civilized Arapaho, in the Shawnee country in the Indian Territory. The facts of this case were fully set out in my last report and need not be recapitulated. Here also there was no legal remedy at hand, but the Indians saved the Government all further trouble in the matter by finally shooting the murderer down like a wild beast, not, however, until he

\* Ex-parte Crow Dog 109, U. S. Reports, 556.



had duplicated his crime by murdering the United States deputy marshal who had him in charge.

Still another and more recent case is that of Spotted Tail, junior, and Thunder Hawk, who killed White Thunder (all of them Sioux Indians), the Rosebud Agency on the Sioux reservation. Under the decision in the Crow Dog case, this office had no alternative but to reluctantly order the prisoners, who, in the first instance, had been placed in the custody of the military, back to the reservation. In regard to this affair the agent reports as follows :

The quietude and monotony of affairs at the agency was broken on the evening of May 29, by the killing of Chief White Thunder by Spotted Tail (son of the late Chief Spotted Tail) and an Indian named Thunder Hawk. My information, obtained principally from Spotted Tail after the fracas, is that White Thunder, feeling aggrieved, went to Spotted Tail's camp, and took therefrom seven horses and other property ; Spotted Tail going to his camp and seeing some of his horses dead on the road, he, with two others, Thunder Hawk and Long Pumpkin, went to and commenced firing into the camp of White Thunder's friends, during which White Thunder received two rifle shots, one from Spotted Tail in the leg and another from Thunder Hawk in the breast, from which he soon died. Long Pumpkin was thought to be mortally wounded ; he has progressed till the present time with prospects of final recovery. The father of White Thunder was also less seriously wounded, but on account of extreme age may not recover. Six horses were killed in the affray. The next morning Spotted Tail and Thunder Hawk answered my summons and appeared before me for examination. I sent them to Fort Niobrara. They have been kept prisoners at the fort since that time.

If there is no law to punish or detain offenders of such character in duration, they should not be returned to the place of their crimes, where the friends and relatives of the murdered reside, and who stand ready, whenever afflicted with "bad hearts" or are "mourning," to avenge the offense, endangering the lives of many, and good government of all. I look upon this trouble as an outgrowth of the return to this agency of "Crow Dog" (the murderer of Chief Spotted Tail, August, 1881), imprisoned, tried, convicted, and condemned for this crime ; afterwards on the decision of the United States Supreme Court, "that the court had no jurisdiction over Indian offenders against Indians," he was released and returned here, feeling of more importance than the highest chief of the nation. His presence from the time of his return has been the cause of jealousy and heartburning ; it has at different times appeared as though trouble would result from this cause. "White Thunder" had become one of the progressive men among the Indians ; had recently induced a number of his band to leave the vicinity of the agency to form a new camp where good farms could be made, and by his example induced them to go to work. His death will be a loss to his people, as also to the whites, to whom he was a good friend ; his influence was on the side of good government, law and order.

Other instances may be cited, but enough have been given to show the necessity for an amendment of the law in this particular. The average Indian may not be ready for the more complex questions of civil law, but he is sufficiently capable to discriminate between right and wrong, and should be taught by the white man's law to respect the persons and property of his race, and that under the same law he himself is entitled to like protection.

In this connection I desire to call your attention to the importance of establishing a United States court in the Indian Territory, in accord-



ance with existing treaties with the civilized tribes, and I cannot better do so than by quoting from the annual report of the agent at the Union Agency, to which the civilized tribes are attached. He says:

In criminal cases where white men and Indians are the parties, or where both parties are white men, the case is tried by the United States court at Fort Smith, Ark. About four-fifths of criminal cases tried at that court come from the Indian Territory; the long distances witnesses must travel to reach this court makes the administration of justice not only very expensive to the Government, and to the witnesses who are compelled to attend, but it is the cause of a large number of crimes committed in the Territory not being reported; witnesses cannot afford to travel several times to Fort Smith, Ark., to prosecute criminals. The fees and mileage will not pay ordinary fare and necessary expenses of the trip, allowing nothing for the time lost. The business of the court is transacted as rapidly as possible, but cases are continued from term to term, and several trips must be made by the witnesses before the case is tried. Criminals take advantage of this state of affairs, and crime is much more prevalent than if a court was established in the Territory, as the treaty provides and the Indians desire. The Territory having no friend at court to call attention to these matters, the Indian Office should do so in the interest of good order and economy.

#### TIMBER AND OTHER DEPREDATIONS ON INDIAN LANDS.

At the first session of the present Congress a bill (S. 1545) to amend section 5388 of the Revised Statutes in relation to timber depredations so as to apply to all classes of Indian lands, passed the Senate, but was not reached in the House. This legislation is much required, especially in the Indian Territory, where depredations are constant, and I would respectfully recommend that the bill be still further amended, so as to include coal and other minerals upon Indian lands.

#### INDIAN POLICE.

In the Indian appropriation bill approved May 27, 1878, provision was made for organizing an Indian police force, not exceeding 50 officers and 430 privates. During that year a force was organized at 30 different agencies, and from that day to this the wisdom of Congress in establishing such a force has been more apparent every year. During the past year the force has consisted of 784 officers and privates at 48 out of the 60 different agencies, and it is believed that the records of constabulary organizations throughout the country will not present a more favorable showing for fidelity, faithfulness, and impartial performance of duty than has been displayed by the Indian police. When it is borne in mind that a great majority of the cases upon which they are called to act are offenses committed by their own race against laws made by a race with which they have not heretofore been in sympathy; that they are hedged in by rules and regulations which so abridge the absolute freedom to which they have been accustomed as to gall and chafe them continually, any infringement of which is promptly punished; and that many of the regulations established forbid practices which almost form a part of the very existence of the Indian,

practices and customs which are to them a religion, and which, if neglected, they believe will result in disaster and death, the impartiality with which the police have performed the duties devolving upon them is creditable in the highest degree. It matters not who the offender is, whether chief of the tribe or a young warrior, Indian or white man, friend or foe, stranger or one "to the manor born," when ordered to make an arrest there is no flinching from duty, and it is truly marvelous that so little friction has occurred in the performance of their duties. One of the best evidences of their efficiency and adherence to duty is shown in the fact that out of a force of nearly 800 men only 80 have been discharged from the force during the year for all causes combined.

I cannot conscientiously perform my duty nor do justice to this meritorious body of men without again calling attention to their meager salary, and urging that a more liberal compensation be paid to them. This office requires that they shall be men of unquestioned energy, courage, and self-command; be in vigorous bodily health; be good horsemen and good shots with rifle and pistol. They must be well acquainted with the topography of the reservation, and must so inform themselves as to the appearance of the cattle, wagons, and other property belonging on the reservation as to be able to identify them wherever found; must constantly patrol the districts assigned; must give immediate notice of the arrival of strangers on the reservation; must obtain all possible information in regard to timber, cattle, and horse-thieves, squatters, and liquor-sellers in the vicinity, and must vigilantly watch the movements of all suspicious characters and their associates, and report the same; must report all marriages, deaths, and cases of severe sickness or accident; and must perform all the regular duties assigned, and be ready for special service at any time. They are compelled to furnish and feed their own horses, many of them keeping several, and are often on a trail at hard riding for days at a time, all for the low salary of \$8 per month for officers and \$5 per month for privates. Of the 784 men in service the past year only 64 were single men; all the others had families averaging five members.

During the year 128 resigned on account of "inadequate salary," and it is surprising that any accept or retain the position. Congress, at its last session, recognized the necessity of greater compensation by authorizing one agent to pay \$15 per month. I earnestly recommend that the rate of compensation per month be fixed as follows: Officers, \$15; sergeants, \$12; privates, \$10.

#### GENERAL STATISTICS.

The following tables show: (1) The distribution of population; (2) the objects and purposes of the expenditures from appropriations for the fiscal years ended June 30, 1882, 1883, and 1884.



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TABLE 1.—*Distribution of population.*

States and Territories.	Aggregate number of agencies.	Aggregate Indian population.	Indians not under control of agents.
Arizona.....	3	18,699	2,464
California.....	4	4,738	6,669
Colorado.....	1	991	
Dakota.....	9	32,111	400
Idaho.....	3	3,676	600
Indian Territory.....	6	18,334	
Indian Territory (five civilized tribes).....	1	64,000	
Iowa.....	1	354	
Kansas.....	1	976	
Maine.....			410
Michigan.....	1	9,577	
Minnesota.....	1	5,287	
Montana.....	5	*15,333	
Nebraska (including 201 attached to Kansas agency, but still living in Nebraska).....	2	3,602	
Nevada.....	2	5,016	3,300
New Mexico.....	3	30,003	
New York.....	1	5,007	
North Carolina.....	1	3,100	
Oregon.....	5	4,255	800
Texas.....	(†)	97	290
Utah.....	2	2,309	390
Washington Territory.....	6	10,846	150
Wisconsin.....	2	6,628	1,210
Wyoming.....	1	1,855	
Indiana and Florida.....			892
Total.....	61	246,794	17,575

Total number in United States, exclusive of those in Alaska ..... 264,369

\* Of these 558 are in charge of a military officer and not on an Indian reservation.

† Indians in charge of a military officer, and not on a reservation.

TABLE 2.—*Objects and purposes of the expenditures from appropriations for the fiscal years ending June 30, 1882, 1883, and 1884.*

Objects and purposes for which the appropriations have been expended.	1882.	1883.	1884.
Amount appropriated.....	\$5,124,648 80	\$5,563,104 13	\$5,291,985 91
Pay of Indian agents.....	84,552 77	83,030 00	81,888 53
Pay of special agents.....	3,808 18	7,290 05	8,558 46
Pay of interpreters.....	23,711 64	18,306 24	19,187 62
Buildings at agencies and repairs.....	36,000 06	34,136 18	30,941 04
Vaccination of Indians.....	1,430 35	740 75	246 00
Medicines and medical supplies.....	15,749 99	15,886 86	15,728 76
Annuity goods.....	667,727 02	534,352 69	371,073 79
Subsistence supplies.....	2,302,739 13	2,473,600 81	2,160,967 92
Agricultural and miscellaneous supplies.....	210,581 73	272,959 44	259,693 51
Expenses of transportation and storage.....	285,261 16	323,966 95	285,148 76
Purchase and inspection of annuity goods and supplies.....	25,265 37	25,161 12	24,803 12
Advertising expenses and telegraphing.....	14,180 12	14,174 22	21,196 88
Payment of annuity in money.....	285,819 36	294,859 98	298,666 56
Payment of regular employes at agencies.....	324,639 52	265,801 19	254,853 30
Payment of temporary employes.....	8,345 66	7,320 94	9,096 48
Support of schools.....	244,209 18	482,336 44	669,974 21
To promote civilization among Indians generally, including Indian labor.....	233,364 48	145,160 25	92,130 67
Traveling expenses of Indian agents.....	12,947 45	13,472 49	11,543 45
Traveling expenses of special agents.....	2,790 76	3,648 42	5,810 82
Incidental expenses of agencies.....	6,231 00	13,258 77	21,111 75
Pay of Indian police, scouts, and equipments.....	75,975 61	83,286 08	60,097 08
Presents to Indians.....	330 00	60 00	
Stock for Indians.....			263,880 47
Survey of Indian reservations.....			496 50
Pay and expenses of Indian inspectors.....	19,963 01	21,902 94	17,250 00
Expenses of Indian commissioners.....		4,625 95	
Agricultural improvements.....	6,756 31	803 50	7,581 49
Miscellaneous.....	4,650 97	4,809 80	13,988 23
In hands of agents.....	40,387 74	20,081 78	746 09
Total amount expended.....	4,897,165 83	5,196,218 84	5,006,661 49
Balance unexpended.....	187,095 23	366,885 29	285,324 42



## SCHOOLS.

The status of school work among Indians, exclusive of the five civilized tribes, can best be shown by the following comparative statement:

Items.	1883.	1884.	Increase.
Training schools, Carlisle, Forest Grove, &c.....	3	6	3
Pupils in training schools .....	610	1,195	585
Boarding schools on or near reservations.....	79	83	4
Pupils in such schools.....	4,407	4,935	528
Children placed in various schools through the country.....	122	579	457
Day schools .....	117	126	9
Total number of day pupils .....	5,102	5,022	-----
Total number of boarding pupils.....	5,139	6,709	1,570

Of the above, 130 boarding pupils and 892 day pupils are in New York; the day pupils attend the 29 public schools which the State of New York provides for her Indian population.

*Training schools.*—The principal educational advance of the year has been the starting of the three new training-schools referred to in my last report, at Genoa, Nebr., Chilocco, Ind. Ter., and Lawrence, Kans., opened, respectively, in January, February, and September. The reports of the first two are herewith, on pages 207 and 209. The latter is only just under way, and has now 125 out of the 340 pupils which it will accommodate. The Chilocco and Genoa schools have made a good record with their 319 pupils. They have the advantage of both Carlisle and Forest Grove in possessing sufficient land, and are giving special attention to stock-raising and farming. The Chilocco boys have a herd of 425 cattle, and the Genoa boys have cultivated faithfully 202 acres and raised 6,000 bushels of corn, 2,000 bushels of oats, and 1,200 bushels of vegetables. The nearness of the schools to Indian reservations greatly reduces cost of transportation, but at the same time it suggests to the pupils a prompt remedy for homesickness and restiveness under restraint. Both schools have been annoyed by runaways, but it is hoped that serious embarrassment from this quarter need not be anticipated. Several of the employés of these schools are Carlisle and Hampton graduates. If Congress had not modified its appropriation and removed the restriction which limited the amount to be expended in support of these schools to \$200 per pupil, including traveling expenses, they could not have been carried on. To require that the first expense of an industrial school shall not exceed the lowest sum at which it has been found possible to continue a school already established is unjust and unreasonable. For the current fiscal year only \$175 per pupil (exclusive of traveling expenses) is appropriated, and I am at a loss to see how the schools can complete their first full year on this allowance.

The other three training schools, at Carlisle, Forest Grove, and Hampton, have had an uneventful, useful year, with 578, 166, and 132 pupils, respectively, and a combined average attendance of 693. The detailed

reports of the schools herewith, on pages 186, 202, and 189, are full of interest, and show clearly the painstaking thoroughness with which the pupils are being trained in the various trades and household industries, and the zeal and faithfulness with which those engaged in it are devoting themselves to this work. Of the special work which is undertaken at Carlisle called "planting out," the superintendent says:

I placed out on farms and in families during the year, for longer or shorter periods, 44 girls and 173 boys, and have arranged for keeping out about 110 the ensuing winter to attend the public schools where they are located, or to receive private instruction in the families. This is by far the most important feature of our work.

Eighty-four are reported as excellent workers, 83 as good, 41 as fair, and 9 as lazy. I established a regulation that all who went out from the school should do so entirely at the expense of their patrons, and should receive pay according to their ability. The results have been most satisfactory. The absence from the school has been in nearly every case a clear saving to the Government of their support during such period of absence, and many of the boys and girls, besides supplying themselves with clothing, have earned and saved considerable sums of money, which I find has a most excellent influence.

An Indian boy who has earned and saved \$25 or \$50 is in every way more manly and more to be relied upon than one who has nothing; whereas had he received the same sum as a gratuity the reverse would be the case.

Two years of school training and discipline are necessary to fit a new pupil for this outing. The rapid progress in English speaking, the skill in hand and head work, the independence in thought and action pupils so placed gain, all prove that this method of preparing and dispersing Indian youth is an invaluable means of giving them the courage and capacity for civilized self-support. An Indian boy placed in a family and remote from his home (and it is better distant from the school), surrounded on all sides by hardworking, industrious people, feels at once a stronger desire to do something for himself than he can be made to feel under any collective system, or in the best Indian training-school that can be established. His self-respect asserts itself; he goes to work, behaves himself, and tries in every way to compete with those about him.

Congress having made its annual failure to appropriate funds with which to purchase a farm for this school, Captain Pratt has solicited funds therefor from private parties, and a \$20,000 tract, covering 157 acres, has been purchased, on which \$13,000 has been paid. Another tract of equal size is still needed.

The Forest Grove school has kept its buildings full and this year is crowding in fifty more children in anticipation of being relieved by new buildings, for which Congress appropriated \$20,000. The erection of buildings is delayed pending the settlement of the permanent location of the school.

The superintendent of the Hampton school complains justly of the cutting down of the rate of compensation hitherto allowed that institution from \$167 per pupil to \$158.33, and of a new exaction that he shall pay such part of the transportation of the pupils to and from the school as exceeds a specified sum, which is one-half the amount asked for that purpose. Congress has been accustomed to ask private schools to do work which is worth over \$200 per pupil for \$167, but it has never before reduced the amount below that sum. Considering the superior



training and advantages which Hampton offers, and the large private donations which she has secured for the furtherance of Indian education, I cannot consider this discrimination against her as anything but a blunder, and one too serious to be allowed to go uncorrected.

General Armstrong says:

The reduction is arbitrary and uncalled for. It will not seriously hinder the work, for friends will take it up, but it is humiliating to appeal to private charity to make good this small economy of Congress. Hampton school has repeatedly asked for \$175, on the ground of fair treatment and the quality of the work done. This reduction cannot be due to ignorance, but to carelessness or to personal ill-will to the work in which I and my associates are engaged for the Indian race. In behalf of some of the constituents of the very legislators who did this injustice, to whom I have applied to make up this reduction, I protest against the cutting down of the per capita allowance to Hampton school.

*Pupils in various schools in States.*—Similar to training-school work is the education of pupils in various schools throughout the country, which is assuming noteworthy proportions. Beginning two years ago with provision for 100 pupils, the appropriations have so increased that during the last fiscal year 565 Indian youths were placed in 20 schools located in eleven States, from North Carolina to California. In these schools farming, trades, and household industries are taught, and solicitous care taken of the mental, moral, and physical well-being of the pupils. As stated in my last report, the compensation allowed by the law for such admirable work is only \$167 per pupil per annum. The running expenses of such schools, in addition to the first cost of the outfit in buildings, machinery, tools, &c., is, of course, much greater. The effect has necessarily been to enlist private benevolence and effort quite extensively in this work. Thus Government funds have been supplemented, and new forces have been brought to bear on the uplifting of the Indian. The interest which thus manifests itself in, but cannot be measured by, money donations is sincere, energetic, and practical. A few other pupils have been sent away to school, who have been supported by tribal funds. Seven years ago hardly an Indian child was receiving any other education than that which could be afforded by a reservation school. During last year 1,774 were in the training and other schools above described, and during the coming year the number will undoubtedly reach 2,200. The Albuquerque school might very properly be added to this list, and would raise the number to 2,400. This method of Indian education continued systematically cannot fail to become a powerful factor in Indian civilization.

*Reservation schools.*—This special training of Indian youths away from their homes does not, however, remove, but rather increases, the need for more vigorous school work on reservations. The mass of the Indians are there, and during this school generation at least will remain there. Whether ten years from now the same sort of work will be needed depends largely on the schooling given the present generation

of children. If the 2,000 youths of the Fort Peck and Blackfeet Agencies continue to be restricted as now to boarding-school accommodations for only 80 pupils, no marked intellectual development need be looked for, and the few children who may be sent away to school from those tribes, will find on their return that the current of ignorance and heathenism setting against them is too strong for their unaided resistance. The statistics of the last year, while far from satisfactory, show progress both in the quantity and quality of school work done on or near reservations.

Boarding schools have been established for the first time among the Yumas, Mescalero Apaches, Pine Ridge Sioux, and the Indians at Fort Berthold. One additional school each has been given the Indians of the Cheyenne and Arapaho, and Warm Springs Agencies, and a new school for the Sioux has been opened at Yankton, Dak. The Yuma, Fort Berthold, and Cheyenne and Arapaho schools are occupying vacated military posts, transferred to the Department for this purpose. Two small boarding schools have closed, and the Round Valley boarding school must be discontinued until the buildings burned during the year can be replaced. A gain of 627 boarding pupils in the various schools is encouraging. Industrial work, especially in trades, still needs more attention. Nineteen of the schools teach carpentering, nine blacksmithing, five shoemaking, and three harness-making. Farming and household industries are added as a matter of course. The schools have cultivated 1,761 acres, and the crops raised consist of 3,730 bushels wheat, 8,280 bushels oats, 14,723 bushels corn, and 26,348 bushels vegetables. They have also made 1,798 tons of hay, and 5,024 pounds of butter.

Of these boarding schools 23, with 1,011 pupils, are supervised and largely assisted in their support by religious societies. The cost of reservation boarding schools to the Government averages \$150 per annum per pupil. This can hardly be considered an extravagant sum to pay for both the support and education of an Indian child, especially when, as in the Sioux tribe, the child's support is guaranteed by treaty. The number of boarding pupils who could be accommodated has been 789 greater than the previous year.

But slight advance has been made in day-school work; although 17 new schools have been opened, others have been discontinued, and 3 have become boarding schools, so that the entire number for the year is only 128, a net gain of 11. Of these, 30 are New York public schools, and 46, with 2,173 pupils, are supported wholly or nearly so by religious societies. The value of day schools among Indians is proven, and for 60,000 Indians their establishment is virtually required by treaty stipulations. The six district schools, among the Pine Ridge Sioux, will be increased to eleven if suitable teachers can be secured. It is no easy matter to find a trustworthy person, having ability as a teacher, who is willing to



leave home and friends and settle down in more or less uncomfortable quarters among a heathen people, and for a small salary devote time and energy, not only to teaching children a new language, but also to inspiring and directing the awkward attempts toward civilization of the the entire Indian village in which the school is located. The allurements of a Government salary of \$40 or \$50 per month will not attract to such work those who are suited to it, unless they possess a genuine love for humanity and a desire to labor personally for its elevation. Many such teachers, especially in the mission day schools, are managing Indian schools at isolated points, and by toil, hardship, and self-denial have become the powerful, though often unrecognized lever which is raising to a higher plane the surrounding Indian community.

The 7,000 Rosebud Sioux have nearly lost faith in the Government promise of a boarding school. The pledge cannot be redeemed until Congress gives funds to cover the expense of relocating and removing the Rosebud Agency, and mean time district day schools are being established as rapidly and systematically as practicable.

During the past year the total accommodations for boarding pupils both on and off reservations, in Government buildings, was 5,461, for day pupils 3,181, making a total of 8,642, or a little over one-sixth of the entire Indian school population. New York provides for 1,286 day pupils, and religious societies furnish accommodations for 1,020 boarding and 1,346 day pupils, and thus the number of pupils who last year had no possibility of schooling was reduced to about three-fourths the whole number. In looking at the educational gain made during the last few years, the proportions of the work undone should not be lost sight of, and appropriations must largely increase before this large unschooled remainder can be cared for.

Some progress is being made toward compulsory education. It has been successfully tried at four agencies, the compulsion at two taking the form of withholding rations, and at the others of withholding annuity payments. As soon as a sufficient number of school buildings are erected in the various agencies for the Sioux, the system can be enforced through that entire tribe under the terms of their treaty.

*Buildings.*—The embarrassment under which the office has labored for several years—insufficient school buildings—is becoming chronic. If reports gave the number of boarding pupils for which existing buildings furnish *suitable* accommodation, instead of the number which such buildings are compelled to accommodate, a much smaller showing would be made. Inspectors condemn the crowded, stifling dormitories which they find, and agents on the other hand deplore the turning away from school of those who ask for admittance, and they decide to crowd the children temporarily, in the hope that the new building or addition for which they have entreated will soon be allowed. Too often the year goes by without relief and the whole management, even the *morale* of the school, suffers, sometimes seriously. Build-

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ings erected to meet the needs of ten years ago must still be made to suffice, and others too dilapidated and worthless to be repaired must still shelter children who therein are expected to become accustomed to the decencies and comforts of civilization, and to acquire habits of thrift and enterprise.

Since only \$25,000 was appropriated this last year for erection and repair of school-buildings, no extensive work has, of course, been done. The Shoshone, Menomonee, Sisseton, and Siletz buildings, which were commenced in the previous year, have been completed and occupied; also the three new training-school buildings at Lawrence, Chilocco, and Genoa; and a building begun some years since at White Earth, Minn. The flourishing Albuquerque school has moved into new quarters after three years of waiting in rented buildings, supplemented by temporary make-shift additions, put up one after the other as the pupils crowded in. This building was intended for 158 pupils, and the superintendent of the school is asking for the immediate erection of another building to house the 50 additional pupils who will ask for admittance this fall, and the 100 others who can easily be obtained. The \$40,000 appropriated this year for buildings will be needed for the Crow, Devil's Lake, Wichita, Quinaielt, and Fort Peck buildings, and repairs and additions at other points, and Albuquerque must wait another year, as must also nine other places where there are either no buildings at all or else buildings which need immediate enlargement.

There is no obstacle to progress in Indian education with which this office has had to contend so great as the want of money to furnish suitable and even decent school buildings. As stated above, if all the Indian day and boarding school buildings, belonging to Government or other parties, had been filled, only one-fourth of the Indian school population would have been provided for. The suffering at Fort Peck and Black-foot agencies might have been made a golden educational opportunity for those tribes. Hungry children would need little urging to become inmates of boarding schools with well-spread tables. There has been money on hand to buy food for pupils, but none to put up shelters for them, and ignorance and wretchedness must continue unmodified and unrelieved.

To add to its other embarrassments, Congress has still further restricted the office by providing that during this year no Indian boarding-school building shall cost, including furnishing, over \$10,000. The Chilocco buildings, for 150 pupils, cost, exclusive of furnishing, and in a location where materials are easily accessible, over \$20,000, or over \$125 per pupil. A smaller building would somewhat increase the rate per pupil. Three evils are therefore left open to choice: (1) To limit the number of pupils to less than 75; (2) to put up a shabby structure, uncomfortable and inconvenient, and which will require extensive repairing and remodeling in the near future, and yet will never be what it should be; or (3) to erect one small building one year and attach another to it during the succeed-



ng season at some extra cost for changes thereby necessitated. Either method pursued in private business would be considered inexcusably shiftless.

#### CASH PAYMENTS TO INDIANS.

During the past year the cash payments per capita to Indians, being yearly installments of specific amounts and of interest on the indebtedness of the Government to them under treaty stipulations, &c., amounted in round numbers to \$443,000. A great part of such payments are distributed in small sums semi-annually, each member of a tribe receiving an equal share, so that the whole number of men, women, and children who directly enjoy the benefits of these payments is very large.

All appear to be satisfied that justice has been done to them except the Sacs and Foxes of the Mississippi, who are jointly interested in certain treaties with the Government, but who are divided into two bands, one residing in the Indian Territory and the other in Iowa. The latter band has been dissatisfied for some time back with the respective numbers held by the Government as comprising each band, and upon which numbers is based the division made yearly of their joint treaty funds. This cause of complaint, however, is now in process of removal by steps which are being taken in pursuance of recent legislation, the result of a petition of the chiefs and headmen and the recommendation of the Department, whereby a new and correct census of all the original Sacs and Foxes and their descendants at both places will be taken, and an even per capita share of future payments will be made to each person found entitled without regard to their place of residence.

Notwithstanding the fact that the completion of the census of the Winnebagoes in Wisconsin required by the act of January 18, 1881, was in charge of a thoroughly competent agent, the work was delayed owing to the difficulties in the way of obtaining the necessary data in reference to them on account of their unsettled habits and homeless condition, and because many of them refused for a long time to give their own names or the names of the members of their families for enrollment, and because it was also found difficult to prevail on many of them to comply with the requirements of the act by taking up homesteads or by declaring their intention to do so as soon as they should receive the money. Therefore it was not until the 20th of October last that the list could be sent to the Department for approval, and steps taken toward applying to the Indians the benefits provided for them by the act. On the 7th of the following November, an installment of one-fifth of the total amount applicable was placed to the credit of a disbursing agent, to be paid to them as the act provided, and those only were allowed to draw who had complied with all its requirements. The wisdom of paying this money in installments, as suggested in my report.

for 1883, only became more apparent by increased familiarity with the habits and condition of these Indians. Their mere expressed intention to use the money to enter any land they might select or to improve it could not be relied upon as being *bona fide*; but the hope of further payments induced them to make good use of the first, and as it was found that, with few exceptions, the money given them was properly used, another payment of a second one-fifth was made during February, 1884.

As the wording of the act is not plain as to how its benefits were to be applied, it was believed that the remaining three-fifths of the money in question could be expended to their greatest advantage in the purchase of building material, stock, farming utensils, &c., as thus being more certain to permanently aid them towards independence and civilization. But this course on trial was not found practicable, for various reasons, the principal of which was the decided objection of a great majority of the Indians, and the positive refusal of others, to so receive it or to make known their wants, many claiming that they had contracted debts on the strength of their promises to pay from this source, which they felt bound by honor and interest to pay; so that no intelligent estimate for the necessary purchases could be arrived at, nor could the supplies have been properly distributed without the hearty co-operation of the Indians. I was therefore reluctantly compelled to abandon this plan, and since the expiration of the fiscal year a full share in the final three-fifths has been paid in cash to all who presented themselves, properly qualified, as required by the act.

Under what this office has reason to believe to be the evil advice and persuasion of some designing person, who, in connivance with one of the chiefs of the Winnebagoes, wishes to handle their money as attorney (a service entirely unnecessary), a party of these Indians known as Big Hawk's band, and numbering about 95, although duly enrolled and given repeated and timely notice of all the payments, have persistently refused to present themselves to the disbursing agent, properly qualified, as required by the act, for their shares in the appropriation. As the date and place of proposed payment was in every case brought to the notice of all, and every opportunity afforded and much extra effort made and expense incurred in the endeavor to have all avail themselves of the benefits of the act, those who have refused or willfully neglected to so avail themselves are without excuse to claim a further delay of final action under the act, and have no right to put the whole tribe to the further expense which would be incurred by making a special payment to them whenever they may feel disposed to comply with the law and receive it. I would therefore recommend that the shares of all whom it can be shown willfully neglected or refused to comply with the requirements of the act and to receive said shares, after having had due notice of the dates and places of payment, and ample time and opportunity to make good their claims, be returned to



the general funds of the tribe in the United States Treasury, for the benefit of all.

The Department, in approving the census of these Indians taken as required by the act of January 18, 1881, and before any payment was made, authorized the agent, as the work of locating homesteads and making payments progressed, to add to said census list the names of any Winnebagoes who might present themselves properly entitled, as residents of Wisconsin, to enrollment but who had been overlooked in making up the original list, such new enrollments to be sustained with sworn proof of the right of the person to enrollment. The agent was also empowered to strike from said census list the name of any whom he might discover, on further investigation, were not entitled to enrollment, submitting proof to sustain his action in such cases also. Under these circumstances a complete and correct census of all, it is believed, has been obtained, and also of the Winnebagoes residing in Nebraska, and steps will now be taken to carry out the third and fourth sections of the act before referred to, and an equitable adjustment will be made of the amount due to the Wisconsin Winnebagoes from those residing in Nebraska, and future annuity payments will be made to both branches of the tribe accordingly.

The permanent annuity of \$1,100 to the Miamis of Eel River and \$400 to the Pottawatomies of Huron is so small as hardly to warrant the expense connected with making annual payments, and the amounts received by each of the Indians in this way are not sufficient to do them any particular good. I would therefore recommend that an offer be made to these Indians of a sum to be paid each tribe at once in lieu of their annuities.

In making annuity payments two questions often arise which, when not provided for by treaty or special legislation, are difficult to determine by this office with assurance of being right and of having acted for the best interests of the Indians. The first is what degree of white blood should debar a person from sharing in Indian annuities; and the second is whether Indian tribes can drop persons from their rolls whom they have once adopted in good faith and in accordance with the rules of the tribe. It would be well if these questions were definitely and finally settled by legislative action, if possible. I think it would be for the benefit of all to exclude persons of less than one-half Indian blood, and to retain all who are regularly adopted, if Indians, and to add the children of such, but to discourage or prohibit any further adoptions by Indian tribes, especially of whites.

I may be pardoned for repeating my former reference to the difficulties this Department labors under because agents are prohibited by section 3651 of the Revised Statutes from paying some banking institution nearer to the agency than the authorized United States depository, where the funds may be placed to their credit, a reasonable rate of exchange on the agent's official draft for funds to make annuity payments.

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This is sometimes absolutely necessary, and it is a hardship to the agent to compel him to bear a loss that he cannot in some instances avoid.

I again have the gratification, in reporting on the work of a past year, of being able to point to the fact that, notwithstanding the amount of money handled in making these payments, and the number of agents through whose hands it passed, every cent has been faithfully accounted for.

### RAILROAD OPERATIONS IN CONNECTION WITH INDIAN RESERVATIONS.

Under this heading the following operations during the past year may be noted :

*Bad River Reserve, Wisconsin (Milwaukee, Lake Shore and Western Railway).*—Under date of June 26 last authority was granted by the Department for a preliminary survey upon the Bad River Reserve, auxiliary to an extension of their railway from a point on the Montreal River between the States of Wisconsin and Michigan to Ashland, Wis. The survey was commenced and the line partially located through the reserve, but owing to the peculiar character of the country, which presents many engineering difficulties, the survey has not yet been completed. In the mean time the railway company, being desirous of taking advantage of the season in order to a speedy construction of the road to the Montreal River, applied to the Department for permission to proceed with the work of construction upon the reservation, offering to indemnify the Indians in respect of the compensation to be ultimately determined upon for right of way and damages to private property. On the 25th August last the necessary authority was granted by the Department, subject to the consent of the Indians and to the filing of a bond by the company in the sum of \$20,000, conditioned to meet the requirements of the case. The treaty with the Chippewa Indians (the La Pointe band of which occupies the Bad River Reserve) of November 30, 1854 (10 Stat. at Large, 1109) provides for a right of way to railroads through the reserve upon payment of compensation to the Indians, who, it may be added, are desirous to have the road built. The requisite bond has since been given, and the agent has been directed to allow the work to proceed if the Indians do not object.

*Devil's Lake Reserve, Dakota (Jamestown and Northern Railroad, N. P. R. R).*—After an investigation by the General Land Office, as alluded to in my last annual report, the Department decided not to disturb the western boundary line of this reservation. On the 6th of August, 1883, the agent at Devil's Lake Agency transmitted the result of the proceedings of a council of the Indians, theretofore authorized to be convened for the purpose of considering the question of compensation to be paid to them by the railway company for right of way, &c. The proposition of the Indians was that the company should pay ten dollars per acre for the land required, and also



erect a station and a suitable building for the storage of Government property at a point on the railroad to be designated by the Indian agent, and that no other buildings or persons, except such station and warehouse and the necessary employés, should be located or be permitted to reside within the reservation. This proposition was accepted by a resolution of the board of directors of the railway company October 5, 1883, and by a subsequent resolution, dated December 4, 1883, the president of the company was authorized to provide the necessary funds, amounting to the sum of \$1,845, and in behalf of the company to pay the same into the Department, or otherwise to dispose of the same for the benefit of the Indians as should be deemed advisable by the Department. On the 8th December, 1883, the company filed in the Department a map of definite location of the road through the reservation, a distance of seventeen miles, also a plat of station grounds required, the whole containing an aggregate of 184.5 acres, as verified by the company's surveyor. The location of the station grounds was duly approved by the Indian agent. On the 1st March last the president of the railroad company notified this office that the company had made provision for the amount of compensation money required by the Indians, and in other respects stood ready to carry out their undertaking.

In the mean time, a doubt having arisen in my mind whether or not the peculiar wording of the clause relating to railroads in the treaty with the Sisseton and Wahpeton Indians operated of itself to grant a general right of way for railroads without further legislation by Congress, I submitted the question for Department adjudication on the 30th April last. On the 2d May the papers were returned to this office, with instructions to prepare and submit a full history of the case, with all the papers bearing on the subject and recommendations, for transmission to Congress. The session was, however, at that time, so far advanced, and the chances of procuring action by Congress in the matter so remote, that it was deemed advisable to postpone sending up the papers until the coming session. They will be submitted to the Department in due season.

*Flathead (Jocko) Reserve, Montana (Northern Pacific Railroad).*—The agreement of September 2, 1882, between the Indians occupying this reserve and the United States, whereby their title was extinguished to certain lands of the reservation required for the purposes of the Northern Pacific Railroad, the full particulars whereof were given in my last annual report, was ratified by Congress at its last session in the Indian appropriation act approved July 4, 1884, with the proviso that—

Nothing herein contained shall be construed as in any wise affecting the relation between the Government and said railroad company, growing out of the grant of land made to said company, beyond the right of way provided for in said agreement.

By the same act Congress appropriated the sum of \$16,000 (which had previously been paid into the Treasury by the Northern Pacific

Railroad Company) for payment to the Indians in accordance with the terms of said agreement.

*Fort Hall Reserve, Idaho (Utah and Northern Railroad).*—On the 12th of June last the attorneys for this railroad company filed in the Department for approval a map of definite location of the road, also eight plats of station grounds at various points on the reservation. Upon examination of said map they were found to be entirely unauthenticated. They were, therefore, returned to the Department, with a recommendation that they should be presented in proper shape to entitle them to consideration.

The attention of the Department was also called to the fact that notwithstanding the road had been constructed and operated through the reservation for several years, it did not appear that the Indians had ever been compensated for the loss of their lands taken for right of way and station grounds—aggregating over 2,000 acres—and it was suggested that inasmuch as there were no treaty provisions authorizing the building of railroads through the reservation, legislation by Congress would be necessary to confirm the title of the company to the lands taken, which they claimed to have obtained under special acts of Congress of March 3, 1873 (17 Stats. at Large, 612), and June 20, 1878 (20 Stats. at Large, 241), but which manifestly related only to right of way through the public lands of the United States. Under Department instructions of September 24 last, a full statement of the matter will be prepared and submitted for presentation to Congress at the ensuing session for its determination as to whether or not it is the intention of the acts above mentioned to grant a right of way through an Indian reservation without compensation to the Indians located thereon, and for such action as that body may deem advisable.

*Indian Territory (Atlantic and Pacific Railroad).*—In conformity with the views expressed by your immediate predecessor in office, March 31, 1882, that the branch road provided for by the act of Congress of July 27, 1866, should not be allowed to cross the country of the Creeks and Cherokees, but should have its line, so far as those countries are concerned, south of the Canadian and Arkansas Rivers, the Atlantic and Pacific Railroad Company, in November last, filed in the Department an amended map of definite location of such branch road, according to which the line thereof eastward from the eastern boundary of the Seminole country to Fort Smith, as now surveyed and located, passes south of the Canadian and Arkansas Rivers, and through lands of the Chickasaw and Choctaw Nations respectively, thus correcting the error theretofore made by the company in locating its line north of the Canadian, and bringing the road strictly within the interpretation placed by the Department in 1870 upon the several treaties and acts of Congress of 1866, providing for an east and west and a north and south railroad through the Indian Territory. The amended map was accepted by the Department November 28, 1883.



*Indian Territory (Gulf, Colorado and Santa Fé Railway—Southern Kansas Railway).*—At the last session of Congress two acts were passed granting to the above-mentioned railroads, respectively, a right of way through the Indian Territory, and for other purposes. The legal right to thus legislate was based upon the principle of eminent domain in the Federal Government over the Indian Territory (see House reports Nos. 110, 1451, 48th Cong., first session). Both acts received Presidential approval July 4, 1884. The first mentioned of these acts empowers the Gulf, Colorado and Santa Fé Railway Company, a corporation of the State of Texas, to build and operate a railway, telegraph and telephone line through the Indian Territory—

Beginning at a point to be selected by said railway company on Red River north of the northern boundary of Cook County, in the State of Texas, and running thence by the most practicable route through the Indian Territory to a point on the southern boundary of the State of Kansas, the line to be located in sections of twenty-five miles each, and before work is begun on any section the line thereof is to be approved by the Secretary of the Interior, with the right to construct, use, and maintain such tracks, turnouts, sidings, and extensions as said company may deem it to their interest to construct along and upon the right of way and depot grounds hereby granted.

For these purposes the act grants to said railway company a right of way 100 feet wide through the Indian Territory, and a strip of land 200 feet wide by 3,000 feet long, in addition to the right of way, for such stations as may be established, not to exceed one station for every 10 miles of road. According to the general route mentioned in the act, this line will probably run through the Chickasaw country, the so-called Oklahoma lands, and the Cherokee outlet lands.

The other of these acts invests the Southern Kansas Railway Company, a corporation of the State of Kansas, with like powers and authorities and with similar limitations as to the quantity of land in the construction and operation of a railway and telegraph and telephone line through the Indian Territory—

Beginning at a point on the northern line of said Territory, where an extension of the Southern Kansas Railway from Winfield in a southerly direction would strike said line, running thence south in the direction of Denison, in the State of Texas, on the most practicable route to a point at or near where the Washita River empties into the Red River, with a branch constructed from a point at or near where Medicine Lodge Creek crosses the northern line of said Territory, and from that point in a southwesterly direction, crossing Beaver Creek at or near Camp Supply and reaching the west line of said Indian Territory at or near where Wolf Creek crosses the same, with the right to construct, use, and maintain such tracks, turnouts, and sidings as said company may deem it to their interest to construct along and upon the right of way and depot grounds hereby granted.

The main line of this road will probably run through the Cherokee outlet land west of the Arkansas River; the lands upon which the Poncas, Otoes and Missouriias, Iowas, Kickapoos, and Pottawatomies are settled; a portion of the so-called Oklahoma lands, and the Chickasaw country. The branch line will traverse the Cherokee outlet lands for its entire length as laid down in the act.

Provisions are made in both acts for the ascertainment and payment to the Indians of compensation for property taken from and damages done to them. Where the company and the respective tribes, or the company and individual occupants of the land fail to agree, a board of appraisers is constituted to determine the amount of compensation, and if a tribe be dissatisfied with the award of the appraisers, such tribe or occupant has substantially the same resort to the courts of the country that is allowed to the citizens of a State, whose property, under like circumstances, is appropriated for public use. The railway companies are prohibited from selling or leasing any of the lands granted, and their acceptance of the right of way is made subject to the express condition that they will neither aid, advise, or assist in any effort looking toward the changing or extinguishing the present tenure of the Indians in their lands, nor attempt to secure from the Indian nations any further grant of land, or its occupancy, than therein provided. There are many other provisions, for the details of which I refer to the acts themselves.

The necessity and policy of permitting the construction of additional railroads through the Indian Territory is stated in the reports of the House Committee before referred to. Congress is presumed to know what is best for the interests of the country generally, and it is the duty of this Office to aid in the execution of the law as it finds it; but, in closing this subject, I may be permitted to remark that the action of Congress in regard to these railroads practically overturns the theory of construction placed by this Department in 1870 upon the intent and meaning of the several acts of Congress and treaties of 1866, viz, that there should be but one east and west and but one north and south road through the Indian Territory, and that any additional roads, without the consent of the Indians, would be a violation of treaty provisions with the Indians, which has ever since governed this Office in its action upon the general subject. In connection with these acts, I may call attention to the fact that on the 10th July last the Cherokee delegates filed in the Department a written communication on behalf of the Cherokee Nation, protesting, for reasons therein assigned, against any action by the Department looking to the acceptance of any claim by said railway companies or either of them under said acts of Congress, respectively, for or in respect of any portion of the right of way thereby granted, or any other right under said acts to any portion of the Cherokee domain or country, until action can be had by the Cherokee National Council at its approaching session in November next. The Cherokee Nation insists that its property cannot be taken and given to a private corporation of any State by Congress, and that the courts of the country will not sustain such a seizure or violation of the contract made by the United States in its treaties with the Cherokee Nation.

*Indian Territory—Saint Louis and San Francisco Railroad.*—In compliance with section 10 of the act of Congress of August 2, 1882, "An



act to grant a right of way for a railroad and telegraph line through the lands of the Choctaw and Chickasaw Nations of Indians to the Saint Louis and San Francisco Railway Company, and for other purposes" (22 Stats. at Large, 181), the Saint Louis and San Francisco Railroad Company filed a map of definite location of its road through the lands of the Choctaw and Chickasaw Nations in this Department on the 22d September, 1883.

*Nez Percé Reserve (Idaho, Clear Water and Montana Transportation Company).*—In my Annual Report for 1882 I referred to the hostility manifested by the Nez Percé Indians to the building of railroads through their reservation. The Indians, however, having indicated a desire of reconsidering their action, a council was held by the agent in the month of April, 1883, but with the same result, the application of the railroad company for permission to make a preliminary survey being again defeated. There appearing, however, to be a division of opinion, and that the adverse majority were dominated by a clique under the leadership of James Lawyer, a would-be head chief of the Nez Percés, the question was submitted to the Department whether, under the treaty provisions with the Nez Percés, authorizing the construction of roads through the reservation under authority of the United States, the preliminary survey asked for by the company should be permitted, or the company referred to Congress for legislative action on its behalf. Under date of October 5, 1883, the Department decided that, considering the attitude of the Indians, the railway company should be referred to Congress for such legislation on the subject as might be deemed necessary, and the agent for the Indians was so informed.

*Sioux Reserve, Dakota (Chicago, Milwaukee and Saint Paul Railway).*—The Department having decided that the location of the three wagon roads upon this reserve under military authority\* had exhausted the rights reserved under the agreement made by the United States with the Sioux Indians September 26, 1876, ratified by act of Congress approved February 28, 1877 (19 Statutes at Large, 255), and that upon general principles, "in all cases where right of way for railroads through Indian reservations is not provided for by treaties or agreements by the United States with the Indians, Congressional action is necessary to ratify agreements by railway companies with the Indians for such right of way, &c."; and having also directed that the necessary papers be prepared for submitting the agreements made by the Chicago, Milwaukee and Saint Paul Railway Company with the Sioux Indians, referred to in previous Annual Reports of this Office, to Congress at its next session for action, I had the honor, on the 26th November, 1883, to submit to the Department a full history of the case, together with copies of all material papers in connection therewith, with a draft of a bill to accept and ratify said agreements as made,

\* General Orders No. 3, Headquarters Military Division of the Missouri, April 5 1877.

for transmission to Congress for its consideration and action. On the 4th December, 1883, the papers were submitted by the Department with suitable recommendations to the President, and formed the subject of Executive message to Congress December 17, 1883 (S. Ex. Doc. No. 20, Forty-eighth Congress, first session). On the 10th January, 1884, Mr. Dawes, from the Senate Committee on Indian Affairs, reported the bill (S. 1004) as prepared in this Office, which was read a first and second time and recommitted to the Committee on Indian Affairs. March 24, 1884, Mr. Dawes, from the same committee, reported the bill with amendments, and on the 22d April following the bill passed the Senate and was transmitted to the House, which, however, adjourned without taking final action upon it.

The House had previously, March 18, 1884, also favorably reported a bill (H. R. 5420) for similar purposes (House Report No. 829, Forty-eighth Congress, first session).

*Sioux Reserve, Dakota (Dakota Central Railway).*—In like manner and with like preliminaries on the part of this office, Mr. Dawes, from the Senate Committee on Indian Affairs, on the 12th February, 1884, reported a bill (S. 1496) to accept and ratify the agreements made between the Sioux Indians and the Dakota Central Railway Company (H. R. Ex. Doc. No. 11, 48th Congress, first session), which also was read a first and second time, and recommitted. March 24, 1884, Mr. Dawes, from the same committee, reported the bill with amendments, and on the 22d April following the bill passed the Senate and was transmitted to the House, which, however, adjourned without taking final action thereon.

The House had previously (March 18, 1884) also favorably reported a bill (H. R. 5282) for similar purposes (House Report 830, Forty-eighth Congress, first session).

*Sisseton Reserve in Dakota (Chicago, Milwaukee and Saint Paul Railway).*—The Indians of this reserve having finally declined to sign the new agreement, mention of which was made in my last annual report, upon the ground of some misunderstanding as to the terms of the original contract, and some doubt existing as to whether, under the peculiar terms of the treaty (15 Statutes at Large, 506), further legislation by Congress would not in any event be necessary, the matter was submitted to the Department, which, on the 13th December, 1883, decided that in the present attitude of the Indians the whole question should be submitted to Congress for such action as that body might find to be right and proper, and for decision as to the compensation to be paid by the railroad company for the use of the land taken for right of way. On the 22d January, 1884, I had the honor to lay before the Department a full history of the case, with copies of all correspondence relating thereto, which, on the 29th January, 1884, was submitted by the Department to the President, and forms the subject



of executive message to Congress January 31, 1884 (see House Ex. Doc. No. 71, Forty-eighth Congress, first session).

Subsequently, the agent for the Sisseton Indians having written this office transmitting a communication from the chiefs and council, and requesting authority to make certain amendments in the agreement which he deemed would cover all objections and meet their views, he was, under instructions from the Department of the 17th July last, directed to make such amendments, and thus endeavor to bring the matter to a final settlement if possible, without farther delay so far as the Department is concerned. In anticipation of this termination to a protracted and vexatious matter, a bill embodying the necessary legislation will be prepared and submitted for transmission to Congress at the ensuing session.

*Umatilla Reserve, Oregon (Oregon Railway and Navigation Company, Pendleton and Centreville Branch).*—In my last annual report mention was made of the terms and conditions upon which the Umatilla Indians had consented to the construction of the Pendleton and Centreville Branch road through their reservation. The Oregon Railway and Navigation Company having signified its acceptance thereof, and filed the requisite bond, the action of the Indians, as embodied in the memorandum agreement of August 17, 1883, with maps of location, schedule of improvements of individual Indians, and bond of the company, were approved by the Department April 11, 1884. The quantity of land taken for right of way and station grounds was 152.79 acres, which at \$5 per acre resulted in a sum of \$763.95, and the appraisment of individual Indian improvements amounted to \$464.50, making a total of \$1,228.45, which has been duly paid to the Department by the Oregon Railway and Navigation Company for the use of the Indians entitled thereto.

*Walker River Reserve (Carson and Colorado Railroad).*—At the last session of Congress, Mr. Dawes, from the Committee on Indian Affairs, reported a bill (S. 1583), previously prepared in this office, "to accept and ratify an agreement made by the Pah-Ute Indians, and granting a right of way to the Carson and Colorado Railroad Company through the Walker River Reservation in Nevada." The history of this case will be found in the annual reports of this office for 1882 and 1883; also in House Ex. Doc. No. 15, Forty-eighth Congress, first session. The session again closed without Congressional action on the bill.

#### SANITARY CONDITION OF THE INDIANS.

The reports of the agency physicians show a total of 73,182 cases treated during the year. Of this number 68,968 recovered, 1,586 died, and 2,628 were still under treatment on June 30. While the number treated is less than last year, the death rate shows a considerable increase, which is doubtless owing largely to the unusually severe winter and the exposure and suffering incident to living in wigwams and poorly

constructed houses. One of the causes of a high rate of mortality is the disposition on the part of many of the Indians to rely upon their native medicine men, and to defer applying to the agency physician until disease has made such inroads upon their strength that it is impossible to benefit them by the most skillful treatment. The greatest obstacle with which physicians in the Indian country have to contend is the almost universal belief in spirits prevalent among the Indians. They believe that all diseases are caused by evil spirits, and that the only sure way to cure a malady is to employ a medicine man who possesses a spirit more powerful than the one causing the disease. This belief is fostered and encouraged by the native doctors, who, while they frequently apply to the white physicians for their own ailments, tell their people that though "the white man's drugs may be good for white man, they are poison for Indian." In some of the tribes many of the Indians come to the physician for medicine and then call in their own doctors, believing that the rattling of gourds and bones, beating of drums, and singing by the medicine men are valuable aids to the white man's remedies. Could the belief in sorcery and evil spirits be overcome, a long stride would be made in the work of civilization. No one has greater opportunities in this direction than the agency physician, who, in addition to being skilled in his profession, should be a man with such qualities of head and heart as to win and retain the confidence of the Indians under his care.

Owing to the great aversion of the Indians to the knife as a remedial agent, surgical operations are not of frequent occurrence, and deformities are quite common.

The physicians almost unanimously recommend that suitable hospital buildings be erected at such agencies as now have none. Small hospitals could be erected at slight expense, and would without doubt be a great protection to the agency schools, and would tend to prevent the spread of contagious and infectious diseases, which are often unmanageable when scattered through a number of different camps on a large reservation.

#### COAL ON THE WHITE MOUNTAIN RESERVATION IN ARIZONA.

By the Indian appropriation act of July 4, 1884, the Secretary of the Interior was authorized to detail a proper person from the employes of the Geological Survey, and also to appoint a suitable person not then in the employ of the Government, to examine and report upon the character, extent, thickness, and depth of the coal veins on the White Mountain Reservation, the value of the coal per ton on the dump, and the best method to utilize and dispose of the same, and the sum of \$2,500 was appropriated for that purpose. Under this authority a Commission composed of Michael Bannon, of Baltimore, Md., and Charles D. Walcott, a paleontologist in the Geological Survey, was sent to Arizona to make the required examination and report. Full instructions were given for their guidance, dated August 8, 1884, approved by the De-



partment August 13, 1884. The report of the Commission has not yet been rendered.

#### MISSION INDIANS IN CALIFORNIA.

A bill for the relief of these Indians, embodying substantially the recommendations of Mrs. Helen Jackson, special agent (except that for the purchase of certain tracts of land), to which reference was made in my last annual report, was prepared and submitted to Congress, through the Department, and passed the Senate at its last session, but was not acted upon in the House of Representatives. Suits in ejectment have been brought against the Indians living in the San Jacinto Village, by the owner of the private grant within which it is situated. The Indians are defended by Messrs. Brunson and Wells, special counsel employed by the Department of Justice. These cases have not yet come to trial. It is hoped that the bill referred to will receive favorable consideration in the House of Representatives during the coming session.

#### THE YUMAS IN SOUTHERN CALIFORNIA.

As was stated in my last annual report, a reservation was established (July 6, 1883) for the Yuma Indians at the confluence of the Colorado and Gila Rivers, on the Arizona side, where it was intended they should be gathered and assisted in agricultural pursuits. Subsequent investigation, however, disclosed the unsuitableness of the tract selected, and besides the Indians were found to be opposed to removal there. Accordingly, by Executive order dated January 9, 1884, the reservation was restored to the public domain, and a new one established on the California side, in the extreme southwest corner of the State.

By the same order the Fort Yuma Military Reservation was transferred to the control of this Department, to be used for Indian purposes, in connection with the Indian reservation; and, at the request of the Department, on the recommendation of this office, the military post buildings have also been transferred by the War Department for Indian school purposes. A bill was introduced in Congress at the last session (H. R. 1661) "to provide for the establishment and maintenance of an Indian school at Yuma, in Yuma County, Arizona, and to make an appropriation therefor." It is understood to have been favorably reported by the House committee, but no final action was reached. It appropriates the sum of \$9,000 for the purpose. The Yumas are a very peaceable and industrious people, and ought to receive some assistance from the Government.

#### KLAMATH RIVER INDIANS IN CALIFORNIA.

The work of allotting lands in severalty to the Indians of the Klamath River Reservation in California, as directed in Department letter of March 26, 1883, has been suspended for the present, owing to errors discovered in the public surveys within the reservation, particulars of

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which were reported to the Department in office letter of August 16th last. Bills have been introduced in the present Congress "to restore the reservation to the public domain" (S. 813 and H. R. 112 and 7505). Provision is made therein, however, for the allotment of lands in severalty to the Indians.

#### THE TURTLE MOUNTAIN BAND OF CHIPPEWAS IN DAKOTA.

Agreeably with the recommendation contained in my last annual report, a permanent reservation has been made for the Turtle Mountain band of Chippewas in Dakota. At first townships 162 and 163 north, range 71 west, were selected, but subsequently township 162 north, range 70 west, was substituted for township 163 north, range 71 west, so that the reservation as now existing embraces townships 162 north, ranges 70 and 71 west. (Executive orders dated March 29, 1884, and June 3, 1884.) These Indians will need some help for a time, and I shall ask for a small appropriation for that purpose in the estimates for the next fiscal year.

#### COMMISSION TO SIOUX OF DAKOTA.

At the date of my last annual report the work of the Sioux Commission had reached a point briefly, as follows: Congress having failed to ratify the agreement negotiated by said Commission under the act of August 7, 1882, presumably for the reason that it was not executed in literal compliance with the treaty of April 29, 1868, the Commission were under instructions to continue negotiations with the Indians, provision for that purpose having been made in the sundry civil appropriation act of March 3, 1883 (Stat. 22, p. 624), but their final report had not been submitted to the Department. The attempt to procure the signatures of three-fourths of the male adult Indians, as required, proved unsuccessful, and the agreement was returned to the Department without change. A full history of the proceedings of the Commission and the causes which led to the failure, is set out in their report to the Department dated December 31, 1883. Said report together with the agreement and all correspondence between the Department and any official or other individuals concerning said agreements or the ratification thereof is printed in Senate Ex. Doc. No. 70, Forty-eighth Congress, first session, in which form it will be found easy of reference.

It having been represented to the Department that the Sisseton and Wahpeton and the Yankton bands of Sioux were desirous of disposing of a limited portion of their respective reservations, the Sioux Commission were instructed, under date of May 10th last, to visit said reservations and ascertain if such was the case, and if so to negotiate with them as to the quantity they would cede, the conditions as to the price, &c. No report has been received from them up to this date, but the agent for the Sisseton and Wahpeton bands reports that his Indians



are unwilling to part with any of their lands, and that the visit of the Commission was unsuccessful.

A select committee appointed by the Senate to inquire into the condition of the Indians in Dakota and Montana reported a bill (S. 1755) "to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations, and to secure the relinquishment of the Indian title to the remainder," which was amended and passed the Senate April 16, 1884. In the House the bill was referred to the Committee on Indian Affairs, and reported back with amendments May 31, 1884, but no further action was had and it remains on the calendar.

#### RIGHT OF INDIANS IN THE INDIAN TERRITORY TO TAX CATTLE AND PROHIBIT THE ENTRY OF INFECTED CATTLE.

The right of the Indians in the Indian Territory to tax cattle driven through their lands *en route* to market, and to prohibit the introduction of foreign cattle at certain seasons of the year, is a subject of constantly recurring trouble to this office. Conflicts are continually arising between cattle men and the civilized tribes, most if not all of whom have prohibitory laws bearing on the subject.

The Senate Committee on Indian Affairs, in a report made June 22, 1874, upon the petition of citizens of the State of Kansas, remonstrating against the imposition by the Cherokee Nation of a tax of 10 cents per head upon cattle driven through their Territory from Texas to northern markets, was of opinion that the spirit if not the letter of the law fully justified the Indians in the levy of the tax, and that the Department ought to sustain them in its enforcement so long as it did not exceed the penalty imposed by the law of June 30, 1834 (section 2117, Revised Statutes), for grazing stock on Indian lands, which is \$1 per head.\*

The United States court in the western district of Arkansas (Judge I. C. Parker), however, takes a different view of the subject, and holds that a tax imposed by the Creek Nation on cattle passing through their country is a burden laid upon commerce between the States, the regulation of which belongs to Congress alone. This decision, until overruled, is of course binding upon the Department, but I have thought it proper to call the attention of the Department to the subject, as it is one which affords the Indians constant cause of complaint, and not without show of reason, especially as regards infected cattle. As to these I believe the bordering States, certainly Kansas and Missouri, have prohibitory laws, which are rigidly enforced. The Indians, especially the civilized tribes, who have fine herds of cattle, consider that they should be similarly protected.

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\* S. Ex. Doc. No. 74, Forty-fifth Congress, second session.

## ATTEMPTED SETTLEMENTS IN THE INDIAN TERRITORY.

In previous reports of this office the attention of the Department has been repeatedly called to the periodical invasions of certain portions of the Indian Territory by bodies of United States citizens, under the leadership of D. L. Payne and others, styling themselves "Oklahoma Colonists." Recommendations have as repeatedly been made for an amendment of existing laws relating to trespassers on Indian lands, so as to make such offenses punishable by imprisonment as well as by fine. Measures looking to that end have been introduced in Congress but hitherto have invariably failed to receive the concurrent action of both Houses. During the present year Payne has again twice sought to obtain a foothold in the Territory; the first time in May last, when, with a party of about fifty, he endeavored to effect a settlement on the unoccupied lands south of the Cimarron River, from whence they were dislodged by the military, not without considerable show of resistance; and later, in the month of June last, when, with largely increased numbers, he established himself on the Cherokee lands south of Hunnewell, Kans., locating settlements at various points therein, designated as "Rock Falls" on the Chickasaw River, "Stafford" or "Pearl City" on the Bois d'Arc, and at other places along the Arkansas River; the headquarters of the colony being at Rock Falls, four miles south of the Kansas line.

The official report of Colonel Hatch, commanding the district of Oklahoma, dated 6th August last, states that prior to active operations he visited the principal rendezvous of the intruders, and explained to the leaders and people present the object of his mission, reading to them the President's proclamation of July 31 last, and informing them of the condition of the Indian lands, and the necessity of the Government maintaining the status thereof. Most of the intruders of the better class, and some others, upon reflection, concluded to move at once. The leaders, Payne, Cooper, Miller, Couch, Eichelburger, and others were defiant, and refused to move unless compelled by superior force. On the 7th August such of the intruders as remained at Rock Falls, were, with their private property, removed from the Territory by the military, with the exception of Payne and some others, old offenders, who were arrested and turned over to the civil authorities at Fort Smith. The settlement at "Stafford City," on the Bois d'Arc, was on the arrival of the military there found to have been recently evacuated. At Chillott Creek,  $1\frac{1}{2}$  miles from the State line, a small party of "boomers" was found encamped, three of whom were also arrested as old offenders, and turned over to the United States marshal. The number of persons engaged in this last movement was variously estimated at from five hundred to two thousand, and it appears from the official reports to the War Department, that from 6,000 to 10,000 claims had been located and surveyed on the Cherokee lands, land in the southern part of Kansas having become so valuable that men of means, owning large farms had sent to the Okla-



homa Colony organization parties who were locating claims for them. A subsequent official report of Colonel Hatch, dated the 22d August last, conveys the information that nearly all the intruders on the Cherokee Outlet lands were out of the Territory, and that probably by the 15th September, the removal of all unauthorized settlers and of the fences erected by cattle men in Oklahoma proper, as directed by the Secretary of War, would be completed. Recommending a proper disposition of troops for the protection of the Territory from further invasion, Colonel Hatch remarks :

At many points on the Kansas border are camped parties who say they will move into the Territory as soon as the troops are moved from it. Payne and the men with him who are engaged in locating claims will continue to agitate the opening of this Territory in the same manner as before ; not that they really desire to have the country settled, but that they may obtain money from the ignorant people deluded into the purchase of claims and town lots, and from the fees paid on joining what they term the "Oklahoma Colony."

The payments for surveys, claims, town lots, and initiation fees must in the aggregate have already amounted to the neighborhood of \$100,000, all of which has been divided among the leaders. Should the country be opened to settlers there would be an end to their profits ; hence, in my opinion, Payne and his immediate associates do not want it declared open.

There is no possible excuse for these repeated lawless invasions of the Indian Territory on the ground (as the invaders hold) that the unoccupied lands thereof are public lands of the United States, and as such open to settlement. They are not public lands in any sense as yet, whatever disposition may be made of them hereafter. By the terms of the treaty of 1866 with the Cherokees the United States is empowered to settle friendly Indians in any part of the Cherokee country west of 96°, in quantity as therein provided, the boundaries of the districts thus settled to be distinctly marked and the land conveyed in fee-simple to each of such tribes so settled, to be held in common or in severalty, as the United States may decide, the lands thus disposed of to be paid for to the Cherokee Nation at such price as may be agreed upon between the parties in interest, subject to the approval of the President ; the Cherokee Nation to retain the right of possession and jurisdiction over all of said country west of 96° until thus sold and occupied, after which their jurisdiction and right of possession terminates as to each district thus sold and occupied. It may here be remarked that, in the exercise of this right of possession and jurisdiction, the Cherokees have, by an act of their national council (approved by the principal chief), leased said unoccupied lands to the Cherokee Strip Live Stock Association, for grazing purposes, for a term of five years, at an annual rental payable to the nation, subject, nevertheless, to the treaty rights reserved to the United States to settle friendly Indians thereon at any time during the continuance of said lease. There is no general cession of these lands to the United States, no surrender by the Cherokees of possession or jurisdiction, until such time as a certain specified purchaser shall have complied with the terms

of the purchase and entered into possession. Until that event happens the United States is bound by the terms of the treaty to protect the Cherokees in their possessory rights to the lands in question. So also in regard to the other unoccupied lands of the Indian Territory—notably the so-called Oklahoma lands—which have from time to time been ceded to the United States by various Indian nations or tribes. Here, again, there is no *general* cession to the United States, but a cession for express purposes only, which are clearly limited and defined in the treaties with the nations or tribes from whom the United States acquired title, viz, for the settlement of other Indians and freedmen thereon. It is equally the duty of the Government to maintain the status of these lands intact.

At the first session of the present Congress a bill (S. 1545) “to amend section 2148 of the Revised Statutes of the United States, in relation to trespassers on Indian lands,” passed the Senate, but was not reached in the House. This bill prohibits any person from entering Indian lands, tribal reservations, or lands specially set apart for Indian purposes, with intent to occupy any such lands or reservation, under a penalty for the first offense of a fine of not more than \$500, or imprisonment at hard labor for not more than one year, or both, in the discretion of the court; and for every subsequent offense a fine is imposed of not more than \$1,000, with imprisonment at hard labor for not more than two years. It also provides for confiscation and forfeiture of the wagons, teams, and outfit of the intruders, by process in the proper United States courts.

It is manifest that without the passage of some stringent law of this kind intruders can only be kept out by the troops, and should they at any time be temporarily withdrawn for any purpose the Territory would be rapidly overrun.

The construction of the Southern Kansas Railway and the Gulf, Colorado and Santa Fé Railway, both of which roads were authorized by the present Congress at its last session to be built through the Indian Territory, will doubtless bring with it a miscellaneous population, who, under cover of the railroads, will attempt to settle the country. In a recent communication, dated September 8 last, I had the honor to draw the attention of the Department to this contingency, and to recommend that the War Department be requested to make such timely disposition of troops in the Territory as may avert the threatened evil. It is to be hoped that Congress will not fail to recognize the importance of the preservation of peace, and the obligation of the Government to protect the Indians in the Indian Territory in the quiet enjoyment of their right of person and property, by the early passage at the coming session of the bill referred to, or some equally comprehensive and efficient measure.

Information reached this office in May last of an attempt by citizens of Texas to colonize the unoccupied lands in the southwest corner of the Indian Territory, lying west of the North Fork of Red River, which lands are claimed by the State of Texas and are involved in the



question of the disputed boundary line between Texas and the United States, in regard to which a bill (H. R. 1565) authorizing the appointment of a commission to run and mark said boundary line is now pending before Congress. The matter was on the 2d of June last referred by the Department to the honorable Secretary of War, with the statement that, in the absence of any definite settlement of the controversy, the status of the lands must be maintained as Indian country, and requesting the service of the military in removing all intruders therefrom. The official reports of the War Department show that the settlers were notified to vacate the lands by the 1st October, 1884, failing which they would be promptly removed by the troops.

#### INTRUDERS AND DISPUTED CITIZENSHIP IN THE INDIAN TERRITORY.

By your decision of March 15, 1884, the act of the Choctaw council, approved October 21, 1882, has been made the basis for determining all questions relating to intruders and disputed citizenship in that nation. Under this decision instructions were given Agent Tufts under date of March 22, 1884, which are hereto appended, together with the act of the Choctaw council. The method of dealing with these questions thus adopted leaves their ultimate decision with the Department in accordance with the opinion of the honorable Attorney-General (16 Opinions, 404), and it is believed will produce satisfactory results. No action on this matter has been taken by the other civilized nations, but the Senate Committee on Indian Affairs is about to visit the Territory for the purpose of investigating the subject, among other matters, and it is presumed will present a report which will enable Congress to reach a satisfactory solution of the question at the ensuing session.

#### ACT OF CHOCTAW COUNCIL.

##### *To the General Council :*

Your committee to whom was referred that portion of the chief's message referring to our relations with the United States, would report the following and ask its adoption :

Whereas, by the seventh article of the treaty of 1855, the Choctaws are secured in the unrestricted right of self-government and full jurisdiction over persons and property within their respective limits, which unrestricted right of self-government does, and of a right ought to, secure to the Choctaw Government the sole right and power to hear and determine all applications for a citizenship; and

Whereas great injury has been done the Choctaws in the past by non-citizens, after they have failed to establish their claims to citizenship according to the Choctaw law, resorting to Fort Smith and there before a commission and too often by means of bribed witnesses, and without the Choctaw Government having any representative present to protect her interest, established claims which are not only detrimental to the interests of the Choctaws, but are in open violation of the seventh article of the treaty of 1855, above mentioned; and

Whereas the Choctaws, in order to quiet all cries of prejudice and partiality against applicants for citizenship, agree that after an applicant for citizenship has been refused the right he claimed, and feels aggrieved by such refusal, such applicant may have a rehearing of his case before the United States Indian agent: *Provided*, The agent notify the principal chief of the time and place of all such rehearsings, so that

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the Choctaws may be represented by an attorney, and the Choctaws agree to abide by the decision of the agent; and

Whereas there are now in the Choctaw Nation many non-citizens who remain here year after year with the pretense that they are about to prove their claim to citizenship, it is earnestly requested that the United States Indian agent be required, when furnished with a list of such persons by the principal chief, to cause them to take immediate steps to prove their rights to citizenship; and if they refuse or neglect, put them out of the Nation: Therefore,

*Be it enacted by the general council of the Choctaw Nation assembled,* That the Secretary of the Interior is hereby requested to prohibit United States commissioners, at Fort Smith, Arkansas, or any other place, from taking cognizance of any petition for the rights of citizenship in the Choctaw Nation, as the Choctaws do not recognize such persons as citizens, nor will they in the future.

SEC. 2. *Be it further enacted,* That the Secretary of the Interior is hereby requested to order the United States Indian agent to hear and determine all applications made to him to establish claims of citizenship in the Choctaw Nation, and the decision of such agent shall be final: *Provided only,* That all such applications shall have been made to the proper Choctaw tribunal and by it refused, the agent notifying the principal chief of the time and place of such rehearing. Then the principal chief shall appoint some competent Choctaw attorney to represent and defend the interests of the Choctaw Nation in all such rehearings, and such attorney shall be allowed \$5 for every day he is necessarily engaged, and 10 cents for every mile traveled on a direct and practicable route going to and returning from such rehearing, to be paid on the order of the principal chief out of any money in the treasury not otherwise appropriated.

SEC. 3. *Be it further enacted,* That the Secretary of the Interior be further requested to instruct the United States Indian agent to order all non-citizens now in the nation to take immediate steps to prove their rights as citizens, and if they refuse or neglect, remove them beyond the limits of the Choctaw Nation.

SEC. 4. *Be it further enacted,* That the principal chief be requested to send a copy of this act to the Secretary of the Interior, and one to the United States Indian agent; and also that he send a copy to the governor of the Chickasaw Nation, and ask the concurrence and co-operation of the Chickasaws, and that this act take effect and be in force from and after its passage.

STEPHEN WATKINS,  
*Chairman Committee on Petitions.*

Approved October 21, 1882.

JAMES THOMPSON,  
*President Senate, Acting Chief pro tem.*

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### INSTRUCTIONS TO AGENT TUFTS.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, D. C., March 22, 1884.

JOHN Q. TUFTS, Esq.,

*United States Indian Agent, Union Agency, Muskogee, Ind. Ter.:*

SIR: I transmit herewith a copy of office report dated March 14, 1884, upon the question of intruders and disputed citizenship in the Choctaw Nation, and of the decision of the honorable Secretary of the Interior, dated March 15, 1884, concurring in the recommendation of this Office.

In accordance with this decision you will notify all disputed claimants to citizenship in the Choctaw Nation, whose names are furnished you by the Choctaw authorities, to appear at the next session of the proper tribunal and submit their claims for



adjudication as provided by the Choctaw laws; that failing to do so they will be deemed intruders and removed from the Territory; and that any party feeling aggrieved by the decision of the Choctaw tribunal will be allowed thirty days in which to appeal to you, at the expiration of that time to be deemed an intruder, if no appeal be taken.

This notice you will serve upon the parties, either by causing your police to deliver a written or printed copy, with your signature attached, to the person interested, or to leave the same at the usual place of abode of such person, at least sixty days prior to the first day of the session of the council before which he is summoned to appear, or by sending the same through the mails so that sixty days may elapse between the receipt of the notice and the commencement of said session.

You will hear all cases of appeal from the decision of the Choctaw authorities, giving proper notice to the principal chief of the time and place of hearing, receiving and considering such proper evidence, without distinction as to the race of witnesses, as may be presented. You will allow the claimants to be represented by counsel, if they so desire, as well as the nation.

You will hear all cases of appeal as promptly as possible, and submit the evidence in each case, with your finding thereon, to this office for final adjudication.

All persons finally adjudged to be intruders will be allowed a reasonable time in which to dispose of their improvements and property before being removed.

Subject to this qualification, all parties, properly notified, failing to appear at the session of the council for which they are summoned, should at the expiration of said session be promptly removed; and any person adjudged to be an intruder by the Choctaw authorities failing to appeal within the time prescribed should also be promptly removed.

In carrying out these instructions you are expected to co-operate with the Choctaw authorities, under the Choctaw law of October 21, 1882, so far as the same is not modified by the decision of the Secretary.

Very respectfully, &c.,

H. PRICE,  
Commissioner.

#### FREEDMEN IN THE INDIAN TERRITORY.

Since the date of my last annual report the act of the Choctaw Council, approved May 21, 1883, therein referred to, has been held by you to be a substantial compliance with the terms of the third article of the treaty of 1866 (14 Stat., 770), and three-fourths of the sum of \$10,000 appropriated for the education of freedmen in the Choctaw and Chickasaw Nations by the act of May 17, 1882 (22 Stat., 72), has been paid over to the Choctaw authorities. This question, therefore, may be regarded as settled, so far as the Choctaw Nation is concerned, while in the other nations it remains in the condition presented in my last report. The following is the act of the Choctaw Council referred to:

#### AN ACT entitled "An act to adopt the freedmen of the Choctaw Nation."

Whereas by the third and fourth articles of the treaty between the United States and the Choctaw and Chickasaw Nations, concluded April 28, 1866, provision was made for the adoption of laws, rules, and regulations necessary to give all persons of African descent resident in said nations at the date of the treaty of Fort Smith, September 13, 1865, and their descendants, formerly held in slavery among said nations, all the rights, privileges, and immunities, including the right of suffrage, of citizens of said nations, except in the annuities, moneys, and public domain claimed by or

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belonging to said nations respectively; and also to give to such persons who were residents as aforesaid, and their descendants, 40 acres each of the lands of said nations on the same terms as Choctaws and Chickasaws, to be selected on the survey of said lands; until which said freedmen shall be entitled to as much land as they may cultivate for the support of themselves and families; and

Whereas the Choctaw Nation adopted legislation in the form of a memorial to the United States Government in regard to adopting freedmen to be citizens of the Choctaw Nation, which was approved by the principal chief November 2, 1880, setting forth the status of said freedmen and the inability of the Choctaw Nation to prevail upon the Chickasaws to adopt any joint plan for adopting said freedmen, and notifying the United States Government of their willingness to accept said freedmen as citizens of the Choctaw Nation in accordance with the third and fourth articles of the treaty of 1866 as a basis; and—

Whereas a resolution was passed and approved November 5, 1880, authorizing the principal chief to submit the aforesaid proposition of the Choctaw Nation to adopt their freedmen to the United States Government; and—

Whereas a resolution was passed and approved November 6, 1880, to provide for the registration of freedmen in the Choctaw Nation, authorizing the principal chief to appoint three competent persons in each district, citizens of the nation, whose duty it shall be to register all freedmen referred to in said third article of the treaty of 1866 who desire to become citizens of the nation in accordance with said treaty, and upon proper notification that the Government of the United States had acted favorably upon the proposition to adopt the freedmen as citizens, to issue his proclamation notifying all such freedmen as desire to become citizens of the Choctaw Nation to appear before said commissioner for identification and registration; and,—

Whereas in the Indian appropriation act of Congress May 17, 1882, it is provided that either of said tribes may adopt and provide for the freedmen in said tribe in accordance with said third article: Now, therefore,

*Be it enacted by the general council of the Choctaw Nation*, That all persons of African descent resident in the Choctaw Nation at the date of the treaty of Fort Smith, September 13, 1865, and their descendants, formerly held in slavery by the Choctaws of Chickasaws, are hereby declared to be entitled to and invested with all the rights, privileges, and immunities, including the right of suffrage, of citizens of the Choctaw Nation, except in the annuities, moneys and the public domain of the nation.

SEC. 2. *Be it further enacted*, That all said persons of African descent, as aforesaid, and their descendants, shall be allowed the same rights of process, civil and criminal, in the several courts of this nation as are allowed to Choctaws, and free protection of persons and property is hereby granted to all such persons.

SEC. 3. *Be it further enacted*, That all said persons are hereby declared to be entitled to forty acres each of the lands of the nation, to be selected and held by them under the same title and upon the same terms as the Choctaws.

SEC. 4. *Be it further enacted*, That all said persons aforesaid are hereby declared to be entitled to equal educational privileges and facilities with the Choctaws so far as neighborhood schools are concerned.

SEC. 5. *Be it further enacted*, That all said persons as shall elect to remove and do actually and permanently remove from the nation are hereby declared to be entitled to one hundred dollars per capita, as provided in said third article of the treaty of 1866.

SEC. 6. *Be it further enacted*, That all said persons who shall decline to become citizens of the Choctaw Nation, and who do not elect to remove permanently from the nation, are hereby declared to be intruders, on the same footing as other citizens of the United States resident herein, and subject to removal for similar causes.

SEC. 7. *Be it further enacted*, That intermarriage with such freedmen of African descent who were formerly held as slaves of the Choctaws, and have become citizens, shall not confer any rights of citizens in this nation, and all freedmen who have married or who may hereafter marry freedwomen who have become citizens of the



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Choctaw Nation are subject to the permit laws, and allowed to remain during good behavior only.

SEC. 9. *Be it further enacted*, That the national secretary shall furnish a certified copy of this to the Secretary of the Interior. And this act shall take effect and be in force from and after its passage.

Approved, May 21, 1883.

J. F. McCURTAIN,  
*Principal Chief, Choctaw Nation.*

## CREEK AND SEMINOLE BOUNDARIES.

This subject has been fully discussed in the last three annual reports of this office. Recommendation was made the past year for an appropriation of \$3,000 for the survey of the outboundaries of the 175,000 acres of Creek lands purchased by the United States for the Seminole Indians. Congress did not see fit to make a separate appropriation for this specific work, but in the Indian appropriation act, approved July 4, 1884, the sum of \$50,000 was appropriated for the survey of Indian reservations, out of which sum the expenses of the survey to determine and establish the outboundaries of this purchased tract of land will be paid.

## RESERVOIRS AT THE HEADWATERS OF THE MISSISSIPPI RIVER.

In addition to what was submitted in my last Annual Report (page LVIII) on this subject, to which I invite your attention, I have now to state that the Commission, consisting of R. Blakey, esq., *vice* General Sibley, resigned, ex-Governor W. R. Marshall, and Rev. J. A. Gilfillan, appointed December 22, 1882, to review a former valuation of damages to Indians, &c., with a view to a reassessment, if in its judgment the injury incurred in the construction of reservoirs was greater than the compensation heretofore allowed, submitted on the 4th of December, 1883, a report of proceedings with the findings or valuations of injury sustained by the Indians by reason of the construction of these reservoirs at Lake Winnibigoshish and Leech Lake, on the headwaters of the Mississippi River, viz:

### Lake Winnibigoshish and Cass Lake:

Injury to personal property.....	\$1,936 50	
Injury to tribal property.....	3,649 58	
	<hr/>	\$5,586 08

### Leech Lake:

Injury to personal property.....	105 00	
Injury to tribal property.....	1,075 00	
	<hr/>	1,180 00

### White Earth and Mississippi Chippewas:

Pine cut.....	3,272 10	
	<hr/>	10,038, 18

### Annual damages to these Indians:

For rice destroyed at 10 cents per pound.....	8,610	
For hay destroyed at \$28 per ton.....	9,800	
	<hr/>	18,410 00

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Carried forward.....	\$18,410 00
Indians at Lake Winnibigoshish and Cass Lake. Annual damage, viz:	
Hay.....	\$3,640 00
Loss of fish.....	4,350 00
Loss of cranberries.....	300 00
Loss of sugar.....	100 00
	<u>8,390 00</u>
	<u>26,800 00</u>
Making total damages awarded by the commission outside of resultant damages, as follows:	
Individual property.....	2,041 50
Tribal property.....	7,996 68
	<u>10,038 18</u>
Total annual damages awarded.....	<u>26,800 00</u>
	<u>36,838 18</u>

The sum of \$10,038.18 being available out of the appropriations already made, this Office, on the 19th of December, 1883, in a report on the subject, recommended that an appropriation of \$26,800 be made by Congress as the first installment for the annual damages for the next fiscal year, and that annually thereafter a similar appropriation be made to carry into effect the award of the Commission. Congress did not however, at its last session, make the appropriations recommended. These Indians have been and are now peaceably disposed and loyal to the Government. Bishop Whipple, Mr. Blakely, Governor Marshall, and other prominent citizens of that locality, urge the justness of the Indian claim, and I concur with their judgment that these Indians have a just claim upon the Government for full compensation for the injury sustained by them in the construction of these dams for the improvement of the navigation of the Mississippi River, the benefits of which inure solely to the United States. I cannot too strongly press the urgent necessity for the appropriations recommended. No one can compute the evil consequences that may arise should Congress ignore its duty to these Indians by a failure to make the appropriations to carry out the terms of the aforesaid award.

## SALE OF OMAHA LANDS IN NEBRASKA, AND ALLOTMENT OF LANDS IN SEVERALTY TO OMAHA INDIANS.

The commission appointed to appraise the Omaha Reservation lands in Nebraska west of the Sioux City and Nebraska Railroad under the act of August 7, 1882 (Stat. 22, p. 341), submitted their report and schedule of appraisement under date of October 11, 1883. The appraisement was approved by the Department November 20, 1883, and the General Land Office directed to take steps for the disposal of the lands under the law. By public proclamation, dated March 19, 1884, the lands were thrown open to settlement from and after April 30, 1884, at 12 o'clock, noon. The total number of acres appraised and subject to disposal is 50,157, and the value thereof as appraised, \$512,670.24.



The schedule, which gives a full description and valuation of the lands to be sold, has been printed and numerously circulated.

Allotments in severalty have been made to the Omahas in accordance with the provisions of the act aforesaid. Miss A. C. Fletcher, to whom, as special agent of the Department, the work was assigned, submitted her report and schedule of allotments under date of June 25, 1884. The allotments were approved by the Department July 11, 1884, and by letter of same date the General Land Office was directed to issue patents therefor in accordance with section 6 of the act, and to deliver the same to this office for distribution to the parties severally entitled thereto. The whole number of allotments made was 954. According to Miss Fletcher's report the total number of acres allotted was 76,809.68, of which 876.60 acres were allotted west of the railroad. The area of unallotted lands remaining within the reservation east of the railroad is a little in excess of 55,000 acres.

In regard to the good effect of this allotment, the agent reports as follows :

The principal event of importance of the past year has been the completion of the work of allotting to the Indians their lands in severalty, in accordance with the act of Congress approved August 7, 1882; 75,931 acres were allotted in 954 separate allotments to 1,194 persons. This number includes the wives, they receiving their lands with their respective husbands. About 55,450 acres remain to be patented to the tribe according to the act for the benefit of the children born during the period of the trust patents.

In the four townships nearest the railroad 326 allotments were taken, showing the practical appreciation by the people of a near market for their produce. In township 24, range 7 east of the sixth principal meridian, 105 allotments were made. The portion of this township lying west of the railroad and unallotted to Indians was opened last April to white settlement, and was immediately occupied. The unallotted portion of this township east of the railroad will next year be in the market, and the Indians located there will be surrounded by white neighbors, and thus be brought in close contact with civilized people. All the land lying near the white settlements which skirt the southern portion of the reservation is allotted; and the Indians, particularly those who are inclined to be progressive, are seeking rather than avoiding associations with the white people. This is a good indication. Progress cannot be made in isolation.

The increasing crops of the Omahas to be marketed make them an important factor in the prosperity of the growing villages in their vicinity, and the tradesmen in the villages encourage their efforts. The people seem more and more in earnest to advance in their farmer's mode of life. The security of their tenure of their land has had an excellent influence.

The very thorough manner in which the work of allotting those lands was done, and the practical instructions given them at the same time, have given those people an impetus which will never be lost. The thanks of every one of these people, and mine with them, are heartily given to Miss A. C. Fletcher for her noble work. Henceforth the land follows descent according to the laws of the State, and the registry kept by Miss Fletcher will facilitate in securing the proper inheritance. This registry, giving as it does the exact status of the families as they will be recognized by the Government in the patents, will also render valuable assistance in maintaining the integrity of the family, a most important matter in the welfare of this people.

Many of the leading men of the Omaha tribe in Nebraska have for some time favored the idea that the Government give the tribe entire control of its own affairs, without the interference or expense of an agent or of agency employés. Since the sale and allotment of a part of their reservation before referred to, this desire for independence, and their wish to do away with the expense of a regularly organized agency force, has increased. Now more than half of these Indians live in comfortable houses; every family in the tribe has land under cultivation in farms ranging from ten to one hundred acres, and the acreage of tilled land is increasing every year. They are all moderately well supplied with stock, and with wagons, plows, and other necessary farming utensils, which they know how to use and take care of; and they have good mills, shops, and school-houses, and have been very successful in farming, so that, with their yearly cash income, they feel that their future necessities are provided for. The policy I have adopted in dealing with Indians is to prepare them as soon as possible to take care of themselves by civilized pursuits, and to encourage them in self-reliance, and I therefore looked with favor on this feeling of independence amongst the Omahas, believing that it was inspired by proper motives.

Therefore, on their request, made in council, I instructed the agent of the Omahas to discharge all agency employés at the Omaha Agency on the 30th day of last September, except the school employés and one person who is to remain there to act as physician and farmer and who will look after the interests of the Government and the Indians and keep this office informed of the progress of affairs there, and who will be retained until his services can be dispensed with. The agent was further instructed to turn over to the Omaha councilmen, in trust for the tribe, the mills, shops, dwellings, school-houses, live stock, and all public property on the Omaha Reservation, which transfer is no doubt completed by this time. While this is an experiment, it is believed that it will prove to be successful, and that the Omahas will demonstrate the wisdom of the methods now pursued by the Department looking to the ultimate civilization and independence of all the Indian tribes.

#### KICKAPOO ALLOTTEES UNDER TREATY OF 1862.

In my last three annual reports attention was called to the condition of affairs relative to the estates of deceased and minor allottees under the provisions of the treaty with the Kickapoo Indians of June 28, 1862 (13 Stat., 623), and to the fact that the treaty contains no provision whereby female allottees can become citizens and obtain patents for the lands allotted to them. That matter was submitted to Congress at its last session for the third time, with the result that the proposed bill passed the Senate but received no consideration in the House of Representatives.



## EASTERN CHEROKEES.

In September, 1882, Joseph G. Hester was appointed agent to take a census and make a list of all the Cherokee Indians residing east of the Mississippi River, as required by an act approved August 7, 1882. To assist him in this work, I furnished him with copies of four previous lists of this people. One taken by J. C. Mullan as early as 1848, containing the names of all who resided in the State of North Carolina at the time of the treaty of 1836, and who had not removed West, and one taken by D. W. Siler in pursuance of an act approved September 30, 1850, which, it is believed, includes all of these people then residing in North Carolina, Georgia, Tennessee, and Alabama. This roll was used by Alfred Chapman, acting for this Department, in the following year, to make a per capita payment to the Eastern Cherokees, and in doing so he found it necessary from evidence presented to make a few changes, so that a copy of the pay-roll made by him was also given to the agent together with a copy of a list of these people taken by S. H. Swetland under an act approved July 27, 1868.

In consequence of the wide distribution of these Indians and their descendants over many States, a great majority living in localities remote from all usual routes of travel, the task proved to be of much greater magnitude, difficulty, and expense than was at first anticipated, and it was not until the 5th of last January that it could be completed and the list submitted. It contains the names of 1,881 members residing in North Carolina, 758 in Georgia, 213 in Tennessee, 71 in Alabama, 11 in Kentucky, 8 in New Jersey, 5 in Virginia, 3 each in Kansas (at present) and South Carolina, and 1 each in California, Colorado, and Illinois (at present), making a total membership of 2,956.

It gives the English and Indian names (when they have both), the age and sex of each, and the residence or post-office address of every family or single person, together with the relationship of each member of a family to the head thereof. Reference is also made to the numbers opposite their names, or the names of their ancestors on the previous rolls above noted, that they may be identified there, and there are such marginal references and explanatory notes as special cases seemed to require. Thus no person's name was enrolled on this list whose name or the name of whose ancestor does not appear on some one of the previous lists, and all except forty-seven on the previous lists are accounted for, either as dead, as having gone west to reside with the Nation in the Indian Territory, or by enrollment as now residing east of the Mississippi River. These forty-seven persons whose whereabouts could not be ascertained are believed by their friends and relatives to have either died, gone west, or to be now known by different names from those under which they were previously enrolled. A list of the forty-seven names is given with this census. While the agent was engaged in the work, various persons presented themselves to him, claiming to be Eastern

Cherokees or their descendants, whom he declined to enroll, not believing the evidence they submitted sufficient to sustain their claims. He files with the census a list of their names, accompanied by all the papers and information he had received or could obtain in reference to them, which may be useful in case any of those so rejected in future claim that they have been wronged.

The census list, together with all evidence and information available pertaining to it, was laid before a council of the Eastern Cherokees at their request (due notice having been given to the Cherokee Nation in the Indian Territory to be present by delegates if they so desired), and after having been carefully scrutinized by said council was fully approved by them. A certificate signed by the council to that effect accompanies the list, which list, after having been carefully examined and compared with the previous rolls in this office, was on my recommendation approved by the Department on the 4th of last February.

#### TOWN OF PENDLETON, OREGON—SALE OF UMATILLA RESERVATION LANDS FOR TOWN PURPOSES.\*

Referring to the mention of this subject in my last annual report, I have to say that the appraisement of the lands referred to in the above title was completed in the early part of October following, and approved by the Department under date December 22, 1883. The lands, which had been surveyed and laid out into blocks and lots, were offered for sale at public auction in the town of Pendleton in May last, and nearly all disposed of.

I have been informally advised by the General Land Office that the proceeds from the sales will aggregate very much more than the appraised value, which was \$24,344.95, not including the Goodwin tract. More than that amount has already been received on account of cash entries or first payments, and it is estimated that the second and third payments will increase this sum by \$35,000, so that the total that will be realized from the sales will probably not be less than \$60,000. A few lots remain unsold. The Moses E. Goodwin claim referred to in the second section of the act was appraised at \$2.50 per acre; area, 2,672.09 acres; value, \$6,680. The funds arising from the sale of these lands, after deducting the expenses incidental thereto, are to be placed in the Treasury to the credit of the Indians of the Umatilla reservation, and bear interest at the rate of 5 per cent. per annum, and the Secretary of the Interior is authorized to expend so much of the principal and accrued interest as he may see fit in the support of an industrial school for said Indians on said reservation.

#### AGREEMENT WITH CHIEF MOSES.

The agreement with Chief Moses and other Indians of the Columbia and Colville Reservations, in Washington Territory, entered into July

\*Act August 5, 1882. Stat. 22, p. 297.



7, 1883, was ratified and confirmed by a clause in the Indian appropriation act for the current year, and the sum of \$85,000 appropriated to carry the same into effect.

A special agent of this office has been instructed to visit these Indians for the purpose of fulfilling the stipulations of the agreement so far as rendered necessary by their compliance with its conditions. He is now with them in the discharge of that duty.

#### LOGGING OPERATIONS BY INDIANS AT LA POINTE AGENCY, WISCONSIN.

Under the provisions of the treaty with the Chippewa Indians of Lake Superior, September 30, 1854 (10 Statutes at Large, 1109), over five hundred Indians have received patents for 80-acre tracts, variously located on the Lac Court d'Oreilles, Bad River, and Red Cliff reservations, and restricted against sale, lease, or alienation without consent of the President of the United States. Most of the lands patented are heavily timbered with pine. The Indians being desirous of turning the timber to account, authority was on the 28th September, 1882, granted by the Department for all such patentees to cut and sell the timber from three-fourths of the tract patented, leaving the remaining one-fourth of the timber in a compact body, intact for future use for fuel, fencing, &c.

The Indians were not permitted to sell stumpage, neither were white crews to be allowed on the reservations to do the work, but the Indians themselves were to cut and sell, delivered on the bank of a driving stream, lake, or at mill, as should be agreed upon with the purchaser. The logs were to be scaled by a competent person approved by the United States Indian agent, and scaling charges were to be paid equally by the parties to the contract. Payment was to be made to the Indian owner from time to time during progress of the work, as should be agreed upon between the contracting parties, final payment to be made before removal of the logs. The Indians were to be at liberty to make their own contracts, subject to the approval of the United States Indian agent and the Commissioner of Indian Affairs. Bonds were required from the purchasers in a sum sufficient to insure the faithful performance of the contracts.

During the season of 1882-'83, forty-two contracts, prepared in accordance with form approved by the Department November 1, 1882, were made by individual Indians holding patents for lands on the Lac Court d'Oreilles, Bad River, and Red Cliff Reserves, variously calling for from 30,000 to 900,000 feet of pine, ranging from \$5 to \$6.50 per 1,000 feet. These, with accompanying bonds, were submitted by the agent and approved by this office. The result of these operations was in the main very satisfactory, the Indians for the most part coming out considerably ahead of their contracts, many of them at the close of the season being in possession of cattle, horses, sleds, household goods, implements, and in some instances considerable cash balances, independent of supplies furnished by the contractor.

During the season of 1883-'84 the operations were on a more extended scale, eighty-eight contracts, just double the number in the previous season, having been entered into and approved, independently of some cases, where, notwithstanding the vigilance of the agent, logs had been prepared for market by the Indians without the formality of a contract. The returns show that during that season over 48,000,000 of feet of timber were cut and banked, ready for delivery by the Indians, representing a money value of over \$250,000. The result of these operations showing the net amount cleared by the Indian owners of the logs may be summarized as follows:

Lac Court d'Oreilles Reserve:

Cash balances paid to Indians after deducting supplies furnished by contractors.....	\$32,466 40
Oxen on hand—value.....	2,585 00
Horses on hand—value.....	2,950 00
Camp outfits—value .....	4,640 00
Leaving (as the net result of the contracts made by 46 Indians).....	42,641 40

Red Cliff Reserve:

Cash balances paid to Indians after deducting supplies .....	1,190 13
Horses, wagons, &c., on hand.....	918 00
One house and lot.....	1,000 00
One house and lot—value not given .....	
(Leaving (as the net result of the contracts made by 5 Indians).....	3,108 13

Bad River Reserve:

Cash balances paid to Indians after deducting supplies (this being the net result of contracts made by 25 Indians).....	18,448 52
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This, it will be observed, is independent of supplies with which the Indians were furnished and charged by the contractors during the progress of the work. The figures above given represent only the net gain of the Indians who made the contracts, while, as a matter of fact, all the available male adult population of the reserves were engaged in the work and derived their principal means of support therefrom. In his report accompanying these statistics, the agent remarks that the logging operations have generally been satisfactory to him, and he believes profitable to the Indians, both pecuniarily and as a matter of education, and although he considers that to sell the stumpage directly to buyers with authority to put in the pine with white crews would realize more money for the individual Indian owners, he still deems the present method, with some modifications, the best. By selling the stumpage, the Indian owners would get their money without labor; the remainder of the Indians would be left idle; in a short time the timber would be cut off and the Indians not having acquired the habit of labor, and naturally improvident, with money easily acquired, would be poorer and more dependent than ever. Owing to the want of knowledge of logging operations, caring for and handling teams, &c.,



by the Indians, the agent was at an early stage of the proceedings authorized to allow the employment of white foremen, cooks, and teamsters to a limited extent in the lumber camps. He thinks the Indians have now had sufficient experience to dispense entirely with white labor, and recommends that hereafter white labor of any kind be dispensed with, except allowing a white contractor to employ a man at his own expense to see that the work is properly done according to contract. I have been induced to treat this subject at considerable length on account of the experimental character of the work. It has so far proved to be an experiment in the right direction, and I therefore think the benefit derived by the Indians pecuniarily and as a matter of practical education should appear on record, as some answer to the argument that the Indian will not work.

I have the honor to be, sir,

Very respectfully, your obedient servant,

H. PRICE,  
*Commissioner.*

The Hon. SECRETARY OF THE INTERIOR.

