
P A P E R S

ACCOMPANYING THE

REPORT OF THE COMMISSIONER OF INDIAN AFFAIRS.

1873.

PAPERS ACCOMPANYING THE REPORT OF THE COMMISSIONER OF INDIAN AFFAIRS, 1873.

A.

REPORT OF SPECIAL AGENT JOHN G. AMES IN REGARD TO THE CONDITION OF THE MISSION INDIANS OF CALI- FORNIA, WITH RECOMENDATIONS.

WASHINGTON, D. C., *October 28, 1873.*

SIR: I have the honor to submit the following report touching the "number, location, and condition of the so-called Mission Indians of Southern California," with such recommendations in their behalf as seem best adapted to meet the exigencies of their situation.

In accordance with your instructions, I proceeded in May last to Southern California, where, on the 1st of June, I fixed the headquarters of the agency at Los Angeles. At this point I was detained several weeks, in consequence of the severe illness of a member of my family. This detention, however, was rather favorable than otherwise to the investigation upon which I was about to enter. It gave me the opportunity of learning the views of many of the citizens of Los Angeles and vicinity concerning the Mission Indian question, of acquainting myself with many facts in regard to the past history and management of these Indians, tending to throw light upon their present condition, and of advising with those whom I found best informed upon the subject as to what was best to be done with and for them. It gave me, also, the opportunity of learning, from the officers of the land-office at Los Angeles, so far as the records of that office indicate, the status of land in Southern California, which will aid materially in the solution of this question. I will say in this connection that I found the sentiment of the people of Los Angeles for the most part friendly to the Indians, and in favor of the Government doing something without delay in their behalf. There is a general feeling among those who give any attention to the subject that action in the premises has already been too long neglected, increasing the grievances of which the Indians complain, and making it ever more difficult to remedy the evils to which they are subject.

During my stay at Los Angeles I had several conferences with Indians of the San Luis Rey tribe; the first on June 12, with certain Indians living in Los Angeles, who expressed their gratification that the attention of the Government was at length directed to them, and their hope that they might soon be secure in the enjoyment of their rights. They desired especially that their title to lands now occupied by them should be so confirmed that they could not be driven from them by white men, and thought if this were done the Indians could easily take care of themselves.

Information having been communicated to the Indians living at Pala and vicinity that an agent of the Government had reached Los Angeles, I was in a few days visited by Olegario, actual chief of the large majority of the San Luis Rey tribe, though not recognized as such by the late superintendent of Indian affairs for California. Olegario was accompanied by ten of his captains. With these Indians I had protracted interviews on the 23d of June and on the 3d and 5th of July. They had come to lay their grievances before me and to ask the speedy interposition of the Government in their behalf.

The burden of their complaint was to the effect that they had been gradually driven from the lands which they or their fathers once occupied, the title to which they thought justly belonged to them, until at the present time but little available land remained to them; that white men were in many cases endeavoring to take from them the lands upon which they are living, and by the cultivation of which they gain a partial support; that they were frequently annoyed by the settlers interfering with water upon which they depended for irrigation, corraling their stock, and subjecting them to fine for the same, or taking it from them altogether, threatening them with violence, and in other ways invading what they believe to be their rights; that in disposing of lands the agents of the Government have never recognized the possessory rights of the Indians, and that in consequence they have been, and are still, obliged to abandon lands which they have held in immemorial possession, and to remove from

places to which they are specially attached, as the home and the burial-ground of their ancestors, and this without any provision being made for them elsewhere.

They desired the Government to interfere to prevent this being done hereafter, and to secure them in the possession of the lands now occupied by them. If this was done they could readily support themselves, and were willing to do so, without aid from the Government, except in the matter of farming implements and seed and clothing for the supply of their immediate wants.

They urged, furthermore, as a special grievance, that their right to elect their own chief had been interfered with by the late superintendent, and that the Government recognizes as chief an Indian who was repudiated by nearly all the tribe, against whom they protested at the time of his appointment, two years ago, and whose authority they had since disregarded. They wished a new election ordered, that the tribe might choose its own chief and be no longer even nominally subject to one to whom so few owed allegiance.

In reply I assured them of the sincere desire of the Government to secure their rights and promote their interests, and of its intention to do whatever might be found practicable in this direction; that I had been sent out by the Government to hear their story, to examine carefully into their condition and recommend such measures as seemed under the circumstances most desirable; that I should, as soon as possible, visit them in their homes and see with my own eyes how they were situated, so that I might be better able to advise in their behalf.

It was a matter of special gratification to me that at the conference with Olegario and his captains, held July 3, General B. R. Cowen, the Assistant Secretary of the Interior, was present to listen to their story and to give them wise counsel. General Cowen expressed himself as particularly pleased with their appearance, and hopeful of their future if they were to be regarded as specimens of the Mission Indians.

TOUR OF INVESTIGATION.

On July 7 I started on a tour of investigation among the Indian settlements of the San Luis Rey tribe, accompanied by Mr. L. E. Sleigh, who, with the approval of the Indian Office, had been appointed clerk of this agency, and by Mr. Louis Wartenberg as interpreter.

We reached San Juan Capistrano the next day, where we called upon Rev. Jos. Mutt of the Roman Catholic Church, whom we found much interested in the Indians of that locality and in possession of information of interest in regard to the pueblo lands adjacent to the mission property. He showed us copies of record matter obtained at great trouble and expense from the archives at San Francisco, from which it appears that the pueblo of San Juan Capistrano was in the year 1841 actually subdivided by the Mexican authorities among the inhabitants, the Indians sharing with the Mexicans in this distribution.

If the claim of the Indians residing there, of whom there are about forty souls, can be established, as Rev. Mr. Mutt believes, the problem as far as they are concerned will be easily solved.

On the 11th we proceeded to San Luis Rey, where are to be found half a dozen families of Indians living upon land in dispute between them and one John Somers. The condition of these Indians, as well as the facts in the case of this dispute, are ably set before the Department by the late superintendent, C. B. Whiting, in a special report under date of May 19, 1873, to which reference is respectfully made.

On the 12th we proceeded thence to the city of San Diego, remaining there until the following Monday evening for the purpose of conferring with some of the citizens of the place as to the condition of the Indians of the country and the course best to be pursued by the Government to better their condition. A diversity of opinion prevails, but all agree that the disputes between the Indians and Americans involving titles to land should be speedily settled.

Reaching Pawai on Monday evening, I was there detained by illness two days, but sent Mr. Sleigh and the interpreter forward to visit certain Indian villages with the understanding that we should meet at Pala, the headquarters of the San Luis Rey tribe. Mr. Sleigh's report of his detour is here inserted:

"LOS ANGELES, CAL., July 31, 1873.

"DEAR SIR: I have the honor to submit the following report of my visit to the Indian villages of San Pasqual, Santa Ysabel, and Agua Caliente, in the county of San Diego, State of California.

"I reached San Pasqual on the 15th instant, from Pawai, where you were yourself detained. I proceeded at once to the house of Panto Lion, captain of the village, and requested him to summon his people together on the following morning for a conference, at the same time explaining to him that we had been sent by the Government at Washington to inquire into their condition and to ascertain if anything could be done by the Government to aid them.

"The villagers began to assemble early. At the appointed hour the captain rose, and in a short speech in the Indian language, which seemed to be both eloquent and well appreciated, gave his hearers to understand the errand upon which I visited them. A lively interest was manifested by every one. They complained of the encroachments of their American neighbors upon their land, and pointed to a house near by, built by one of the more adventurous of his class, who claimed to have pre-empted the land upon which the larger part of the village lies. On calling upon the man afterward, I found that such was really the case, and that he had actually paid the price of the land to the register of the land-office of this district, and was daily expecting the patent from Washington. He owned it was hard to wrest from these well-disposed and industrious creatures the homes they had built up. 'But,' said he, 'if I had not done it somebody else would, for all agree that the Indian has no right to public lands.' These Indians further complain that settlers take advantage of them in every way possible; employ them to work and insist on paying them in trifles that are of no account to them; 'dock' them for imaginary neglect, or fail entirely to pay them; take up their stock on the slightest pretext and make exorbitant charges for damages and detention of the stock seized. They are in many cases unable to redeem it. They have therefore little encouragement to work or to raise stock. Nor do they care to plant fruit-trees or grape-vines as long as land thus improved may be taken from them, as has been the case in very many instances. Among the little homes included in the pre-emption claim above referred to are those adorned with trees and vines. Instead of feeling secure and happy in the possession of what little is left to them, they are continually filled with anxiety. They claim that they ought to be allowed to remain where their forefathers have lived for so long, and that they should be protected by law in the peaceful possession of the homes that have been handed down to them.

"I asked how they would like for their children to go to school, learn to speak the English language, and to live more like white people. It would be very nice, they replied, but it would do them little good if they could not have their homes protected.

"I asked them how they would like to be moved to some place where they could be better protected, have ground of their own secured to them, and more comfortable homes. The answer was, 'Our fathers lived and died here, and we would rather live here than at any other place.'

"In conclusion I assured them that I should report what I had learned about them, and that I had little doubt but that the Government at Washington would be able to do something to better their condition, charging them at the same time to strive, as I felt they had been doing, to keep the peace among themselves and with the whites.

"I proceeded thence by the most direct route to Santa Ysabel rancheria. On reaching that place, I found the captain, Augustine, absent; sent a messenger for him, and also one for the chief of the Diegenes, Pablo Pene, who lives in a neighboring rancheria. There are about one hundred and twenty-five souls at Santa Ysabel. They occupy the finest valley of the ranch of the same name, on one side of which are about twenty adobe houses for winter-quarters, while on the other side, near their fields of grain, are as many brush-houses, now occupied. At the time that I reached the village, men, women, and children were scattered over the fields harvesting their grain. Some were reaping, some thrashing, some grinding, while near the houses women were making it into bread for immediate use. It was altogether an interesting picture to look upon.

"The chief and captain arrived during the night, and as soon as possible in the morning I sought a conference with them in relation to the condition and wants of their people. I was glad to find them exempt from many of the annoyances of which the Indians of San Pasqual complain. The land which they occupy is claimed under a grant from the Mexican government by private parties, who have hesitated to undertake to eject the Indians for fear of violence on their part in resisting, as they (the Indians) dispute any ownership more sacred than their own, and insist that they should not be disturbed in their possession.

"I reached Agua Caliente on the 17th instant. From a notched stick given me by the captain of the village, José Maria Moro, it appears that there are one hundred and sixty-eight Indians at that place. The land upon which they live has been understood to be of the public domain, until a recent survey of Warner's ranch betrayed the fact that it was included within the boundary of said ranch. The owners of the ranch threaten to drive them away, and settlers have interfered with their water-privileges, and annoy them in many ways. On the whole they have little to encourage them, and begin to feel that the white man is their enemy.

"My talk with the Indians of Santa Ysabel and Agua Caliente was substantially the same as at San Pasqual. They look to the Government to relieve them of the difficulties under which they now labor. They are peaceably disposed, and for the most part industrious, and deserve better treatment than they get.

"At San Pasqual and Agua Caliente I was called upon by white settlers, the majority of whom had no good word for their dusky neighbors. 'They are thieves; they are treacherous; they are vagabonds.' It was urged that they should be taken to some one of the Territories and surrounded by soldiers to keep them at home, or to some

island in the sea. I found, however, little in my journey to confirm such opinions, but was glad to note many indications of thrift. I could but wonder, indeed, that they are as reliable, honest, and peaceable as I found them to be. The sentiments entertained by very many white men in Southern California toward the Indians are well illustrated in the conclusion to which the proprietor of a small ranch near Temecula came in presenting the subject to me from his stand-point. It is well to mention that a family of Indians has occupied one corner of his ranch 'from time immemorial.' His wise and humane (?) conclusion was that the owners of large ranches should not drive 'their Indians' away, but should keep them to work for them, and set apart certain portions of the ranch for them. 'There is worthless land enough upon every ranch,' he said, 'for Indians to live on.'

"The Indians of San Pasqual and Santa Ysabel belong to the Diegenes tribe, with Pable Pene chief, while those of Agua Caliente are Coahuila Indians, under the chiefship of Manuel Largo. The two tribes speak different dialects; a few in either tribe can speak the Spanish language, but I found none able to converse in English. The aggregate number of the Diegenes is estimated at one thousand, distributed in about fifteen rancherias, which are situated in the central and southern portions of the county of San Diego.

"All of which I have the honor to submit.

"LUTHER E. SLEIGH.

"Rev. JOHN G. AMES,

"*Special Agent Mission Indians.*"

Proceeding by way of San Pasqual and Bear Valley, for the purpose of examining the country with reference to a reservation, I reached Pala on the 18th, where, on the next day, I had interviews with José Antonio Sal, chief, and with Manuelita Cota, ex-chief of the tribe; also visited the flourishing Palma rancheria on the Palma grant, reaching Rincon, the residence of Olegario, whom most of the tribe acknowledge as chief, the same evening. Here I was rejoined by Mr. Sleigh on the 20th.

It being Sunday, we held in the evening a religious service, which was attended by most of the Indians of the rancheria, who gave respectful attention to the words addressed to them. At their special request this service was concluded with the recital of a portion of the liturgy of the Catholic Church, one of their own number leading and the rest responding.

Visiting the potrero, near by, on the next day, I found an Indian family of unusual interest, because of their greater intelligence and generally recognized superiority among the tribe. The head of the family was absent, but his wife, "Margarita," known far and wide among the Indians, seemed quite competent to take the management of affairs in his absence. This Indian woman claims a half league of land which was granted by the Mexican government to her grandmother, and which she now holds by her mother's will in trust for the heirs of the same. The rancheria upon this land is composed chiefly of these heirs, who derive from the land a comfortable subsistence.

Returning to Rincon, I had the good fortune to witness in the evening one of the traditional dances in which the Indians take so much delight. It was conducted in an orderly manner, nor was it carried to excess, and could hardly be regarded by any as other than a safe and commendable amusement for them.

On the 21st, at this place, a conference was held with the San Luis Rey Indians. Runners had been sent out to inform those living in the different rancherias, and a large number had come together eager to hear the news from Washington. This tribe takes its title from the Mission of that name. It is farther advanced in civilization than any other tribe of the so-called Mission Indians. They have the reputation of being industrious, and for the most part peaceable, and but for the difficulties they labor under, in consequence of the unsettled condition of land matters and the disregard of their rights by the settlers, would be self-sustaining and make reliable citizens.

At present they are in trouble about their chief, as indicated at the conference at Los Angeles. A large majority prefer Olegario, and if an election were held now he would doubtless be chosen. He is intelligent above the average, peaceably disposed toward the whites, capable of controlling his Indians—for he is virtually chief, notwithstanding the action of the late superintendent—and is at the same time an enthusiastic defender of his people and disposed to take advanced grounds on questions of their rights. A more competent man altogether cannot be found in the tribe.

Manuelita Cota and Francisco Magla, ex-chiefs, and José Antonio Sal, chief, were also present at the conference. We were obliged to employ two interpreters, in order that all could be made to understand what we had to say. I began by reading my letter of instruction, and explained the same to them. Much satisfaction was expressed at the prospect of relief from the Government at Washington.

They complained that they were subjected to many indignities from white neighbors who covet the lands occupied by them; that the water they had long depended upon for irrigation had been turned out of its course, rendering their lands useless. Lands that they have supposed to belong to them have, on various pretexts, been wrested from

them. They feel that the Government should protect them from injustice in such matters. They also expressed a desire that schools should be established among them, so that their children may learn to speak the English language and live more like Americans.

I explained to them, at length, the law in relation to the Government and grant lands upon which they live; also, the laws of the State relative to the care of stock, and trespass by the same.

In regard to the election of a chief, about which intense feeling prevails, I told them I would refer the question to the Government for instructions, as I had no authority to order an election at present.

In conclusion, addressing Olegario and his captains, and then José Antonio Sal and his captains, I charged them to see that the peace be kept and the rights of everybody's property respected; that there should be no strife among themselves, but that all should work together for the common good.

The aggregate number of the San Luis Rey tribe, as reported by the several captains, is nine hundred and seventy-five. These are distributed in ten rancherias, scattered over the northwestern portions of San Diego County and located some upon Government and some upon grant lands.

On the whole the conference resulted satisfactorily. The Indians expressed themselves as willing and anxious to live at peace with the settlers, and ready to wait patiently, yet longer, for the Government to take such action as will secure them in the enjoyment of their rights. They preferred many requests, most of which are implied in the recommendations which are to follow.

Leaving Rincon we rode over the mountains to Temecula, where is an Indian village, and from thence returned to Los Angeles.

On the 1st of August I set out to visit the Coahuila Indians. This tribe is divided into two sections, one under Cabezon as chief, living in San Gorgonio Pass, and in the desert beyond; the other, under Manuel Largo, located principally in the San Jacinto and Coahuila Valleys south of the San Jacinto Mountains. The existence of the first-mentioned section of this tribe has seldom, if ever, been recognized in any official report concerning the Indians of Southern California.

Proceeding by way of San Bernardino, I visited Mr. M. H. Crafts, residing near San Gorgonio Pass, whose letters to the Indian Office in regard to these Indians had been referred to me by the honorable Commissioner. I found Mr. Crafts thoroughly interested in their welfare, and well qualified, through twelve years' acquaintance and friendly intercourse with them, to render me efficient service. He accompanied me in my visit to the desert, where, in our conference with the Indians, I saw in their manifest regard for him how readily their confidence and good-will are awakened by kindly treatment and sympathy.

A messenger was dispatched to summon Cabezon and his captains to meet me at the potrero in the San Gorgonio Pass, on the following Wednesday. Proceeded through the pass as far as Warm Spring Station for the purpose of visiting a rancharia there located, and of ascertaining from actual observation the condition of the desert Indians, returning to the potrero to meet Cabezon according to appointment.

The venerable old man, supposed to be upwards of ninety years of age, arrived about noon of the day designated, at the head of a company of horsemen in single file, heralded by a marshal in uniform, who announced the approach of the chief and captains with much pomp and noise. The company seemed much exhausted from the fatigue of their hot ride through the desert, while the condition of their horses indicated great destitution in the matter of pasturage. Cabezon had the previous day sent an urgent request that meat and flour should be furnished them on their arrival, as they were not able to supply themselves with food at the conference. I could not do otherwise than comply with this request, purchasing the necessary provision of a white settler in the pass. This aged chief is in many respects a remarkable man. He is venerated by all his people, over whom he has long exercised a powerful influence and always in the interest of peace and good-will toward the whites. Even when their rights have been disregarded and their enmity excited, he has withheld them from acts of hostility, persuading them to wait until the Government should come to their aid. Through his influence, also, the tribe has been kept from allying itself with the tribes on the Colorado River for the purpose of making war upon the whites. His efforts seem from the first to have been devoted to the preservation of the peace between the two races.

The mind shudders at the contemplation of what would probably have been the results to the inhabitants of San Bernardino County had Cabezon and his tribe assumed a different attitude. More than this, the whites of that section of California have been largely dependent upon these Indians in the care of their farms, much of the labor in all departments of farm-work being performed by them. Many of the land-owners would have been subject to great inconvenience had not this Indian labor been available. In the mean time the Indians have reaped no permanent advantage

from their labors; they have only become demoralized by their contact with the whites.

After resting a while and partaking of some refreshments, Cabezon announced himself ready to proceed with the conference. This took about the same direction as that at Rincon, detailed above.

The Indians dwelt at length upon the encroachments of the whites, depriving them of lands to which they asserted their sole ownership, and driving them back into the desert, where they must soon perish. They were very reluctant to proceed to the consideration of any other questions until they should be assured of the restoration of lands wrested from them, or, at least, of the peaceable retention of what they now occupy. They were very much disposed to eject by force one or two trespassers who were just then annoying them, and were induced to defer such action only on my assuring them that their grievances would be made known at Washington, and that I felt confident the Government would protect them in their rights.

They complained also of being overlooked in the distribution of presents, saying they had received only the merest pittance, while other Indians, who were not more deserving than they, had been liberally supplied. To this I replied by assuring them that the Government would endeavor to prevent any unjust discrimination hereafter, and that in any future distribution of goods among the Indians of Southern California they should receive their proper share.

They requested that schools might be established among them, and expressed a willingness to co-operate with the Government in any effort it should make for their benefit.

In conclusion, Cabezon said he was growing very old and must soon die, but he wished before he passed away to see his Indians settled upon lands which they could call their own, and where they and their children could live unmolested. At a subsequent interview with Cabezon and a few of his tribe at the residence of Mr. Crafts, the same topics were still further discussed, with the additional request that the Government regard his wish concerning his son, then present, whom he had appointed his successor as chief of the Coahuilas.

The aggregate number of this section of the tribe, as reported by the several captains, is one thousand and eighty, distributed in about twelve rancherias. Most of these rancherias are located in the desert or among the mountains bordering the same, where but limited opportunities for procuring a livelihood are afforded.

At the potrero, however, where the conference was held, there are, I should judge, eight hundred acres of irrigable land. This land has been occupied from time immemorial by these Indians, and has, I was told, been regarded as a kind of retreat for the squaws and the aged of the tribe, whenever they have been driven back from the now more settled portions of San Bernardino County. The potrero has been supposed to be well fortified against American settlers by the situation of their village at its entrance; but within a few months an adventurous white man, coming over the mountain, has taken up his abode in the upper part of their domain, where he constructed a rude dwelling before his presence was known to the villagers. They demanded that he be made to give up to them again their former pasture-grounds, and said they would have expelled him by force, had they not heard of my coming. They, however, reluctantly consented to wait still longer to enable me to present the facts in the case to the Government at Washington.

We proceeded thence by way of San Bernardino and Riverside, the nearest available route, to visit that portion of the tribe which recognizes Manuel Largo as chief, residing principally in the San Jacinto and Coahuila Valleys. I found the Indians of San Jacinto involved in the usual difficulties with the whites. This rancheria is located partly upon a grant, and in close proximity to the principal spring of water in the valley. Bitter disputes have sprung up between the two races, which threatened at one time to result in acts of violence. The whites accuse the Indians of running off and killing their stock. This, I have no doubt, is sometimes done, though by no means to the extent alleged.

The Indians on the other hand accuse the whites of driving them from their lands and of wresting from them their homes, in violation of every principle of justice, protesting their unwillingness to submit longer to such treatment, and their purpose to take matters into their own hands unless the whites desist from their encroachments or the Government protects them in their rights.

Those living in the Coahuila Valley are more isolated and so less subject to annoyance from settlers. They have, however, driven off one or two whites who have attempted to squat upon their lands, and declare their intention to pursue the same course in the future if like attempts are made.

This section of the Coahuila tribe is less peaceably disposed—more inclined to resort to force in the maintenance of what they believe to be their rights—than any other Mission Indians. They have, during the past summer, been very much excited by the presence among them of the United States marshal, who came for the purpose of arresting certain parties accused of stealing stock. The state of feeling is such that I

deem it very important that adequate measures be taken to preserve the peace and to secure the rights of both parties at the earliest practicable moment.

A conference was held with Mannel Largo and his principal captains, in the Coahuila Valley. This conference, in its main features, so clearly resembled those already held, that I deem it unnecessary to give a detailed account of it.

The Indians under Manuel Largo, who was appointed chief by the late Superintendent Whiting, number, as reported by their captains, eight hundred and fifty-seven. They own more stock and are less given to agriculture than their fellow Indians; this is owing, in part, to the fact that much of their land is situated at such an elevation that grain or vegetables cannot be grown because of frost.

Returning to Los Angeles we proceeded thence to San Diego for the purpose of examining into the condition of Indians residing in the southern part of San Diego County. Having heard that there were quite a number in the vicinity of Julian, a mining town situated some seventy miles in the interior, we visited that locality. Julian is a resort to which many Indians flock for the purpose of procuring liquor, or for purposes still more reprehensible. No Indian village, however, is located there, nor could I learn of more than two or three rancherias along the southern border of the county. It was impracticable to hold any conference with them from their being so much scattered. Their condition very closely resembles that of the other Diegenes above referred to in Mr. Sleight's report. Quite a number of this tribe are always to be found in the neighborhood of San Diego, and always in a demoralized state. The facilities which towns afford for vicious and debasing indulgences prove to no class more disastrous than to the Indians.

My tour of investigation among the Mission Indians has made me more hopeful than I had anticipated in regard to their future, provided the Government is ready to do what ought to be done for their relief.

In connection with many characteristics which belong to them in common with the rest of their race, they exhibit others more closely allying them to the whites, of which efficient use may be made in efforts which the Government shall undertake in their behalf. Their contact with the whites, while in many respects it has wrought harm, has in others operated to their advantage, especially as it will facilitate their future acquisition of the arts of civilized life. While they complain of the manner in which they have been treated by the whites, I discovered very little of the spirit of revenge among them. So far from this, I think no other race would have borne so patiently and with so little effort at retaliation the indignities and wrongs to which they have been subject. They are generally indolent, which, under the circumstances, is not a matter of surprise. I believe, however, they can be persuaded to labor if those inducements are presented to them that are most influential with other men. They are thriftless and wasteful, but there have been, in their case, small encouragements toward the cultivation of better habits. They take little thought of the morrow, satisfied if their present necessities are supplied. This fault, however, can be gradually remedied by establishing among them that individual relation to property which subsists among the whites, and by fostering a desire for its acquisition.

The sanctity of the marital relation is sometimes disregarded by them, but the law of chastity is most frequently violated through the persuasions of corrupt white men, who look upon the Indian as the defenseless victim of their lusts. The evils resulting from this are so serious as to demand the enactment of the most stringent laws tending to the suppression of this vice. Guilty white men should be made to feel severely the consequences of their acts. The infliction of punishment will operate more efficiently than any effort to keep the two races separate.

The worst habit on the whole, in its results, to which they are addicted is intemperance. This works fearful demoralization among them. The law forbidding the sale of liquor to Indians is violated with impunity. Notice has seldom been taken of such violation by those charged with the execution of the laws, partly because there has been no agent to interest himself in the matter, and partly because public sentiment has too often regarded the Indian as lawful prey even for whisky-sellers. Very unsatisfactory results have for the most part followed attempts to secure conviction under the law. The attention of the Government is earnestly called to this subject. It is probable that some change in the law itself, or in the provisions for its execution, may be made by which it shall be rendered more efficient in the suppression of this evil.

As for other evils incident to their situation, and other faults of character, these, I think, can, in large measure, be gradually remedied by the judicious management and good example of the agent who shall be put in charge of them, and of his subordinates, and especially by bringing them under the wholesome influence of law—both State and national—whose protection and restraint will serve to promote order and peace, to check individual license and self-will, and to foster a spirit of subordination and a just regard for each other's rights. I deem it of great importance that these Indians should be treated as standing in the same relation to the laws of the land as white men, and should be taught that violations of law would subject them to punishment by the civil authorities.

THE RELATION OF THE MISSION INDIANS TO THE UNITED STATES GOVERNMENT.

The Mission Indians became subject to the jurisdiction of the United States Government in virtue of the treaty of Guadalupe Hidalgo. By its stipulations they were to occupy a relation to this Government analogous to that sustained by them to the government of Mexico, and were to be protected in the enjoyment of the rights appertaining to this relation. I shall not here enter upon the discussion of the question of their citizenship under the Mexican Republic. This question has been recently discussed in a report of the late superintendent, Mr. Whiting, bearing date May 19, 1873, to which attention is herewith called. In this report Mr. Whiting asserts the fact that they were recognized as citizens by the government of Mexico and as entitled to the privilege of voting. In accordance with this view it has been decided by the United States court for the Territory of New Mexico, that the Indians within the territory acquired by the United States from Mexico are, by virtue of the provisions of the eighth article of the treaty of Guadalupe Hidalgo of 1848, citizens of the United States. If this position is well taken it would seem that, on their becoming subject to the jurisdiction of the United States, they could not justly be denied all the special rights of citizenship, or be treated as the Government has been accustomed to treat the wild and uncivilized tribes with whom it has had principally to deal. As a matter of fact, however, they have never been recognized as citizens by our Government, nor as entitled to any rights which a citizen is bound to respect.

They occupy an anomalous position. No treaty has ever been made with them by which they could be recognized as *imperium in imperio*. They have never assumed a hostile attitude toward the Government or the settlers, requiring the employment of force for their control. They never urged their claims upon the attention of the Government until recently, when it has become evident to them that they will soon be deprived of everything they had thought their own unless the Government interfere to prevent it.

They maintain their tribal relationship and self-government only in a modified form, holding themselves amenable to the laws of the United States and of the State of California. Tribal bonds are becoming gradually weaker, and at no distant day it is probable they may be readily persuaded to dissolve this relationship altogether. It would not, in my view, be wise to attempt this dissolution at present. Nor would it be wise to admit them as a whole to the privileges of the franchise, unless justice requires this—unless it can be clearly shown that this right was guaranteed by the treaty of Guadalupe Hidalgo. It is very desirable, however, that they should be admitted to all the rights of citizenship as soon as practicable, and that they should as far as possible be encouraged and helped to fit themselves for the intelligent exercise of these rights. There are a few who are already well qualified and ready to become citizens, and who are willing, if necessary to this end, to renounce all tribal jurisdiction.

Three Indians at least have recently made application to be registered as citizens in Los Angeles County. Their petition was refused by the clerk of the county court, acting under the advice of the district attorney, on the sole ground of their being Indians. They then referred the matter, through their attorney, C. N. Wilson, esq., to the United States commissioner at Los Angeles, asking him to take such action in the premises as would fully test their rights in this regard under the Constitution. He refused to have anything to do with the case, further than to transmit the affidavits of the Indians to the district attorney at San Francisco. Here the matter rests for the present, with little prospect that anything in their interest will be done by the officers of justice, to whom they have made appeal. Should this claim continue to be disregarded, the attention of the Government will again be called to their case, in the hope that some provision will be made, if not already existing, by which they, and such as they, can readily secure their recognition as citizens of the United States.

I deem it important that whatever hinders this should, so far as possible, be removed, and that in the management of these Indians the Government should always keep in view their incorporation with the body-politic at the earliest practicable moment.

THE RELATION OF THE MISSION INDIANS TO THE LANDS.

It will be observed one claim which these Indians urge with much feeling is their right and title to the lands upon which they and their fathers have lived from time immemorial. They assert their former ownership of all this country, and say that no purchase of any portion of it by white men has ever been made. Much of it, however, has been forcibly taken from them without their consent. They ask that this be no longer permitted, and that the Government secure them in the possession of the few acres now occupied by them.

However valid this claim might have been under the Spanish government, and with whatever show of justice it may now be urged, it has, I take it, no real validity in law as applied to lands in general. Since the acquisition of this territory the United States

have never acknowledged any Indian title to the land. With other tribes treaties have been entered into, with a view to the extinguishment of their title, involving often large expenditures of the public money. As regards these Indians, however, a committee of the United States Senate, to whom the matter was referred, reported that no such treaty was necessary; "that the United States, acquiring possession of the territory from Mexico, succeeded to its rights in the soil; and as that government regarded itself as the absolute and unqualified owner of it, and held that the Indian had no usufructuary or other rights therein which were to be in any manner respected, they, the United States, were under no obligations to treat with the Indians occupying the same for the extinguishment of their title."

In accordance with this view, the assumed Indian title has always been disregarded by the land-officers of the Government in this district and by settlers. As expressed by the present register of the land-office, the location of an Indian family or families on land upon which a white man desires to settle is, in law, no more a bar to such settlement than would be the presence of a stray sheep or cow. And so, like sheep or cattle, they have been too often driven from their homes and their cultivated fields, the Government, through its officers, refusing to hear their protests, as though in equity as well as in law they had no rights in the least deserving consideration. Such, however, having been, and still being, the theory and practice of the Government, I cannot think it possible that it will now turn a deaf ear to the complaints and to the petitions of these Indians. Every consideration of justice and humanity, and a regard for their continued peace and good will, unite to urge the Government to make immediate provision for the few that remain of these once populous tribes, to secure them in the enjoyment of their rights and in the possession of homes which they can truly call their own.

The question of the equitable title of the Mission Indians to lands in California is discussed in the report of Superintendent Whiting, above alluded to, to which attention is again called.

The policy of the Spanish, and subsequently of the Mexican government, was to intrust the care of the Indians to the priests of the Catholic Church. These priests were authorized to establish missions wherever required, and to gather the Indians of the vicinity into communities about the missions. Lands to the amount of from four to eleven leagues were assigned for the use of each mission. The success which attended the efforts of these missionaries is attested by the interesting, and in some cases remarkable, ruins of the mission buildings erected by the Indians under their supervision, by the degree of civilization to which the Indians were raised through their influence and instruction, by the fact that at some of these missions as many as five thousand Indians were gathered; that upon the lands of the mission as many as seventy-five thousand head of cattle were kept, besides large flocks of sheep and other stock, while corn and other articles of food were grown sufficient for their support.

I am led to believe that it was the design of the Spanish government to erect these missions into pueblos, and to distribute the lands among the Indians, giving to each family a certain number of acres as soon as they were sufficiently civilized to warrant such a step. This distribution of lands, however, was never made under the Spanish rule, and, so far as I am informed, in only one instance under the Mexican rule. I refer to the mission lands of San Juan Capistrano, which, according to documents now in the archives at San Francisco, were so distributed by order of the Mexican government. Upon some of these lands Indian families are still living, claiming possession, and justly, I think, in virtue of this action.

A large portion of these mission lands is now included in grants claimed to have been made previous to the cession of this country to the United States. Nearly all the rest has been taken up under the pre-emption and homestead laws, so that of the many leagues once set apart for the special benefit of these Indians, and designed as their perpetual possession, not one now remains to them.

Many Indians are at present living upon grants which have been confirmed by the United States. Whether they are entitled to remain there and to enjoy the use of the land, or are to be regarded as trespassers, is a question which must soon be decided.

I have been frequently told that whenever grants were made under the Mexican government the right of any Indians then located upon the grant to a continual residence thereon was reserved, and the grantee was forbidden to eject or disturb them. I have not been able to verify this assertion. The Indians have assumed its correctness, and many of the grant owners have hitherto seemed to acquiesce; at least they have suffered the Indians to remain and enjoy the use often of the best portion of the grant, that, namely, whose proximity to streams or springs of water makes it available for agricultural purposes. The time will soon come, however, when they will demand, and, I think on general principles, with justice, the removal of these Indians. But, irrespective of such demand, the interest of the Indians will, in my view, be best promoted by removing them from grant-lands at the earliest practicable moment, and settling them upon lands to which the Government can give them title, and where all improvements shall redound to their own and their children's benefit.

MEASURES OF RELIEF DISCUSSED.

In view of these facts to which attention has now been called; in view especially of the peaceable and friendly attitude which they have always maintained toward the Government; of the general indifference with which their interests have been hitherto regarded by the Government; of the supposed injustice and wrong of which they believe themselves to be the subjects; of their helplessness in the presence of an increasing immigration, which, with the sanction of the law, is driving them from their homes, and seizing, without remuneration, upon possessions which they claim as their own; of the extremity to which they are reduced, now that nearly all the land available for their use has been taken up, an appeal is made to the Government that it will at length interpose its offices in their behalf, and take such action as will secure them in the undisturbed enjoyment of their rights and in the possession of homes which settlers shall not be permitted to take from them. When this appeal is made to an administration which has signalized itself by the just and humane policy it has adopted toward the Indians, I cannot think that it will be in vain. If other arguments or voices are needed to induce action on the part of the Government in this matter, I would refer to the reports of former agents who have had to do with the Mission Indians, nearly all of whom have earnestly recommended that provision should be made for them without needless delay.

What can be done?

Many suggestions have been made looking to a solution of this perplexing question. Some urge the policy of declaring them citizens, and then letting them take their chances with white men in securing lands under the homestead act. To say nothing, however, of their general want of qualification for citizenship, nor of the improbability of their soon attempting to avail themselves of the provisions of this act, there is little or no land in Southern California from which they could gain a livelihood open to them. Almost all the land fit for agricultural purposes has been taken up by settlers, or is claimed under Mexican grants. The case would probably be very different were all spurious grant-claims disallowed, and the boundaries of all genuine claims accurately defined, and the owners compelled to observe these limits. The Government would undoubtedly then find itself to be the possessor of many thousands of acres now claimed by private parties. There might then be good land enough for the Indians and to spare. There is not now. And to adopt the policy suggested would be only prejudicial to the Indians' true interests.

Some advise that they be let alone, and left as heretofore to take care of themselves, a policy which has already borne poisonous fruit, and which would result in the still greater demoralization of both Indians and whites, to say nothing of the bitter and hostile feelings which such a course would engender among the former. It is not improbable that even the Mission Indians might then be provoked to acts of hostility, insane as such conduct might appear to us.

Others recommend that they be removed to a distance from their present location, and be established on a reservation to be set apart for them either in Arizona or in some part of California remote from white settlements, where there will be least liability of trouble between them and settlers. This course is advised by the press of San Diego, and would without doubt be satisfactory to a large portion of the white population of San Diego County. The arguments advanced in its support are chiefly to the effect that the area of agricultural lands in San Diego County is so limited that it ought all to be reserved for white men; that the presence of the Indian operates, and will continue to operate, as a hindrance to the development of the resources of the country, and that only increasing demoralization can be expected from the continued contact of the Indians with the whites.

This would certainly be a simple solution of the problem if it were practicable and just, neither of which can I think it to be.

The recommendation does not contemplate, except in a most indirect way, the welfare of the Indian. It ignores all rights he may be supposed to have in the land he now occupies, and disregards any preference he may cherish in regard to his future location. It is suggested simply by a desire that that section of country may be rid of a population regarded by many as an obstacle in the way of their own prosperity, requiring for their support some portion of the good land whose possession is coveted for white settlers. It would, if undertaken, be a purely arbitrary measure, and could only be executed by force, as the Indians would not voluntarily relinquish their present homes to be transferred to some distant and unknown region.

Nor am I disposed to think that their being permitted to remain in the country and to occupy arable lands will retard agricultural development. On the contrary, I believe that if subject to judicious oversight and direction, and made secure in the possession of lands, such lands would soon yield under their management as large returns as would result if they were in the hands of white men. I see no reason to doubt but that in a few years many of them would become skillful farmers, whose peaceful labors would tend to increase from year to year the aggregate wealth of the community. But even if this were altogether doubtful, I think the dictates of justice and wisdom would forbid the approval of the plan above suggested on the part of the Government.

MEASURES OF RELIEF RECOMMENDED.

It remains for me to indicate the measures that commend themselves to my judgment as most judicious in the premises.

I recommend—

In regard to the San Luis Rey Indians—That, wherever they are now found located upon Government lands, such lands be set aside for their use, to the amount of not exceeding forty acres to every head of a family and to every unmarried adult male Indian; that for such of the tribe as are now settled upon land owned by private parties, the unappropriated land in Pala and the adjacent township 9 south, ranges 1 and 2 west, San Bernardino meridian, be reserved to be distributed in portions not to exceed forty acres to each head of a family and to each unmarried adult male Indian. The undivided portion to be held in common for purposes of pasturage. These townships formed a part of the reservation set apart for the Mission Indians in A. D. 1870, but subsequently restored to the public domain.

Pala is the site of one of the old Catholic mission churches, and a place to which many of the Indians are still attached. Some of the best lands of these townships have been taken by settlers, but there remains enough, I think, to provide adequately for such of the tribe as are not otherwise provided for. There is water in the San Luis Rey River, which flows through the valley, sufficient for purposes of irrigation if the Indians be properly located and the water equitably distributed. Considerable expense will attend such distribution, as the water must be conducted long distances in ditches in order to be available for any large extent of territory. The land, however, cannot otherwise be made productive, and I think the result will justify all necessary expenditure.

The Indians who own lands in their own rights should be strongly urged to retain them in their position and to transmit them to posterity.

Concerning the question of the chieftainship of this tribe above referred to, I recommend that a new election be allowed, as the large majority desire, to be held at such time as the agent deems best, with the distinct understanding that if any portion of the tribe should object to being put under the chief then elected, they would be held as exempt from his jurisdiction on the condition of their renouncing their tribal relation and registering themselves as citizens of the United States.

I advise this course the more readily from a persuasion that if any avail themselves of this provision it will be a few of the more intelligent of the tribe.

In regard to the Diegenes—I recommend that townships 12 south, range 1 north and 1 east, and 13 south, range 1 north and 1 east, San Bernardino meridian, be set aside as a reservation for their use. This will involve an expenditure of several thousand dollars in the purchase of improvements made by settlers, which improvements, however, would then redound to the benefit of the Indians.

These townships constituted a part of the reservation above alluded to, and include lands by far the most available in San Diego County for the purposes in view. I regard it as most unfortunate that the order designating Pala and San Pasqual as an Indian reservation was ever revoked, and am convinced that this step would never have been taken had not utterly false representations been made to the authorities in Washington.

The expense and difficulty of satisfactorily settling this Mission Indian question have, in my judgment, been very much increased by such action.

If it be deemed inexpedient by the Department to purchase the improvements referred to above, I then suggest that the lands of these townships, not already taken up, be withdrawn from sale and reserved for these Indians.

The only alternative provision that presents itself to my mind is the purchase of some private grant. This would be attended with large expense, and in my view no grant-lands can be found which will meet the requirements of the case as fully as the San Pasqual Valley, included in the townships above mentioned. For further testimony concerning Pala and San Pasqual, I would respectfully refer to reports as follows, viz: Special report of B. C. Whiting, superintendent for California, under date of December 6, 1867, and special report of General J. B. McIntosh, superintendent for California, under date of August 25, 1869.

For the Coahuila Indians—I recommend the purchase of from five thousand to ten thousand acres of land in San Bernardino County, upon which the now scattered members of the tribe shall be located. Available land can, I think, be found near the base of the San Bernardino Mountains, which can be secured at a not unreasonable rate. Should this be regarded as impracticable, I then recommend that the Government lands upon which these Indians are now living be reserved for their use, viz, the Coahuila Valley, in San Diego County; the potrero, near San Geronimo Pass, San Bernardino County, and such other smaller portions of land as they now occupy and cultivate, and that such of the tribe as are now settled upon lands owned by private parties be removed to said reserved lands. If this course be adopted all white settlers upon these lands should at once be required to vacate them.

The chief objections to this policy are, first, that it will leave the tribe very much scattered, and greatly hinder the cultivation of such knowledge and habits as will tend to render them intelligent and useful citizens of the republic; and, secondly, the fact that the Coahuila Valley is not available for agricultural purposes, being subject to frost every month of the year, and that the lands bordering the desert beyond the San Geronio Pass afford but an insufficient and precarious subsistence.

In regard to the settlement of Indians upon reserved lands, I think it very important that, while the grazing lands may be held in common, the agricultural lands should be distributed in clearly-defined portions among the individual families of the tribe, and that each family should be held responsible for the cultivation of its assigned portions. I suggest furthermore that each family be assured of the possession of all the proceeds of the lands thus cultivated, and the ultimate possession in fee-simple of the land itself, provided they continue to reside upon and to improve it for the space of twelve years.

It is for many reasons very desirable to break up the communistic customs which have prevailed among them, and to cultivate, as far as possible, a sense and pride of ownership and an ambition for the accumulation of property.

The Government should give the Indians clearly to understand that they must support themselves after such provision shall have been made for them as their present necessities require. I see no reason for thinking that they will not do this if they shall be made secure in the possession of land, and shall be put under judicious supervision. I should decidedly oppose the issuing of rations, or any other action which would lead them to suppose that they would be taken care of without effort on their part, but should encourage the idea that they would fare best who were most industrious. The Indians assert their willingness to labor, and say they neither intend nor wish to be a burden to the Government.

I feel confident that, if the opportunities above suggested are afforded them, they will themselves soon defray all the expenses of the agency charged with their care. More than this, I cherish the hope that they will at no distant day become prosperous and independent agricultural communities.

Some may think it would be better to locate all the Mission Indians on a single reservation, and for many reasons this would be preferable. The great difficulty, however, in finding a sufficiently large tract of land suited for the purposes of a reservation is a very serious obstacle to such a course. This difficulty arises not from any lack of unoccupied land, of which there are large areas in Southern California, but from lack of well-watered land. Water is an absolutely indispensable requisite for an Indian settlement, large or small. It would be worse than folly to attempt to locate them on land destitute of water, and that in sufficient quantity for the purposes of irrigation, if crops cannot be grown without irrigation. Moreover, I think their progress toward civilization and citizenship will be best promoted by the tribes being separately located, while the expense incurred will not be largely increased thereby.

In the plan above suggested another difficulty is obviated, viz, that of persuading the Indians to remove to a distance from the places they now occupy. They prefer, as is natural, to be left where they are, and will doubtless object in some instances to moving to any reservation. I think, however, there will, for the most part, be a readiness to comply with the wishes of the Government, if it shall be seen that the Government is disposed to regard their wishes in locating them as near as possible to the places to which from association they are attached, and also in keeping the tribes distinct from each other.

Should it be found practicable thus to locate these Indians, I would earnestly recommend that schools be established among them as soon as possible, regarding it as very much to be desired that the children should learn to speak the English language, and be taught at least the rudiments of education. It was one of their special requests that this should be done, showing some appreciation of the advantages which education gives, and of the changed circumstances under which their children are to live.

I furthermore recommend that for the supply of their present wants there be provided—

For the San Luis Rey Indians:

150 blankets.	1,000 yards of calico.	10 plows.
100 suits of clothes.	1,000 yards of muslin.	10 sets of plow-harness.
100 hats.	500 yards of jean.	50 hoes.
100 pairs of shoes.	250 yards of flannel.	10 spades.
100 pairs of socks.	250 handkerchiefs.	20 shovels.

For the Digenes:

150 blankets.	1,000 yards of calico.	10 plows.
100 suits of clothes.	1,000 yards of muslin.	10 sets of plow-harness.
100 hats.	500 yards of jean.	10 spades.
100 pairs of shoes.	250 yards of flannel.	50 hoes.
100 pairs of socks.	250 handkerchiefs.	20 shovels.

For the Coahuilas :

300 blankets.	1,500 yards of calico.	10 plows.
200 suits of clothes.	1,500 yards of muslin.	10 sets plow-harness.
200 hats.	1,000 yards of jean.	50 hoes.
200 pair of shoes.	500 handkerchiefs.	20 spades.
200 pair of socks.	500 yards of flannel.	20 shovels.

Also for each tribe a sufficient amount of grain and seed for sowing and planting the coming year.

Such present provision being made for them, it is my hope that very little aid of this kind will be required in the future.

The adoption of the policy above suggested will necessitate the appointment of a permanent agent for these Indians. Upon his practical wisdom, honesty, and fidelity, the results of this effort in their behalf will largely depend. If the effort be judiciously prosecuted under the direction of an agent who is fully in sympathy with the Indians, and who regards their good rather than his own pecuniary gains, I cannot but feel that it will greatly redound to the credit of the Government, and to the increasing welfare of these, its wards, who now appeal to it for aid and protection.

In conclusion I beg to say that these recommendations are submitted the more confidently, whatever expenditure their adoption may involve, from the conviction that the Government has been very remiss in its care of the Mission Indians hitherto; that their claims and their rights have been already too long disregarded; that they deserve generous treatment because of their fidelity to the Government; standing, as some of them have done, as a defense to the settlers of Southern California, against the fiercer tribes of Arizona, with whom they have steadily refused to unite for purposes of plunder, that they ought not to suffer in comparison with others of their race, in consequence of their more peaceable conduct and disposition; and finally, that nothing less will suffice as a satisfactory and adequate provision in their behalf.

In the hope that these recommendations will meet with your hearty approval, and whatever legislation may be necessary to enable the Department to carry them into execution may be readily secured,

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

JOHN G. AMES,
Special Agent.

Hon. E. P. SMITH,
Commissioner of Indian Affairs, Washington, D. C.

B.

REPORT OF J. W. POWELL AND G. W. INGALLS.

WASHINGTON, D. C., December 18, 1873.

SIR: The Special Commission appointed for examining into the condition of the Utes of Utah; Pai-Utes of Utah, Northern Arizona, Southern Nevada, and Southeastern California; the Go-si Utes of Utah and Nevada; the Northwestern Shoshonees of Idaho and Utah; and the Western Shoshonees of Nevada; and for the purpose of consulting with them concerning the propriety of their removal to reservations, would respectfully submit the following report:

The commission was delayed a number of days by snows that blockaded the railroads over the mountains, but arrived in Salt Lake City early in May.

At that time there was much excitement in the country, consequent on the disastrous conflict with the Modocs.

The commission found that the feelings of the white people inhabiting the territory under consideration were wrought to a high state of resentment, which frequently found vent in indignities on the Indians, while the latter were terrified, and many of them had fled to the mountains for refuge.

Immediately on our arrival at the city, delegations from various parts of the country met us, representing that the Indians of their several neighborhoods were preparing to commence a war of extermination against the whites; and several petitions from the citizens of different places, to the military authorities of that department, the governor of Utah, and the Commissioner of Indian Affairs, representing that the people were in immediate peril, and calling for military protection, were referred to the Commission.

Under these circumstances, the Commissioners proceeded to investigate the state of affairs in the Sanpete Valley, Curlew Valley, Caché Valley, and on Deep Creek.

It was soon found that the fears of the white settlers were groundless, and that the Indians themselves were much more terrified than the whites.

In the mean time the Commission sent for delegations of Indians representing the tribes of Utes, Go-si Utes, Northwestern Shoshonees, and Western Shoshonees; and after meeting a number of these delegations at its camp near Salt Lake City, such information was obtained as led to a request for further conference with the Department concerning the best course to be pursued with these Indians in the light of the facts thus obtained.

In consequence of such request, one of the special commissioners, Mr. J. W. Powell, was instructed to report to the Department at Washington.

On his arrival, the following statement to the Commissioner of Indian Affairs was made:

WASHINGTON, D. C., June 18, 1873.

To the honorable Commissioner of Indian Affairs:

SIR: Your attention is respectfully called to the following statement of the condition of the Indians inhabiting Utah, Nevada, Southern Idaho, Northern Arizona, and South-eastern California, who are not yet collected on reservations.

These Indians are Utes, Pai-Utes, Go-si Utes, Northwestern Shoshonees, Western Shoshonees, and Pa-vi-6-tsoes, (designated in the Indian reports as Pah-Utes.)

Of the Utes not on reservation there are two principal tribes, the Pah-vants and Seuv-a-rits. The Pah-vants are on Corn Creek, near Fillmore, in Utah Territory, and in the report of the Commissioner of Indian Affairs for 1872 are estimated to number 1,200. These Indians are under a chief named Ka-nosh; they subsist by cultivating the soil to a limited extent, by gathering seeds, fruit, and roots, and also by hunting; but chiefly by begging from the white settlers of the country.

Their condition is better than that of any other of the Indians under consideration. The chief, Ka-nosh, is an Indian of great ability and wisdom, and is doing all he can to induce his people to cultivate the soil.

He not only raises grain enough for himself and family, but usually has a quantity to sell, from which he derives a respectable revenue. His influence is not confined to the tribe over which he has immediate command, but extends to a greater or less extent over most of the Indians of Central Utah.

The Seuv-a-rits inhabit the country between the Sanpete and Sevier Valleys, on the west, and the Green and Colorado Rivers on the east.

No definite information has been obtained concerning the number of this tribe.

In the fall of 1871, one of your Commissioners met a party of them on the banks of the Sevier, and counted thirty-one lodges.

These people live by hunting and fishing, and collect seeds and fruits. They are well mounted, are a wild, daring people, and very skillful in border warfare. It may be safely stated that for the last ten years they have subsisted chiefly on the spoils of war. In their raids they have been associated with the Nav-a-jos and Utes, who inhabit the country to the east of the Colorado River.

The Pai-Utes inhabit Southern Utah, Southern Nevada, Northern Arizona, and Southeastern California.

There is a small tribe in the vicinity of Beaver, and another at Parawan, whose numbers are unknown.

A third tribe is usually found encamped somewhere in the vicinity of Cedar.

The principal chief of the Pai-Utes of Utah, Tau-gu, usually remains with this tribe.

In the winter of 1871-'2 the tribe was visited by one of your Commissioners, and forty-three lodges were counted.

There is a tribe in Long Valley, numbering about 125 persons, and one in Kanab Valley, numbering 107. There are a few Indians on the Paria River, whose numbers are unknown, and there is a small tribe on the eastern side of the Colorado, near the line between Utah and Arizona, numbering 47.

The U-in-kar-ets, dwelling among the U-in-kar-et Mountains in Northern Arizona, number about 60.

The Sheav-wits inhabit the Sheav-wit plateau in Northern Arizona, and number about 180.

The tribes of Pai-Utes thus enumerated are such as have not been heretofore included in the report of the Pioche Agency. Of the remainder who properly belong to that agency, and who inhabit Southwestern Utah, Southern Nevada, Southeastern California, and Northern Arizona, your Commissioners have but little more knowledge than is already before the Department. It is sufficient to state that they are scattered in small tribes, and hold allegiance to many petty chiefs.

All the Pai-Utes subsist in part by cultivating the soil, some of them raising the grain and vegetables introduced by white men, others cultivating native seeds.

They also collect uncultivated seeds, fruits, and roots. A few of them occasionally work for white men, and they also depend very largely on begging, and are a serious burden to white settlers.

The Go-si Utes live in the vicinity of Salt Lake and the valleys extending to the west as far as the Nevada line. They probably number four hundred persons.

Some of them are cultivating small patches of ground; one band in Skull Valley, one at Deep Creek, another at Warm Springs, and another at Salt Marsh, near the Nevada line.

They also gather seeds and fruits, dig roots and hunt a little, but chiefly subsist by begging. A few of them are occasionally employed by white men.

The western band of Shoshonees, in the reports heretofore made to the Department, have been overestimated for Utah and underestimated for Nevada, with regard to their number and distribution. Your attention is called to the accompanying statement made by Mr. Gheen, and marked A.*

After carefully examining the paper and conferring with a number of the principal chiefs and leading men of the Western Shoshonees, the statement is believed to be substantially correct.

These Indians are cultivating the soil to a very limited extent. Some of them are employed by white men as herders and in other labors. They gather seeds and fruits, dig roots, hunt and fish, and eke out a miserable subsistence by begging.

Of the number of the Northwestern bands of Shoshonees, your Commission have no trustworthy information. Their condition does not differ materially from the Western Shoshonees. They are also divided into small tribes, several of which we have visited.

Of the Pa-vi-o-tsoes, or Pah-Utes, of Western Nevada, we have obtained information of three or four hundred who do not report to either of the reservations on Walker River or Pyramid Lake. Their condition is substantially the same as that of the Shoshonees.

Of the Wash-oes, mentioned in the report of the Department, we have no definite information.

The Indians mentioned in the foregoing statement appreciate that they can no longer live by hunting, fishing, and gathering the native products of the soil.

They fully understand that the settlement of the country by white men is inevitable, and know the folly of contending against it; and they earnestly ask that they may have lands of their own and be assisted to become farmers and stock-raisers, but especially do they ask that they may have cattle.

During the last few weeks that the Commission has been among these Indians, it has conferred with many of their chiefs and principal men. One of your Commissioners, as agent for the Pai-Utes, for the past year has traveled among a number of the tribes, and the other Commissioner, having been in charge of an exploring expedition for several years, has met and conferred with numbers of these Indians from time to time, and invariably they have expressed the sentiments given above. Their hunting-grounds have been spoiled, their favorite valleys are occupied by white men, and they are compelled to scatter in small bands in order to obtain subsistence. Formerly they were organized into nations, or confederacies, under the influence of great chiefs, but such men have lost their power in the presence of white men, and it is no longer possible to treat with these people as nations, but each little tribe must be dealt with separately. The broad territory over which they are scattered has been parcelled out among the tribes by common consent, usually determined at general councils, so that each tribe holds a certain district of country as its own.

Now the most important difficulty in the way of collecting these people on reservations, is the fact that each small tribe desires to have a reservation somewhere within the limits of its own territory, which is manifestly impracticable, as the Indians could not thus be protected in their rights, except at a great expense.

In the instructions furnished your commissioners for the collection of these Indians, two methods were given, the one to take the Indians on reservations already established, and, failing in this, the other was to set apart new reservations for them.

After a careful examination of the facts, it is found that the last-mentioned method is entirely impracticable, as, within the bounds of the territory over which these tribes roam, there is no district of country with sufficient water and other natural facilities for a reservation, not already occupied by white men. In fact, the lands along the streams and almost every important spring has either been entered or claimed, and should the Government attempt to purchase such lands for the benefit of the Indians, it would be found to involve a great outlay of money, as water rights and improvements are justly held at very high prices.

Nothing then remains but to remove them from the country, or let them stay in their present condition, to be finally extinguished by want, loathsome disease, and the disasters consequent upon incessant conflict with white men.

In view of the removal and distribution of these Indians to the old reservations, four important questions were presented to the commission, namely:

First. Are the reservations for the adjacent tribes capable of properly supporting an increased number of Indians?

* This statement has been omitted, as a more correct enumeration has been made.

Second. Would the treaty stipulations with the Indians thus located permit an addition to their numbers, and would they consent to it?

Third. Would the treaty stipulations with the Indians under consideration permit of their removal?

Fourth. What division of the roaming tribes do their linguistic and other affinities dictate?

The facts in answer to these questions, so far as they are known to the commission, are as follows:

The reservation on the Muddy is well known to both of the commissioners. There is some good land and plenty of water; there are no valuable hunting grounds on the reservation, or in the vicinity, but there are streams from which a greater or less supply of fish can be taken; and the natural products of the soil, which are somewhat abundant, would be of value as a source of partial subsistence until they could learn to farm for themselves. The timber is distant from the district where the farms must necessarily be made, but the climate is good for southern Indians, and the reservation will always be isolated from other settlements. Altogether the situation is good and sufficient.

The reservation on the Uintah is well known to one of your commissioners. There is an abundance of good soil, plenty of water, and convenient timber. The climate is good for the growth of smaller grains and vegetables, but not favorable to the raising of corn. Good range for cattle is practically unlimited—in fact, there is room enough for all the Indians of Utah.

Perhaps there is no finer valley than the Uintah in the territory of the United States west of the hundredth meridian.

The commission having no knowledge of the capabilities of the Fort Hall reservation, one of the commissioners, Mr. G. W. Ingalls, made a special trip for the purpose of examining it. It was found that there was abundance of good land, plenty of water, good and extensive range for grazing, and an ample supply of timber for the Indians already located there, and all of the Shoshonees of Utah and Nevada in addition.

But little is known by the commission of the resources of the reservations at Walker River and Pyramid Lake, but from such information as has been received it is believed they are inadequate to the wants of the Indians already collected there.

The facts relating to the second question are these: No treaties have been made with the Indians concerning the reservation on the Muddy. The treaty made with the Utes concerning the Uintah reservation provided for the gathering of all the tribes of Utah in that valley, but it was never ratified by the Senate, and although the Indians are there as they suppose under the stipulations of the treaty, it is not recognized as binding by the Government of the United States. The principal chiefs on the reservation state their willingness and desire that the other Utes should be united with them.

By the treaties made with the Shoshonees and Bannocks concerning the reservation at Wind River and Fort Hall, it is stipulated that they are made not only for these Indians but "For such other friendly tribes or individual Indians as from time to time they may be willing, with the consent of the United States, to admit amongst them."

With regard to the third question, "Would the treaty stipulations with the Indians under consideration permit of their removal?" It appears that there are no recognized treaty stipulations existing with the Utes and Pah-Utes.

A treaty was concluded October 12, 1863, with the Go-si Utes in which it was especially provided as follows:

Article 6th. "The said band agree that whenever the President of the United States shall deem it expedient for them to abandon the roaming life which they now lead, and become settled as herdsmen or agriculturists, he is hereby authorized to make such reservations for their use as he may deem necessary; and they do also agree to remove their camps to such reservations as he may indicate, and to reside and remain thereon." So that the Go-si Utes may be required to go on a reservation wherever and whenever the President directs.

A treaty was concluded October 1, 1863, with the western bands of Shoshonees from which we extract article 6th, viz:

"The said bands agree that whenever the President of the United States shall deem it expedient for them to abandon the roaming life which they now lead, and become herdsmen and agriculturists, he is hereby authorized to make such reservations for their use as he may deem necessary, within the country above described; and they do also hereby agree to remove their camps to such reservations as he may indicate and to reside or remain thereon."

It is thus seen that they can also be called to a reservation by the will of the President, but such reservation must be within certain boundaries, as described in article 5th, viz:

"It is understood that the boundaries of the country claimed and occupied by said bands are defined and described by them as follows: On the north by the Wong-go-ga-da Mountains and Shoshone River Valley; on the west by the Sei-non-to-yah Mountains or Smith Creek Mountains; on the south by Wi-co-bah and the Colorado Desert; on the east by Pa-ha-no-be Valley or Step-toe Valley, and Great Salt Lake Valley."

Your commissioners are in some doubt as to where these boundaries are situated, but believe they include the Fort Hall Indian reservation.

By the treaty concluded with the northwestern bands of Shoshones at Box Elder, in the Territory of Utah, on the 13th day of July, 1863, it is stipulated as follows:

"Article 2d. The treaty concluded at Fort Bridger on the second day of July, 1863, between the United States and the Shoshone nation being read and fully interpreted and explained to the said chiefs and warriors, they do hereby give their full and free assent to all of the provisions of said treaty, and the same are hereby adopted as a part of this agreement, and the same shall be binding on the parties hereto."

In the treaty made at Fort Bridger, to which this article alludes, the following provisions are found.

"Article 2. The United States further agrees that the following district of country, to wit: commencing at the mouth of Owl Creek and running due south to the crest of the divide between the Sweet Water and Pa-po-a-gie Rivers; thence along the west of said divide and the summit of Wind River Mountain to the longitude of North Fork of Wind River; thence due north to mouth of said North Fork and up its channel to a point twenty miles above its mouth; thence in a straight line to headwaters of Owl Creek, and along middle channel of Owl Creek to place of beginning, shall be, and the same is, set apart for the absolute and undisturbed use and occupation of Shoshone Indians herein named, and for such other friendly tribes or individual Indians as from time to time they may be willing, with the consent of the United States, to admit amongst them."

The boundaries of this reservation have been contracted by a subsequent treaty.

It will thus be seen that the Northwestern Shoshones are under treaty obligations to settle on the Wind River reservation, but as a part of the Shoshones are already at Fort Hall, it might possibly be more agreeable to the bands under consideration to go there.

From the information which your commissioners have received it is believed that it will be necessary to remove the Pah-Utes or Pa-vi-o-tsoes from the Walker River and Pyramid Lake reservations to some better point, as the resources of the territory they now occupy are inadequate to their want.

The United States Indian agent, in charge of the reservation at Fort Hall, informs your commission that he believes that the Indians now at that place would raise no serious objection to the removal of the uncollected Shoshones to that place.

The rights and obligations of the Indians under consideration have been thus carefully examined that no unjust cause of complaint might arise.

With regard to the fourth question, "What division of the roaming tribes do their linguistic and other affinities indicate?" much has yet to be learned.

The names by which the tribes are known to white men and the Department give no clue to the relationship of the Indians; for example, the Indians in the vicinity of the reservation on the Muddy and the Indians on the Walker River and Pyramid Lake reservations are called Pai or Pah Utes, but the Indians know only those on the Muddy by that name, while those on the other two reservations are known as Pa-vi-o-tsoes, and speak a very different language, but closely allied to, if not identical with, that of the Bannocks.

The Indians of Utah and Nevada, known as Shoshones by the whites, are known by very different names by the Indians.

The two tribes mentioned above, Pah-vants and Seu-v-a-rits, speak the same language, and are intermarried with the Indians on the Uintah reservations, and should be taken there.

The Go-si Utes speak a language more nearly like that of the Indians at Fort Hall, but they are intermarried and affiliate with the Indians at the Uintah reservation, and it is believed they would prefer to go there also.

The tribes of Pai-Utes, mentioned in the former part, should be taken to the Muddy. Of the Western Shoshones, Northwestern Shoshones, Pa-vi-o-tsoes, and Washoes, sufficient is not yet known to reach a conclusion on this matter.

Whenever these Indians are gathered on reservations it will be necessary to make provision for their subsistence, until such time as they can take care of themselves, as it would be impossible for them to live upon the native products found on the reservations.

To take them there and have them scatter again would be to put them in a condition worse than they are now in, and it would probably be more difficult to induce them to return.

The appropriations made by the last Congress for the support of the present reservations, to which these people should be taken, are entirely insufficient for the support of the Indians who are already on them, and they are compelled to leave their reservations during a part of the year to obtain a living.

Under these circumstances, your commissioners did not deem that it would be wise to remove any of the Indians at present, and they submit this statement of the condition of affairs for your consideration.

Having in view the ultimate removal of all the foregoing Indians to reservations already established, the following recommendations are made:

First. That the Pah-vants and Seuv-a-rits be visited and informed that the Government of the United States has decided that they shall make their homes on the Uintah reservation, and that hereafter no goods will be issued to them at any other place.

Second. That the tribes of Pai-Utes shall be visited, and, if possible, a number of the chiefs and principal men be induced to visit the Uintah reservation, with a view to their final settlement at that place.

Should the commission find it impossible to induce them to look upon such a removal with favor, it should then make a thorough examination into the condition of affairs on the Muddy reservation, and report the results to the Department.

The agent for that reservation should immediately commence work and prepare to raise a crop the coming year to such an extent as the appropriation and circumstances on the reservation will permit.

In the mean time two or three reliable men should be employed by the commission to collect the Western Shoshones at three or more points, where they could be visited by the commission and their annuities distributed to them, and they be informed of the decision of the Department, that they are to go on reservations, and that hereafter no annuities will be distributed to them except at the designated reservation or reservations.

The same course should be taken with the Go-si Utes.

The Northwestern Shoshones should be assembled to meet the commission at Fort Hall, and, when there, their annuities should be given them, and they should be informed that the Fort Hall reservation is to be their future home, and that hereafter no annuities will be given them at any other place.

One of your commissioners can communicate with a part of the Indians in their own tongue, and Mr. Gheen, who is already in the service of the United States in Nevada, speaks the Shoshone language, but it will still be necessary to have one more interpreter, as the commission must necessarily be divided, and three or four parties organized to reach all the tribes in one season.

It is therefore recommended that Richard Komas, a native Ute, now a student in Lincoln University in Pennsylvania, be employed for this purpose.

Should these suggestions meet with your approval, it would be necessary to have the annuities for the Western Shoshones, Northwestern Shoshones, and Go-si Utes placed to the order of the commission.

Very respectfully,

J. W. POWELL,
G. W. INGALLS,
U. S. Special Commission.

On June 26 the following instructions were received:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., June 25, 1873.

SIR: I acknowledge the receipt of your letter of the 18th instant, with a statement in detail of the present condition of the Indians in Utah, Nevada, and Southern Idaho, who have not yet been collected on reservations.

With a view to the ultimate removal of said Indians to such reservations as have already been established, you recommend as follows:

1st. That the Pah-vants and Seuv-a-rits be visited and informed that the Government has decided that they shall make their homes on the Uintah reservation, and that hereafter no goods will be issued to them at any other place.

2d. That some of the chiefs and principal men of the Pai-Ute tribe be induced to visit the Uintah reservation and encouraged to make their homes at that place; and in case it should be found impossible to induce them to look with favor upon a removal to that point, then to make a thorough examination as to the condition of affairs on the Muddy reservation and report the result to the Department, preparations in the mean time being made for raising a crop the coming year to such an extent as circumstances will permit.

3d. That two or three reliable men be employed by the commission to collect the Western Shoshones at three or more points, where they can be visited by the commission and their annuities distributed to them, and that they be informed of the decision of the Department that they must go on reservations, and that hereafter no annuities will be distributed to them except at the reservation assigned to them; the same course to be taken with the Go-ship Utes.

4th. That the Northwestern Shoshones be assembled to meet the commission at Fort Hall, Idaho, to receive their annuities, and that they be informed that Fort Hall

reservation is to be their future home, and that no annuities will be given them at any other place.

5th. That Richard Komas, of Pennsylvania, be employed as interpreter to the commission; and

6th. That the annuities of the Western Shoshones, Northwestern Shoshones, and Go-ship band of Utes be placed at the disposal of the commission.

The above recommendations meet with the approval of the Department, and you are hereby authorized to carry the same into effect.

Instructions will be issued to Colonel Morrow, at Salt Lake City, Utah, to transfer to you the annuity goods referred to in your letter.

Very respectfully, your obedient servant,

EDW. P. SMITH,
Commissioner.

J. W. POWELL, Esq.,
Special Commissioner, &c., Present.

While Special Commissioner Powell was thus engaged at Washington, Special Commissioner Ingalls visited a part of the Northwestern Shoshonees in Coche Valley, and, returning from this expedition, made a trip to the Pai-Ute reservation in Southern Nevada. The special commission met again in Salt Lake City.

In obedience to the instructions received, the commission then proceeded through the Territory of Utah to its southern line, visiting a number of tribes on the way, taking with them a quantity of goods to be distributed to the several tribes as they should be met from time to time.

Sometimes the commissioners traveled in company, at other times they separated for the purpose of facilitating their operations.

On this trip many of the Indians belonging to the Uintah agency were visited, especially the Seu-a-rits, as some anxiety had been entertained lest these Indians should again commence their depredations on the settlements. It was found that they had of their own accord given up their marauding life, and they signified their willingness to go on a reservation and adopt the habits of civilized men. The reasons which they assigned for so doing were very interesting.

They stated that their people had been dying very fast of late years, so that their numbers were greatly reduced, and they were specially terrified on account of some disease which had carried off more than twenty of their number in less than a week, only a short time before the commission met them.

Some of their people attributed this to sorcery practiced by other Indians, others to sorcery practiced by the white inhabitants of Utah, but the great majority seemed to consider it a punishment for the petty wars which they had waged of late years. Whatever the cause, they had determined to abandon the country, and part of them were about to join the Utes of the Uintah reservation, another to join the Pah-vants, another the Pai-Utes near the head of the Sevier, and a fourth the Utes of Colorado.

They were informed that the Government of the United States expected them to go on the reservation at Uintah.

The Pah-vants were next visited at Corn Creek, near Fillmore. This tribe was found to be much smaller, and the people in a much more destitute condition than had been represented to the commission.

Ka-nosh, the principal chief, is an elder brother of Pi-an-ump, principal chief of the Go-si Utes, and the Pah-vants and Go-si Utes, although speaking different languages, affiliate socially, and often go on their hunting excursions in company.

From this point an Indian runner was sent to bring Pi-an-ump and a number of Go-si Ute chiefs to confer with Ka-nosh and such other Indians as might be collected here, in regard to the propriety of their all going to the reservation at Uintah.

This runner was successful in bringing in the desired Indians, so that the Go-si Utes were well represented at the consultation held at Ka-nosh's camp.

They remained with the commissioners several days, and great pains were taken to explain to them the intention of the Government in collecting Indians on reservations. The result of this talk was very satisfactory.

In obedience to the first part of the second clause of their instructions, viz: "That some of the chiefs and principal men of Pai-Utes be induced to visit Uintah reservation, and encouraged to make their homes at that place," the commission sent for Tau-gu, the principal chief of the Pai-Utes, of Utah and Northern Arizona, and a number of subordinate chiefs. The only ones who could be induced to meet it were Tau-gu and Mo-ak-Shin-au-av, chief of the U-ai-Nu-ints, who live in the vicinity of Saint George.

They informed the commission that, induced by considerations presented to them in former conversations, they had held a general council for the purpose of consulting about the propriety of going to Uintah, and the suggestion had been repelled by all the people, and there was no voice raised in favor of their going. They averred that the Utes of Uintah had been their enemies from time immemorial; had stolen their women and children; had killed their grandfathers, their fathers, their brothers and

sous, and, worse than all, were profoundly skilled in sorcery, and that under no consideration would the Pai-Utes live with them.

It was found that it was impossible, without using force, to induce the Pai-Utes to join the Utes, and it was determined to adopt the course indicated in the alternative presented in your instruction, viz: "And in case it should be found impossible to induce them to look with favor upon a removal to that point, then to make a thorough examination as to the condition of affairs in the Muddy reservation, and report the result to the Department."

The commission then proceeded to visit in detail all the Pai-Ute tribes of Utah and Northern Arizona, viz, Kwi-nm-pus, Pa-ru-guns, Un-ka-pa, Nu-kwints, Pa-spi-kai-vats, Un-ka-ka-ni-guts, Pa-gu-its, Kai-vwav-nai Nu-ints, U-in-ka-re:s, and Shi-vwits.

There is a small tribe of Pai-Utes in Northern Arizona, on the east side of the Colorado River, known as Kwai-an-ti-kwok-ets, which was not visited by the commission. This little band lives in a district so far away from the route of travel that your commission did not think it wise to occupy the time and incur the expense necessary to visit them in their homes.

Finally, delegations of all these tribes were collected at Saint George for general consultation, concerning the reservation for the Pai-Utes in Southern Nevada. The result of this talk was, in the main, satisfactory, and a delegation was sent by them to go with the commission to see the country.

From Saint George the commission proceeded to the reservation on the Mo-a-pa, (Muddy,) arriving there September 10, and here met about 400 Pai-Utes who had previously been collected in the valley. It remained eleven days for the purpose of conferring with the Indians already here, and with such delegations from other tribes as could be induced to meet here. Quite a number of conferences were held with the Indians, both by day and by night, for more than a week. The conclusion of all was, that the Indians on the reservation were willing that the other tribes should unite with them, and the delegations representing the tribes away were favorably impressed with the country, and promised that the Indians would all come to the reservation another year, on condition that the Government would provide temporarily for their maintenance, and give them such aid as might be necessary to establish them as agriculturists.

Arrangements were then made by which the Indians on the reservation were enabled to plant a fall crop.

Your commission had also another duty to perform here, viz, to inquire into the nature and amount of the claims of the present white settlers on the reservation.

This duty they performed with a desire to protect the Government against unjust claims, and at the same time to do no injustice to the claimants themselves.

The result of their investigations into these matters are given in a subjoined report.

The commission remained on the reservation fourteen days, busily employed in the duties above mentioned.

In the meantime, it provided that the annuity goods for the Go-si Utes, Western Shoshones, and Northwestern Shoshones, should be distributed and stored at a number of points in Utah and Nevada, and that information should be carried to the several tribes that the commission would meet them at designated points.

In view of the extent of country yet to be traversed, and the number of Indians yet to be met, it was thought best for the commission to divide here, and Special Commissioner Powell proceeded to carry on the work with the Pai-Utes in Southwestern Nevada and Southeastern California, and Special Commissioner Ingalls to the Western Shoshones of Western Nevada.

The work to the southwest was continued until all the Pai-Utes had been seen. Special Commissioner Powell returned by way of the Mo-a-pa reservation, Saint George, and Fillmore to Salt Lake City. On his way, in the vicinity of Beaver, the Pah-vants, who were out on a hunting excursion, were again met, and another long consultation was held with their chief, Ka-nosh.

Special Commissioner Ingalls proceeded by way of Pah-ran-a-gat Valley to Hot Creek, meeting there a number of Western Shoshones, and from thence to Belmont, where a number of other tribes were met. From Belmont he returned to Hot Creek, and from thence proceeded to Hamilton, Egan Cañon, Spring Valley, and Deep Creek, to Salt Lake City, meeting a number of tribes at each place. On this hurried trip the work was not completed. All of the annuity goods to be distributed to the Shoshones had not arrived at the points at which they were to have been distributed, and some of the Indians of the vicinity of Hamilton had not assembled. It was therefore necessary for Special Commissioner Ingalls to return to Hamilton and Egan Cañon, which he did, and on the completion of the work at those places proceeded to Corinne, Utah, where he was met by Commissioner Powell.

Under their instructions the commission should have met the Northwestern Shoshones at Fort Hall, but a number of circumstances conspired to prevent this. It was found that a part of them, under a chief named Po-ka-tel-lo, had already gone to Fort Hall, and had signified their intention of remaining and taking part with the Shosho-

nes and Bannocks on that reservation; and another chief named Tav-i-wun-she-a, with a small band had gone to the Shoshone reservation on Wind River, and they had determined to cast their lot with Wash-i-ki and his men. Each of these chiefs sent word that they had taken this course, governed by representations made by the commission in the spring, and they desired that it should so represent the matter to the agents on those reservations that these people might meet with proper consideration. Two other bands, one under San-pits, the other under Sai-gwits, had refused to go to Fort Hall, and were encamped near Corinne, and had sent a delegation to request the commission to meet them at that point. The lateness of the season, and the limited amount of funds at the command of the commission, caused it to decide that it was impracticable to send the goods to Fort Hall and to collect the Indians there for the distribution, and the two last mentioned tribes were met near Corinne.

Leaving Special Commissioner Powell at that place to complete the distribution and to talk with the Indians, Special Commissioner Ingalls proceeded to Elko to meet the remainder of the Western Shoshones, who had, in the mean time, been collected at that point by assistants of the commission.

A delegation of the Western Shoshones, representing the tribes that assembled at Elko, another delegation of the Northwestern Shoshones assembled at Corinne, and a delegation of the Go-si Utes were brought to Salt Lake City for the purpose of conferring with another special commission composed of Hon. J. P. C. Shanks, Governor T. W. Bennett, and H. W. Reed, concerning the reservation at Fort Hall. The result of this conference was very favorable. The commissioners then returned to Washington, arriving here December 1.

This brief history of the operations of the commission will be followed by a statement of the general results obtained.

ORGANIZATION, ENUMERATION, AND DISTRIBUTION OF THE TRIBES.

Your commission deemed it a matter of prime importance to make a complete enumeration of the tribes visited, and to obtain a thorough knowledge of their organization and condition. Of the Utes, Pah-vants, Go-si Utes, and Northwestern Shoshones they are enabled to make what they believe to be an accurate statement of their numbers.

The census of the Western Shoshones is believed to be a fair approximation. The latter tribes are more or less disorganized, and in some places their tribal relations are entirely broken up, and they are scattered over a large district of country, and it would have required at least an additional month, and a corresponding expenditure, to have made the work as thorough with them as with the other tribes.

The original political organization of the tribes under consideration had a territorial basis; that is, the country was divided into districts, and each district was inhabited by a small tribe, which took the name of the land, and had one principal chief. These tribes, or "land-nameds," as they are called in the Indian idiom, were the only permanent organizations, but sometimes two or more of them would unite in a confederacy under some great chief.

The following table exhibits the names of these tribes, the number of men, women, and children, severally and in total, and also the land-name of the tribe, its locality, chief, and, wherever a confederacy exists, the principal chief of such organization. The numbers in the left-hand column refer to corresponding numbers on the accompanying map, the latter numbers indicating the region of country severally claimed by the tribes.

PAIUTES OF UTAH.

	Tribe.	Locality.	Chief.	Chief of alliance.	Men.	Women.	Children 10 years and under.	Total.	Grand total.
1	Kwi-um'-pus	Vicinity of Beaver	Pi-vi'-ats	Tau-gu	12	8	9	29	
2	Pa-ru'-guns	Vicinity of Parawau	Tah-hun-kwi	do	14	8	5	27	
3	Un-ka'-pa-Nu-kuints	Vicinity of Cedar	Tau'-gu	do	39	28	10	77	
4	Pa-spi'-kai-vats	Vicinity of Toquerville	Na'-guts	do	14	14	12	40	
5	Un-ka-ka'-ni-guts	Long Valley	Choog	do	14	10	12	36	
6	Pa-gu'-its	Pa-gu Lake	Un-ka'-ta-si-ats	do	31	22	15	68	
7	Kai'-vav-wits	Vicinity of Kanab	Chu-ar'-ru-un-peak	do	75	69	27	171	
8	U'-ai-Nu-ints	Vicinity of Saint George	Moak-Shin-an'-av	do	34	29	17	80	528

PAIUTES OF NORTHERN ARIZONA.

9	U-in-ka'-rets	U-in-ka'-ret Mountains	To-mo'-ro-un-ti-kai	Tau-gu	17	13	10	40	
10	Shi'-vwits	Shi'-vwits Plateau	Kwi-toos'	do	73	66	43	182	
11	Kwai-an'-ti-kwok-ets	East of Colorado River	do	do	23	17	22	62	284

PAIUTES OF SOUTHERN NEVADA.

12	Sau-won'-ti-ats	Mo-a-pa Valley	Tau-um'-pu-gaip	To-Shoap	44	34	14	92	
13	Mo-a-pa'-ri'-ats	Mo-a-pa Valley	Mau-wi'-ta	do	30	22	12	64	
14	Nau-wan'-a-tats	Mo-a-pa Valley	Al'-at-tau'-a	do	21	23	16	60	
15	Pin'-ti-ats	Mo-a-pa Valley	Kwi'-vu-a	do	20	17	10	47	
16	Pa-room'-pai-ats	Mo-a-pa Valley	Mo-wi'-un-kits	do	15	10	10	35	
17	I'-chu-ar'-rum-pats	Mo-a-pa Valley	To'-shoap	do	13	10	6	35	
18	U-tum'-pai-ats	Mo-a-pa Valley	Tau'-ko-its	do	12	20	14	46	
19	Pa-ran-i-guts	Pa-ran-i-gut Valley	An-ti-av	do	65	52	48	171	
20	Psou-wa'-ra-its	Meadow Valley	Pa-gwum'-pai-ats	do	68	49	35	155	
21	Nu-a'-gun-tits	Las Vegas	Ku-ni'-kai'-vets	Ku-ni'-kai'-vets	69	48	43	161	
22	Pa-ga'-its	Vicinity of Colville	Un-kom'-a-to-a-kwi-a-gunt	do	12	15	7	34	
23	Kwi-en'-go-mats	Indian Spring	Pats-a'-gu-ruke	do	7	6	5	18	
24	Mo-vwi'-ats	Cottonwood Island	Ha'-va'-rum-up	do	24	19	14	57	
25	No-gwats	Vicinity of Potosi	To-ko'-pur	To-ko'-pur	22	24	10	56	
26	Pa-room'-pats	Pa-room-Spring	Ho-wi'-a-gunt	do	22	24	10	56	1,031

PAIUTES OF SOUTH-EAST CALIFORNIA.

27	Mo-quats	Kingston Mountain	Hu-nu'-na-wa	To-ko'-pur	34	34	17	85	184
28	Ho-kwaits	Vicinity of Ivanspaw	Ko-tsi'-an	do					
29	Tim-pa-shan'-wa-got-sits	Providence Mountain	Wa-gu'-up	do					
30	Kau-yai'-chits	Ash Meadows	Nu-a'-rung	do					
31	Ya'-gats	Armagoza	Ni-a-pa'-ga-rats	do	10	12	9	31	
					31	23	14	68	

UTES OF UTAH.

32	U'-in-tats	Uinta Reservation	An'-te-ro	Tav'-wi	58	63	73	194	
33	Seuv'-a-rits	do	Mer'-i-ka-hats	do	48	40	56	144	
34	San'-pits	do	Pi-na-si'-a	do	10	8	18	36	
35	Ko'-sun-ats	do	Mo'-a-puts	do	24	25	27	76	
36	Tim-pa-na'-gats	do	Pi-ki'-chi	do	15	13	21	49	
37	Tim-pai'-a-vats	do	Won'-sits	do	8	8	9	25	
38	Pi-ka-kwa'-na-rats	do	Won'-ro-an	do	11	10	11	32	556

PAH-VANTS OF UTAH.

39	Pah-vants	Corn Creek	Ka-nosh		57	42	32	134	134
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GO-SI UTES OF UTAH.

40	Un'-ka-gar-its	Skull Valley	Si'-pu-rus	Pi-an'-nump	56	58	45	149	
41	Pi-er'-ru-i-ats	Deep Creek	Tu-gu'-vi	do	39	33	35	107	256
42	Pa-ga'-yu-ats	Otter Creek	Pi-sav' nm-pi-a	do					
43	Ta-wur-ints	Snake Creek	Tat'-si-nup	do					

GO-SI UTES OF NEVADA.

44	To-ro-un-to-go-ats	Egan Cañon	To-go'-mun-tso	Ti-an' nump	72	68	64	204	204
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NORTH-WESTERN SHOSHONEES OF SOUTHERN IDAHO.

45		Cache Valley	San'-pits	San'-pits	49	43	32	124	
46		Cache Valley	Sai'-gwits	do	47	64	47	158	
47		Goose Creek	Po'-ka-tel-lo	do	34	36	31	101	
48		Bear Lake	Tav-i-wun-shear	do	5	6	6	17	400

Tabular statement of Indians visited by special Indian commissioners, &c.—Continued.

WESTERN SHOSHONES OF NEVADA.

	Tribes.	Locality.	Chief.	Chief of alliance.	Men.	Women.	Children 10 years and under.	Total.	Grand total.
49	Pa'-gan-tso	Ruby Valley	Tim-oak	Tim-oak	83	48	44	172	
50	do	do	To-sho-win'-tso-go	do					
51	do	do	"Mose"	do					
52	Kai-da-toi-ab-ie	Vicinity of Hamilton	Que-ta'-pat-so	do	49	37	15	101	
54	do	Vicinity of Halleck	"Capt. Sam"	Tim-oak	19	12	5	36	
55	do	Vicinity of Elko	do	do	40	33	17	90	
56	do	Vicinity of Mineral Hill	Tu'-ka-yan-na	do	24	21	15	60	
57	do	Vicinity of Palisade	Pit si-nain	do	19	22	15	56	
58	do	Vicinity of Carlin	do	do	23	29	30	82	
59	No-ga'-ie	Robison District	do	Tim-oak	24	25	11	60	
60	do	Spring Valley	do	do					
61	do	Vicinity of Duckwater	Mo-tso'-gaunt	do					
62	do	White River Valley	do	do	33	32	15	80	
63	Pi-at-tui'-ab-be	Belmont and vicinity	Kai'-wits	Kai'-wits	45	39	32	116	
64	do	Hot Creek	Wet-sai-go-om'-beom'	do	7	8	7	22	
65	do	Big Smoky Valley	"Brigham"	do	10	9	6	25	
66	do	Vicinity of Morey District	To-po-go-om'-bi	do	8	9	7	24	
67	do	Vicinity of Fish Lake	Wau-go-vwi	do	25	26	11	62	
68	Na-haé-go	Reese River Valley	do	To-to'-a	186	190	159	530	
69	do	do	Koo-soo-be-ta-gwi	do					
70	do	do	Behr-ha-naugh	do					
71	do	do	Uhr-wa-pits	do	69	71	54	194	
72	do	Vicinity of Austin	Weg-a'-whan	do					
73	do	do	Wedg-a'-gan	do					
74	do	do	Kush-sho-way	do	92	51	32	175	
75	To-na-wits'-o-wa	Vicinity of Battle Mountain	Pie-a-ra-poo'-na	Pie-a-rai-poo'-na'					
76	do	do	Se-no-wets-o	do					
77	do	do	No-wits-ie	do	92	51	32	175	
78	do	do	Pie-a-nang-gau	do					
79	do	do	"Sam"	do					
80	do	do	Tim-pits	do	92	51	32	175	
81	do	Vicinity of Unionville	Ber-roo-na'	Ber-roo-na'					
82	do	do	Do-ro-cho	do					
83	do	do	Gas-shi-ma'	do					1,945

RECAPITULATION.

The Pai-Utes of Utah number.....	528	
The Utes of Utah number.....	556	
The Pah-vants of Utah number.....	134	
The Go-si Utes of Utah number.....	236	
Total number of Indians in Utah.....		1,454
The Pai-Utes of Arizona number.....		254
The Pai-Utes of Southern Nevada number.....	1,031	
The Go-si Utes of Nevada number.....	204	
The Western Shoshonees of Nevada number.....	1,945	
Total number of Indians in Nevada met by the commission.....		3,180
The Northwestern Shoshonees of Idaho number.....		400
The Pai-Utes of Southeastern California number.....		184
Total number of Indians visited by the commission.....		5,522

There is another confederacy, known as Chem-a-hue-vis, that inhabit the Chem-a-hue-vis Valley on the Lower Colorado. Their country is separated from that of the Pai-Utes in the above table by the region inhabited by the Mojave Indians. These Chem-a-hue-vis speak the same language as the Pai-Utes, and claim that they formerly lived among them. They still associate with the Pai-Utes farther north in California and at Cottonwood Island, and are intermarried with them.

A delegation of these Indians met the commission at the Vegas, in Nevada. They estimate the whole number of Indians belonging to the confederacy at about 300, and this is believed to be approximately correct.

The Indians of Western Nevada belonging to the Pyramid Lake and Walker River reservations are known as Pah-Utes and Pai-Utes in the records of the Indian Department. They should be known as Pa-vi-o-tsoes, as this is the name by which they know themselves, and by which they are known throughout the surrounding tribes. They are properly a branch of the Bannocks.

In Western Nevada, and on the eastern slope of the Sierra Nevadas in California, there are a number of Indians known as Ko-eats, Pan'-a-mints, &c. They are known to speak languages of the same stock as the Pai-Utes, Shoshones, and Pa-vi-o-tsoes.

PAI-UTES.

CONDITION AND WANTS.

Of the Indians known as Pai-Utes there are thirty-one tribes. Ten of these are united in a confederacy, having for their principal chief, Tau-gu'.

The Kwa-an'-ti-kwok-ets, who live on the eastern side of the Colorado River, are nearly isolated from the other tribes, and affiliate to a greater or less extent with the Navajos.

Seven other tribes of Pai-Utes are organized into a confederacy under the chieftaincy of To'-Shoap.

The Pah-ran-i-gats were formerly three separate tribes, but their lands having been taken from them by white men, they have united in one tribe under An'-ti-av.

In the same way the Indians of Meadow Valley were formerly four separate tribes, but now one, under Pa-gwum'-pai-ats.

Four other tribes are organized into a confederacy under the chieftaincy of Ku'-ni-kai'-vets, and seven under the chieftaincy of To-ko'-pur.

The country inhabited by these Indians no longer affords game in sufficient quantities worthy to be mentioned as a part of their subsistence. A very few deer and mountain-sheep are killed, and a greater number of rabbits. The principal part of their food is obtained by gathering seeds and digging roots. All of the tribes cultivate the soil to a limited extent, raising wheat, corn, beans, melons, and squashes. Some food and the greater part of their clothing is obtained by begging, the skins of such animals as they kill being entirely inadequate to their wants for this purpose. Some of them have, for a few years, received a small supply of clothing from the Government, through the agencies at Salt Lake City and Pioche.

A few of the people occasionally work for white men, and a great many of them are learning to speak the English language; especially is this true of the children.

Prior to the settlement of the country by the white men they all cultivated the soil, and would do so now to an extent sufficient to obtain a living, if they had the lands in the districts of country which they severally occupy. In fact all these tribes, when met by the commission, asked for lands and cattle that they might become farmers; but each tribe desires to have some part of its original territory set apart for its use.

After much talk with the commission and much consultation among themselves,

they all agreed to come together on the reservation set apart for them by Executive order in the valley of the Mo'-a-pa on these conditions—that the Government will remove the white settlers therefrom, and will assist them to remove their old people and children from their present to their prospective home on the reservation, and will assist them to become agriculturalists, and provide for their maintenance until such time as they can take care of themselves.

These conditions are reasonable and just. There is no game on the reservation, and the native products are few, and it would be impossible for the Indians to live on the reservation without assistance. It would be useless to take them there without at the same time providing for their support, as in such a case they would be compelled at once to scatter again over the very country from whence they had been taken.

RESERVATION ON THE MO'-A-PA.

The reservation, though large in territory, is composed chiefly of arid, barren mountains and deserts of drifting sands. The only part of the valley fit for agricultural purposes is the few acres—not more than 6,000—which can be redeemed by the use of the waters of the Mo'-a-pa, and some grass-lands of no greater extent, for the climate is so arid that agricultural operations cannot be carried on without artificial irrigation.

The reservation is between the 36th and 37th parallels of latitude; the climate is very warm, snow is never seen in the valley, and frost rarely. The part of the land which can be brought into cultivation by irrigation produces bountifully, and two crops can be raised in one season. Wheat, oats, barley, corn, sweet potatoes, cotton, and all the fruits of sub-tropical countries can be successfully raised, as has been demonstrated by the present white settlers.

The census taken shows that there are 2,027 Pai-Utes. Adding to this number the Chem-a-hue-vis of Southern California, about 300, and we have 2,327.

It is the opinion of the commission that there is enough water in the Mo'-a-pa Creek to irrigate lands to an extent sufficient to support that number of people for the present, but it would not be wise to take any greater number of Indians there. The Rio Virgen, in its lower course, runs through the reservation, but the waters of this river are salt, and its whole course is over quicksands, and altogether the nature of the country is such that the stream cannot be controlled for purposes of irrigation, except to a very limited extent on the eastern margin of the reservation, and the expense attending the management of the water would be very great.

The boundaries of the reservation should be extended to the east to a point where the river emerges from the mountains through a cañon. By this means the land available for cultivation on the reservation could be increased to the extent of two or three thousand acres. (See general recommendations, page 29.)

SALT.

In the bluffs on the banks of the Rio Virgen, a short distance below the mouth of the Mo'-a-pa, there are extensive deposits of salt, in many places very pure and easily accessible. It is probable that these salt-beds can be worked to some extent, and the products thereof made a source of revenue to the Indians.

CATTLE-RAISING.

In the upper part of the valley of the Mo'-a-pa are the grass-lands above mentioned. In addition to these, along the dry benches on either side, and in a few places along the valley of the Virgen, there is a scant supply of bunch-grass. The reservation does not afford extensive facilities for cattle-raising, though a few cows can be kept with advantage.

BUILDINGS.

The buildings occupied by the present white settlers are of adobe covered with tules, a species of reed-like plants. They would be of great value for the immediate use of the employés and a part of the Indians.

TIMBER.

Within the present boundaries of the reservation there is no timber, but a short distance beyond the western line a small amount of timber can be procured on the side of a mountain known as Gass Mountain. To prevent speculators from seizing this for the purpose of selling it to the Government, the boundaries of the reservation should be extended so as to include the timber-tract.

Hundreds of thousands of cottonwoods have been planted on the reservation, in part by the present settlers, but chiefly by others who preceded them. These are making vigorous and healthy growth, and will, in a few years, furnish an abundance of wood for fuel, and some for building purposes.

In the mean time fuel can be procured by using the few mesquite bushes that grow in the vicinity of the farms.

MILL.

There is a dam, a mill-race, and mill-building, but no machinery in the mill. This should at once be properly supplied and worked, as the distance to settlements where a mill is situated is very great.

ROADS.

There are three roads by which the settlement on the reservation is approached—one from the Hualapai mining district on the south, crossing the Colorado River at the mouth of the Rio Virgen, another from Saint George on the east, and another from Pioche on the north. All these roads are very bad, making it expensive to transport the necessary supplies and material for the reservation from the settlements where they can be procured. One of the roads, probably the one from the agency to Pioche, should be put in good order at once.

WHITE SETTLERS.

At the time this reservation was set apart by Executive order there were a number of families settled in the valley, and they still remain for the purpose of holding their claims. They occupy the best lands and control much of the water which is needed for the reservation, and it was only by their sufferance that the Indians were able to plant a crop this fall. It will not be possible for the Indians to proceed with any extensive farming until these people are removed.

There is danger of other troubles arising also, from their presence on the reservation, as there is a constant conflict between them and the Indians, which becomes more bitter daily, and, as the number of Indians is increased, it is liable to result in disastrous consequences.

IMPROVEMENTS MADE BY FORMER SETTLERS.

Early in the year 1865 a number of people from Utah settled in the valley of the Mo'-a-pa. Others followed rapidly and four towns were established, Saint Thomas, Saint Joseph, Overton, and West Point; and the number increased until it was claimed that there were more than two thousand people in the valley. These people made extensive and valuable improvements. An extensive system of irrigating-canals was constructed so as to utilize all the water of the Mo'-a-pa.

As the country was destitute of timber, cottonwoods were planted along these water-courses. Much labor was also expended on the opening of roads.

When these people came into the valley it was supposed by them that they were settling in the Territory of Arizona, but when the lines separating Utah, Arizona, and Nevada were run by Government surveyors the valley was found to be within the jurisdiction of the State of Nevada. Thereupon the inhabitants of the valley abandoned their homes and returned to Utah.

When they left, other settlers came in and located claims in the most valuable parts of the valley, under the laws of Nevada enacted for the purpose of securing possessory rights.

The houses erected by the original settlers were built of adobes, usually covered with tules or earth, and being of perishable material, they, with some exceptions, have gone to ruin. These exceptions are the few houses which the present inhabitants have occupied and preserved. These people have also kept up only a part of the original canals, constructing some new water-ways, and adapting them to their present wants.

To utilize the valley as a reservation for the number of Indians which it is proposed to assemble here, it will be necessary to repair the original canals and drain certain swamps which were only partially drained by the first inhabitants. This can be done with a saving to the Government of probably more than a hundred thousand dollars, in comparison with the original cost of the work.

The land has never been surveyed by the Government, and the original owners lost their possessory rights by abandonment. The present settlers have acquired possessory rights, not to the whole valley with all its original improvements, but only to such parts as are covered by their several claims. It would be impossible for the original owners to acquire possession of the valley again without purchasing the rights of the present owners. They could yet obtain possession of the unoccupied portions of the valley, but this would not be suited to their communal organization, and it is believed that they do not desire to return, under any circumstances.

SPECIAL REPORT.

The rights of the present settlers are more fully set forth in the special report, of which mention has been made.

THE PAI UTES SHOULD BE MADE FARMERS.

From the foregoing it will be seen that the valley of the Mo'-a-pa is well adapted to agriculture, and that a system of canals is already constructed. The Indians them-

selves are willing to work and anxious to cultivate the soil. Altogether the circumstances are very favorable to the project of making farmers of the Pai Utes, and thus enabling them to become self-sustaining, and converting them from vicious, dangerous savages to civilized people.

UTES.

There are seven tribes constituting the Utes of Utah, organized into a confederacy under the chieftaincy of Tav'-wi, (Tab-bi.) The total number of these Indians is 556.

By official construction they are on the reservation in the valley of the Uintah, while in fact but a small part of them remain there, the greater number assembling there from time to time to receive supplies of clothing, &c.

For a number of years the Seu'-a-rits, numbering 144, have refused to go to the reservation as a tribe; but occasionally individuals have appeared there, allured by the annual distributions. Late in the past summer the entire tribe went to the reservation and signified their intention of remaining there and becoming farmers, if they could receive the necessary assistance. Since the installment of a chief named Nu'-ints, known to the white man as Black Hawk, this tribe has been the terror of the settlers. Sometimes they have been joined in their depredations by Utes from beyond the Colorado River, but oftener by the Navajoes. Great numbers of horses and cattle have been driven away from the settlements, often in droves of hundreds, and at one time, when they were in league with the Navajoes, all of the settlements in the Sevier Valley and many in the San Pete Valley were broken up, and eight or ten thousand white people were driven from their homes. But their great chief, Nu'-ints, is dead, and his lieutenant and successor, Un-ka'-na-vo'-run, died in great distress early in the winter of 1872-'73. Early in the last summer a terrible scourge swept off great numbers of this tribe, until but 144 remain, and these, terrified and humble, sue for peace and promise to work.

THE UTE AGENCY REMOVED FROM SPANISH FORK TO UINTAH VALLEY.

Soon after the organization of the Territory of Utah, the Ute Indians inhabiting that part of the country embraced within the Territory were assigned by the superintendent of Indian affairs on duty there, and the agents acting under him, to small reservations or farms, and were encouraged to cultivate the soil, some at the valley of the Uintah, others at Arrapene, in the valley of the San Pete, others at Corn Creek, near Fillmore, but the greater number at Spanish Fork, on the shore of Utah Lake. At this last place agency-buildings were erected and farming was conducted on an extensive scale. Subsequently these Indians were more or less neglected, and the improvements made at Spanish Fork were destroyed. In the year 1865 a treaty was made with these Indians, under which it was stipulated that they should all go to the reservation in the valley of the Uintah and give up their right to the other little farms of which mention is made above.

On the part of the United States it was agreed that they should be established as herdsmen and farmers, with mills and schools, and many other provisions for their benefit. This treaty was never ratified by the Senate, but the Indians themselves supposing it to be a valid agreement from the time it was signed by them, have, so far as it has been possible for them, conformed to its provisions. The Government, on its part, through not recognizing the treaty, still give the Indians a liberal supply of clothing, and other articles for domestic use, but it has never made any adequate provision for their support and establishment as agriculturists.

CANNOT BE KEPT ON THE RESERVATION.

In their association with the white settlers in the valleys of Utah, many difficulties have arisen from time to time, and frequent complaints have come up to the Indian Department at Washington against these Indians, on the ground that they would not remain on the reservation. But it has not been possible for them to remain; they have been compelled to go elsewhere to obtain a living.

In the summer of 1872 the greater number of these Indians appeared in the settlements about the shore of Utah Lake and in San Pete Valley, causing some alarm to the people. A special Indian agent and a number of Army officers met them in council soon after for the purpose of inducing them to return to the reservation. When told that they would be forced to go back, they openly defied the authorities, and challenged some of the officers who were present to fight. When afterward informed that they would be furnished with food on the agency, that herds of cattle and loads of flour should be immediately taken there, they agreed to go, and some of these Indians have this summer told the commission that, at that time, they had determined to fight rather than stay on the reservation and starve, for they feared hunger more than they did the soldiers. Under the existing state of facts, it is unreasonable to expect these Indians to remain on the reservation.

WHAT MUST BE DONE TO KEEP THEM ON THE RESERVATION.

They must be taught to farm, and, in the mean time, supported, to enable them to abandon their nomadic habits.

Already a number of the Indians have been induced to cultivate little patches of ground, and if a proper provision could be made to carry on this work for a very few years, they would become self-supporting.

They should also have houses built. As long as an Indian has a tent he can move his home from time to time at will, but induce him to live in a cabin and his home is fixed. A number of these Utes informed your commissioners that they desired to have houses, and their agent, Mr. Critchelow, confirms this.

Many of the better class of Indians are accumulating some property in cattle. Two or three have as many as fifty head each, and it is very noticeable that those who have property appreciate the rights of property and are advocates of peace and honesty. The valley of the Uintah is admirably adapted to stock-raising. The change from hunters to stock-raisers is not a violent step, and would be in the right direction.

NEED OF A GOOD ROAD TO THE UINTAH VALLEY.

One of the serious difficulties on this agency is the want of a good road by which to reach the settlements. Supplies are now hauled over the Uintah Mountains, crossing difficult and rapid streams again and again, and the road is traveled with much labor and great expense. A road can be made from the agency to Green River Station, or to some point farther to the east, at less cost than to build a road over the Wasatch Mountains to Salt Lake City, the road now traveled. And there would be other advantages, in that the road to the northeast could be used in winter and the distance to the railroad shorter.

PAH-VANTS.

The Pah-vants, under the chieftaincy of Kanosh, number 134. They speak the same language as the Utes of Uintah Valley, socially affiliate with them, are intermarried with them, and sometimes join them in their hunting excursions. They should be taken to the reservation at Uintah, their number being too small to warrant the establishment of a separate reservation for their benefit.

They have shown themselves somewhat averse to removing to that place, but through Kanosh, their chief, have finally agreed that if the President of the United States insists on their going, and will assist them to become farmers, they are willing to try what can be done.

Kanosh is a man of ability. He lives in a house which was built for him by a former superintendent of Indian affairs for Utah, and, in part, adopts the habits of civilized life; but his people live chiefly by gathering seeds, hunting, and begging, though they raise a little wheat and corn.

This year they cultivated about thirty acres of wheat, which yielded a very poor harvest.

No Indians in all the territory visited by your commission have, in past years, received one-quarter of the amount of goods, in proportion to their numbers, as the Pah-vants, and this generous treatment on the part of the Government has added to the influence of Kanosh, for he has thus proved to the surrounding tribes his ability to influence the Government officials, and he is their admiration and envy; and they have learned to consult him, to a great extent, concerning all their dealings with the officers of the Indian Department.

There are circumstances connected with his relation to the Mormon Church that may lead him to refuse to go. In such a case he should be compelled with any force that may be necessary.

Before such a course is taken, the Government should provide the means by which such removal would accrue to the benefit of him and his people.

GO-SI UTES.

The Go-si Utes number 460. They inhabit a district of country west of Utah Lake and Great Salt Lake, on the line between Utah and Nevada, a part being in the Territory and a part in the State.

These Indians are organized into a confederacy, under the chieftaincy of Pi-an'-nump.

More than any other Indians visited by the commission, these Go-si Utes are cultivating the soil and working for white men. Pi-an'-nump, who is a brother of Kanosh, chief of the Pah-vants, is proud to claim that he earns his own living. Scorning to beg, he is willing to work, and while he is not able to induce all his Indians to take the same course, yet his influence is entirely for good.

His people are scattered in very small bands, cultivating the soil about little springs

here and there, and from year to year compelled to give up their farms as they are seized by white men. They are all anxious to obtain permanent homes, and are willing to go wherever the President will direct, if they can only thus secure land and make a start as farmers.

The Go-si Utes speak a language much more nearly allied to the Northwestern Shoshones than the Utes, though the greater number of them affiliate with the Utes, and are intermarried with them.

The greater part of them would prefer to go to Uintah, but a few, on account of marriage-ties, desire to go with the Shoshones. It would probably be well to give them, this choice.

The Utes of Utah number 556, the Pah-vants 134, and the Go-si Utes of Utah and Nevada, 460, making a total of 1,150 Indians, who should be collected on the reservation at Uintah.

THE SMALL RESERVATIONS AT SAN PETE, CORN CREEK, SPANISH FORK AND DEEP CREEK.

Previous to the advent of white men in Utah, the Indians were raising corn, squashes, and other grains, and vegetables. Among the tracts of land thus cultivated, there were four remarkable for their extent, one in a little valley along a stream, tributary to the San Pete, now known as Twelve-mile Creek, another at Corn Creek, near Fillmore, a third at Spanish Fork, on the shore of Utah Lake, and a fourth at Deep Creek, near the Nevada line. At the time when Brigham Young was governor of the Territory and *ex-officio* superintendent of Indian Affairs, the Indians were encouraged to continue their farming at these places, and were told that the lands would not be taken from them. But communal towns were planted near by, and the Indians engaged on the farms were put under the charge of the bishops of these towns. During the administration of subsequent officials, buildings were erected at Spanish Fork and a proper agency established there by authority of Congress. For a number of years no definite boundaries were given to the Indian farms, or reservations as they came to be styled, but in order to prevent white persons from diverting the water to other lands, at last, certain natural boundaries were designated in such a manner as to secure the water-rights.

The number of Indians at the so-called reservations was always very small, and when the matter was more thoroughly understood by the Department at Washington, it was not deemed wise to encourage the Indians to remain on them, but a treaty was made by which they agreed to unite in the valley of the Uintah, on the eastern side of the Wasatch Mountains. (Mention of this treaty has been made above.)

Some time after the signing of this treaty by the Indians the superintendent of Indian affairs for Utah recommended the sale of the old Indian farms, and that the proceeds of such sale should accrue to the benefit of the Indians. It is necessary to a proper understanding of the matter to remember that these reservations were never established by law, or by Executive order, so that up to this time they had no legal status as reservations, but an act of Congress approved May 5, 1864, entitled "An act to vacate and sell the present Indian reservations in Utah, and to settle the Indians of said Territory in Uintah Valley," provides " * * That the Secretary of the Interior be, and is hereby, authorized and required to cause the several Indian reservations heretofore made, or occupied as such, in the Territory of Utah to be surveyed and sold." And it still further provides that the proceeds of the sales should be used for the benefit of the Indians. (*vide* U. S. Statutes at Large, vol. 13, p. 63.)

This is the first legal recognition of said reservations, but when the surveyor-general of Colorado Territory was instructed by the Secretary of the Interior to cause the survey of said reservations, neither the Land-Office nor the Indian Department could determine where such reservations were situated, as no plat or record of any such reservations could be found. Thereupon the Secretary of the Interior issued the following instructions:

"DEPARTMENT OF THE INTERIOR,
"Washington, D. C., February 6, 1865.

"SIR: I return herewith the papers submitted with your letter of the 16th ultimo, concerning the sale of Indian reservations in Utah. I also inclose letter of the Commissioner of the Land-Office of the 24th ultimo, and copy of a correspondence with that Office on the subject, and have to state, in relation to the abandoned reservations, that instructions be given to the superintendent of Indian Affairs to designate, as far as he can ascertain, the extent of the tracts of country occupied by the Indians and recognized as their reservations; and in so doing that Office may be directed to include all the arable lands of the valleys in which the reservations are situated, together a proper quantity of adjacent timber-lands, for the convenience of the farming-lands, all to be laid off in small lots, and in such form for irrigation and settlement as to be

the most attractive and convenient for settlers. If it shall be found that the lands are of an unreasonable extent for the reservation, a portion can be withheld from sale upon an inspection of the plots of survey.

"Very respectfully, your obedient servant,

"A. P. USHER,
Secretary.

"WM. P. DOLE, Esq.,
Commissioner of Indian Affairs."

Under these instructions four tracts of land were surveyed and divided into lots. The Indian farm at San Pete was but a small tract of land at a point where a little stream issues from the mountain on which is situated the Indian town known as Arrapene. The survey of the reservation here was made to include not only the original Indian farm, but was extended over a district of country twelve miles square, so as to include the town of Gunnison, with several hundred inhabitants and extensive improvements. There is a map of this survey on file in the Land Department. The Indian farm is there properly laid down on Twelve-Mile Creek, between the main range and an outlying mountain. The town of Gunnison is not laid down on the map, but its situation is indicated by the ditch, mill-race, and saw-mill on the north bank of the San Pete River, a few miles above its junction with the Sevier.

At Corn Creek also, not only the part of country embraced within the natural boundaries indicated by the superintendent of Indian affairs, as heretofore stated, was included in the survey, but it, also, was extended over a district of country twelve miles square, so as to include within its boundaries the towns of Petersburg, Meadow Creek and Corn Creek, and a number of outlying farms.

On the map of the Corn Creek reservation, on file in the Land Department, the situation of the Indian farm does not appear, and properly, for the surveyed land did not include it. The town of Petersburg is called on that map "Corn Creek settlement," and Meadow Creek settlement is indicated.

At Spanish Fork the survey was made to include the original Indian farm, and also the farm of one white man. The interests of no other settlers were interfered with.

Whether the survey at Deep Creek was made to include any lands pre-occupied by white men, is not known to the commission.

The commission made as thorough an examination into the facts concerning these reservations as it was possible for it to do without examining witnesses by legal methods, but evidence of the correctness of the above statement can be found in the official records of the Indian Bureau, and such records have been carefully examined by the commission.

In executing the provisions of the law these tracts of land were valued by special commissions appointed by the then Secretary of the Interior, but the owners of the improvements which had been included in the surveys protested against the sale of their property without just compensation to themselves.

Thereupon the Secretary of the Interior caused an appraisal to be made of their improvements.

It has before been stated that these reservations had no legal status until the enactment of the law of 1864. The wording of that law, which recognizes certain reservations in Utah, is as follows:

"The several reservations heretofore made or occupied as such in the Territory of Utah." It would seem a forced construction of this phraseology to hold that, under it, authority was given to survey and sell tracts of land which had never been used as such Indian reservations, but which had been settled upon by white men anterior to the passage of the law. It would seem that the law under consideration contemplated the sale of certain lands which had previously been reserved for the use of the Indians by the officers of the Indian Department on duty in Utah; that is, the farms which had been cultivated by the Indians, and such adjacent lands, within certain natural boundaries indicated above, as these officials had told the Indians would be kept for their use; but lands which had been occupied by these white settlers prior to and during the administration of such officials could not properly be included under the provisions of this law. It would certainly be an injustice to sell these lands without compensating the owners for their improvements. But there are great areas of land adjacent to these, equally as good, yet unsold and unoccupied, which these same settlers could obtain by occupation under the homestead laws, and the lands in question have no other value in the market than that given to them by the improvements. In the condition of affairs in Utah, where the towns have a communal organization virtually excluding non-communal people, these improvements could be sold to none other than the people by whom they were made.

If, then, an interpretation is given to this law to the effect that the Secretary of the Interior shall cause the sale of the lands occupied by these people, it simply amounts to this, that certain improvements shall be seized by the Government, and sold to the parties from whom they have been seized, and that the proceeds of such sales shall be

used to indemnify the people for the loss of the improvements seized by the Government. Such a course is manifestly absurd.

In the meantime the people of the town of Gunnison, not having been removed from the lands, have steadily increased the value of their improvements, and other settlements have been made on San Pete River. The same statement would be true in respect to Corn Creek. No settlements proper have been made on the Spanish Fork reservation. Mines have been discovered in the vicinity of Deep Creek, and non-communal people have settled on all the best of the lands within the boundaries of the so-called reservation.

The several tribes of Indians to whom the farms at one time belonged now claim their original farms, and also these communal towns, thus greatly complicating the administration of Indian affairs in the Territory. It is greatly to be desired that the question should be settled at the earliest practicable day. The commission would therefore recommend the repeal of the law of 1864, which would place these tracts on the same footing as other Government lands—subject to "homestead entry."

NORTHWESTERN SHOSHONES.

A part of the Northwestern Shoshones under Pó-ka-tel-lo and Tav'-i-wun-she'-a have already removed to reservations. Their wants will doubtless be properly represented by their respective agents.

There are yet two tribes united in a confederacy under the chieftancy of San-pits for whom provision should be made. At the last conference held with them this fall they signified their willingness to go on the reservation at Fort Hall provided its area be extended so as to include a certain valley to the southwest.

One or two days before the Commission left the field on its return to Washington an assistant was sent to accompany the chiefs of these tribes to the Fort Hall Reservation for the purpose of examining the country. Mr. Reed, the agent for that reservation, kindly consented to go with them, and to do all in his power to satisfy them of the good intention of the Government, and the desirability of that district of country for a reservation. Since the return of the Commission to Washington the following letter has been received.

"FORT HALL INDIAN AGENCY, December 1, 1873.

"DEAR SIR: I have the pleasure to say the Indians we saw as delegates reached here in due time, and after a day or two's rest we sent them on their journey except —, who, with his wife, concluded to stop here over the winter. I was sick and sent head-farmer Baker, a man every way reliable and well acquainted with the country. They found a place which pleased them a few miles south of this, and up Bannock Creek found enough good land to satisfy them, all of which is on the reservation. They were so well pleased as of their own accord to abandon the journey to Goose Creek altogether. They say in the spring they will come in force prepared to have their houses and fixtures, and go to farming, &c.

Respectfully yours,

"HENRY W. REED,

"United States Indian Agent.

• "G. W. INGALLS, Esq."

It will thus be seen that all the Northwestern Shoshones have agreed to go on the reservation at Fort Hall, instigated by their desire to obtain land and under representation that the Government would secure to them a permanent title to the same; and also provide for their immediate wants and aid them in learning to farm. These Indians have not of late years cultivated the soil, are good hunters, well mounted and nomadic in their habits, but they state their desire to become farmers and herdsmen.

WESTERN SHOSHONES.

The Western Shoshones number 1,945 and are divided into thirty-one tribes. They inhabit Southeastern Oregon, Southwestern Idaho, and Central Nevada. Of these tribes not more than one-fourth took part in the treaty of October 1, 1863, made at Ruby Valley in Nevada. The tribes living to the south and west were not present or represented in any manner. Under that treaty it was stipulated that the Western Shoshones could be called to a reservation at the will of the President, and that these tribes should receive annuities to the amount of \$5,000 for a term of twenty years. Only the northern tribes, who took part in the treaty, have received the benefit of this stipulation. The southern and western tribes, having taken no part in the treaty, have received no part of the annuities, and consider that they are under no obligations to the General Government, and exhibit some reluctance to their proposed removal to a reservation. The northern tribes, who did take part in the treaty, would prefer to

remain where they now are, if lands could be given them in the several districts, but when informed that such a course could not be taken and explanations were given to them of the reason therefor, they expressed a willingness to settle on the Shoshone River, to the north, within the limits or adjacent to the reservation at Fort Hall, provided it should be found, on examination, to contain sufficient agricultural lands to meet their wants.

Delegates from some of the northern tribes visited the Fort Hall Reservation at the suggestion of the commission, and expressed their entire satisfaction with that district of country, but a part of these northern tribes and all of the southern tribes were unrepresented in this delegation. It is believed that there will be no difficulty in inducing all the northern tribes of Indians to remove. A little more time and more thorough explanation is needed to induce the southern tribes to consent to a removal, but it is believed that eventually their consent can be obtained.

The condition of these Indians does not differ materially from that of the Pai-Utes and Go-si Utes which have been heretofore mentioned, though it should be stated that the more southern tribes are in an exceedingly demoralized state; they prowl about the mining-camps, begging and pilfering, the women prostituting themselves to the lust of the lower class of men. There are no Indians in all the territory visited by your commission, whose removal is so imperatively demanded by considerations of justice and humanity, as these Shoshones of Nevada.

THE FORT HALL RESERVATION.

In a communication to the Department, made by the commission in June last, and which is embodied in this report, a general statement was made concerning the value of the district of country within the boundaries of this reservation. It is necessary only to repeat the statement that the reservation is quite sufficient and the country well adapted for the purposes for which it was set apart. On the reservation there are some good buildings, a saw-mill, grist-mill, and shingle-machine. Some farming has been carried on, chiefly by the employment of Indian labor. It is reported that there are 1,037 Indians on the reservation at least a part of the year. To the northwest, on the Salmon River, there are a number of tribes, numbering altogether about 500. These tribes were visited during the past year by the special commission, of which the Hon. J. P. C. Shanks was chairman, and it is proposed by that commission that these Indians also be brought to the reservation at Fort Hall. The total number of Indians thus to be collected on the reservation is 3,882, viz: 1,037 already on the reservation, 500 of the Salmon River tribes, 400 of the Northwestern Shoshones, and 1,945 of the Western Shoshones.

THE PA-VI-O'-TSOES OR PAH-UTES.

In the report of the agent of the Pa-vi-o'-tsoes belonging to the Walker River and Pyramid Lake reservations, these Indians are estimated to number 800. They seem to be making substantial progress in civilization, cultivating the soil to the extent of the facilities afforded on the reservations, and support themselves largely by fishing, selling the surplus products of the fisheries at good rates to the people of the railroad towns adjacent. There appears to be no reason to change the opinion expressed in the statement made last June that the Indians should be removed to some other place where they can become agriculturalists. Since that communication was made additional reasons for such a removal have appeared. It is probable that the Central Pacific Railroad Company is entitled to a part of the land embraced within the reservation, under the grant made to it by Congress. If this should prove true, it would be necessary to purchase such lands in order to secure these reservations for the use of the Indians, and when so purchased they would be entirely inadequate to their wants. Doubtless the Indians themselves would raise very serious objections to the removal, but they are industrious, intelligent, manageable people, and it is believed that if the necessities for the removal were properly represented to them, and, in addition to this, they are given substantial evidence that good lands will be secured to them, and that they will receive valuable aid by being supplied with farming-implements, seeds, cattle, &c., they will eventually consent to the removal. From the best information at the command of the commission, and after making diligent inquiries, it is believed that there are about 1,000 Indians allied in language to these Pa-vi-o'-tsoes, yet distributed about Western Nevada and Northeastern California.

During the past season the commission met many of the chiefs and principal men of these tribes. They, like the other Indians of Utah and Nevada, are anxious to obtain lands. Doubtless no great difficulty would be met in inducing them to go on a reservation; but within the territory inhabited by them there are no unoccupied lands which could be secured for their use. To the north, on the Malheur River, there is a reservation of what is represented to be good land, well watered, and with abundance of timber. On this reservation there are about 500 Indians allied to these of Nevada and California. The commission deem it wise that an effort should be made to consol-

idate all these Indians, namely, the Indians already on the Malheur Reservation, the uncollected tribes in Western Nevada and Northeastern California, and the Indians who belong to the Walker River and Pyramid Lake reservations.

The total number of such Indians would be about 2,300.

RECAPITULATION.

The tribes whose condition has been thus briefly discussed, and for whose disposition recommendations have been made, are scattered over a great extent of territory, embracing the greater part of the region between the Rocky Mountains and the Sierras. The boundaries of this region may be indicated in a general way as follows: Beginning on the north line of Oregon where that line crosses the Sierras, and continuing south along the crest of this range of mountains to Walker's Pass in Southern California, and from thence east to the southeast corner of Nevada; and from thence northeast to the point where San Juan River crosses the northern line of Arizona; and from thence east along this line to the southeast corner of Utah; and from thence north along the eastern line of Utah and beyond the line of Utah to the Wind River Mountains; and from thence in a northwesterly direction along the Wind River Mountains and the mountains which separate Montana from Idaho to a point directly east of the northern line of Oregon, and from that point to the place of beginning. The region of country thus described embraces the greater part of Idaho, nearly two-thirds of Oregon, nearly one-fourth of California, the entire State of Nevada, and the Territory of Utah, one-fifth of Arizona, and one-sixth of Wyoming, and contains about 420,000 square miles.

Within the territory thus described there are two small reservations, of which no mention has been made in this report, on the eastern slope of the Sierras in Oregon. The Indians who belong to these reservations originally occupied the country west of the Sierras, and do not belong to the great family of tribes we have been discussing. The Shoshones and Bannocks, of the Wind River Reservation, are without the boundaries of the country described, but they belong to the same family of tribes.

The same is true with regard to the tribes of Utes which belong to the great reservation in Western Colorado; and the Comanches of Texas are also a branch of this people. The Indians who inhabit this great district of country are estimated to number nearly 27,000, in the last annual report of the Bureau of Indian Affairs. The facts which we have collected show that there are not more than 9,359; and adding to this 300 Chem-a-hue-vis, belonging to the same race that live to the south of the district described, we have 9,659.

It is proposed to collect all the Pai-Utes of Southern Nevada, Southeastern California, Northwestern Arizona, and Southern Utah, together with the Chem-a-hue-vis of Southeastern California, on the Mo'-a-pa reservation, in Southern Nevada. The total number of these Indians is 2,327.

It is proposed to collect the Utes of Utah, the Pah-vants of Utah, and the Go-si Utes of Utah and Northeastern Nevada on the Uintah reservation. The total number of these Indians is 1,150.

It is proposed to collect the Bannocks and Shoshones at Fort Hall; the Shoshone tribes of Salmon River, the Northwestern Shoshones of Southern Idaho and Northern Utah, and the Western Shoshones of Central Nevada, Southwestern Idaho, and Southeastern Oregon, on the reservation at Fort Hall. The total number of these Indians is 3,882.

It is proposed to collect the Pah-Utes, Shoshones, &c., who are already on the Malheur reservation, the Pah-Utes or Pa-vi-o'-tsoes, who are now on the reservation at Pyramid Lake and Walker River, and the uncollected tribes of Western Nevada and Northeastern California on the reservation at Malheur River. The total number of these Indians is 2,300.

On the accompanying map, being a part of the map of the United States and Territories compiled in the General Land-Office, the several districts of country inhabited by the tribes included in this report are indicated by colors numbered to correspond with a tabular statement. The Indians inhabiting the districts colored with carmine are Pai-Utes, and the reservation recommended for them is of the same color, bordered with black. The brown colors indicate the tribes which should be collected at the Uintah reservation. This reservation is also colored brown, bordered with black.

The yellow colors indicate tribes which should go to the Fort Hall reservation, which is also colored yellow, bordered with black.

The Indians that should be collected at the Malheur reservation inhabit the region of country included within green lines, and the Malheur reservation is colored green, with black border.

Embraced within the boundaries of the four reservations there are about ten thousand square miles of land. Only a small portion of this land is fit for agricultural purposes, much of it being sandy desert and mountain waste.

The district of country relieved of the presence of the Indians is about four hundred and ten thousand square miles.

GENERAL REMARKS.

All of the Indians who have been visited by the commission fully appreciate the hopelessness of contending against the Government of the United States and the tide of civilization.

They are broken into many small tribes, and their homes so interspersed among the settlements of white men, that their power is entirely broken and no fear should be entertained of a general war with them. The time has passed when it was necessary to buy peace. It only remains to decide what should be done with them for the relief of the white people from their petty depredations, and from the demoralizing influences accompanying the presence of savages in civilized communities, and also for the best interests of the Indians themselves. To give them a partial supply of clothing and a small amount of food annually, while they yet remain among the settlements, is to encourage them in idleness, and directly tends to establish them as a class of wandering beggars. If they are not to be collected on reservations they should no longer receive aid from the General Government, for every dollar given them in their present condition is an injury. This must be understood in the light that it is no longer necessary to buy peace. Perhaps the Utes of the Uintah Valley should be excepted from this statement, as they might thus be induced to join the Utes of Western Colorado who are yet unsubdued.

Again, they cannot be collected on reservations and kept there without provision being made for their maintenance. To have them nominally on a reservation and actually, the greater part of the year, wandering among the settlements, is of no advantage, but rather an injury, as the people, believing that they should remain on their reservations, and considering that they are violating their agreements with the Government in wandering away, refuse to employ them and treat them with many indignities. And this consolidation of a number of tribes of Indians in one body makes them stronger, more independent, and more defiant than they would be if scattered about the country as small tribes. If, then, they are to be collected on reservations and held there by furnishing them with an adequate support, it is evident wisdom that they should be provided with the necessary means and taught to work, that they may become self-supporting at the earliest possible day; and it is urgently recommended that steps be taken to secure this end, or that they be given over to their own resources and left to fight the battle of life for themselves. It is not pleasant to contemplate the effect and final result of this last-mentioned course. The Indian in his relations with the white man rarely associates with the better class, but finds his companions in the lowest and vilest of society—men whose object is to corrupt or plunder. He thus learns from the superior race everything that is bad, nothing that is good. His presence in the settlement is a source of irritation and a cause of fear, especially among the better class of people.

Such persons will not employ him, for they do not desire the presence of a half-naked, vicious savage in their families.

Nor are the people of these communities willing to assume the trouble or expense of controlling the Indians by the ordinary agencies of local government, but are always ready to punish either real or supposed crimes by resort to arms.

Such a course, together with the effects of crime and loathsome disease, must finally result in the annihilation of the race.

By the other alternative, putting them on reservations and teaching them to labor, they must for a number of years be a heavy expense to the General Government, but it is believed that the burden would not be as great as that on the local governments if the Indians were left to themselves. It is very probable, also, that in the sequel it will be found cheaper for the General Government to collect them on reservations, for there is always serious danger of petty conflicts arising between the Indians and white men which will demand the interference of the General Government and entail some expense. The commission does not consider that a reservation should be looked upon in the light of a pen where a horde of savages are to be fed with flour and beef, to be supplied with blankets from the Government bounty, and to be furnished with paint and gew-gaws by the greed of traders, but that a reservation should be a school of industry and a home for these unfortunate people. In council with the Indians great care was taken not to implant in their minds the idea that the Government was willing to pay them for yielding lands which white men needed, and that as a recompense for such lands they would be furnished with clothing and food, and thus enabled to live in idleness. The question was presented to the Indian something in this light: The white men take these lands and use them, and from the earth secure to themselves food, clothing, and many other desirable things. Why should not the Indian do the same? The Government of the United States is anxious for you to try. If you will unite and agree to become farmers, it will secure to you permanent titles to such lands as you need, and will give you the necessary assistance to begin such a life, expecting that you will soon be able to take care of yourselves, as do white men and civilized Indians.

All the tribes mentioned in this census table, and many others, have been visited by the commission, and frequent consultations held with them concerning the importance of their removing to reservations, and they have discussed it among themselves very fully.

Care has been taken to secure common consultation among those tribes which should be united as represented in the plans above, and we doubt not that these questions will form the subject of many a night's council during the present winter; and if the suggestions made by the commission should be acted upon, it is to be hoped that next summer will find the great majority of these Indians prepared to move.

SUGGESTIONS IN REGARD TO THE MANAGEMENT OF THESE RESERVATIONS.

With a view of ultimately civilizing these Indians, the commission beg leave to make some suggestions concerning the management of reservations.

First. All bounties given to the Indians should, so far as possible, be used to induce them to work. No able-bodied Indian should be either fed or clothed except in payment for labor, even though such labor is expended in providing for his own future wants. Of course these remarks apply only to those who form the subject of our report—those with whom it is no longer necessary to deal as public enemies, and with the understanding that they must be conciliated to prevent war. It has already been stated that such a course is unnecessary with these Indians.

Second. They should not be provided with ready-made clothing. Substantial fabrics should be given them from which they can manufacture their own garments. Such a course was taken during the past year with the Pi-Utes, under the direction of the commission, and the result was very satisfactory. For illustration, on the Pi-Ute reservation four hundred Indians received uncut cloth sufficient to make each man, woman, and child a suit of clothes. With these fabrics thread, needles, buttons, &c., were issued. The services of an intelligent, painstaking woman were secured to teach the woman how to cut and make garments for themselves and their families. Three weeks after the issue of this material the commission revisited the reservation and found these Indians well clothed in garments of their own make. At first they complained bitterly that ready-made clothing was not furnished to them as it had been previously, but when we returned to the reservation it was found that they fully appreciated that the same money had been much more advantageously spent than on previous occasions.

Where the Indians have received ready-made clothing for a number of years, the change should not be made too violently, but a wise and firm agent could soon have all his Indians making their own clothing.

Third. The Indians should not be furnished with tents; as long as they have tents they move about with great facility, and are thus encouraged to continue their nomadic life. As fast as possible houses should be built for them. Some of the Indians are already prepared for such a change, and greatly desire to live in houses. A few, especially the older people, are prejudiced against such a course, and perhaps at first could not be induced to live in them; but such a change could be made gradually to the great advantage of the Indian, both for his health and comfort and for its civilizing influence.

Fourth. Each Indian family should be supplied with a cow, to enable them to start in the accumulation of property. The Indians now understand the value of domestic cattle, and are anxious to acquire this class of property, and a few of them have already made a beginning in this direction. Some have ten, twenty, thirty, and even fifty head, though these are exceptional cases, and it is interesting to notice that, as soon as an Indian acquires property, he more thoroughly appreciates the rights of property, and becomes an advocate of law and order.

Fifth. In all this country the soil cannot be cultivated without artificial irrigation, and under these conditions agricultural operations are too complicated for the Indian without careful superintendence. It will be impossible also to find a sufficient body of land in any one place for the necessary farms; they must be scattered many miles apart. There will, therefore, be needed on each reservation a number of farmers to give general direction to all such labor.

Sixth. On each reservation there should be a blacksmith, carpenter, and a saddle and harness maker, and each of these mechanics should employ several Indian apprentices, and should consider that the most important part of his duty was to instruct such apprentices, and from time to time a shoemaker and other mechanics should be added to this number.

Seventh. An efficient medical department should be organized on each reservation. A great number of the diseases with which the Indian is plagued yield readily to medical treatment, and by such a course many lives can be saved and much suffering prevented. But there is another very important reason for the establishment of a medical department. The magician or "medicine-man" wields much influence, and such influence is always bad; but in the presence of an intelligent physician it is soon lost.

Eighth. It is unnecessary to mention the power which schools would have over the rising generation of Indians. Next to teaching them to work, the most important

thing is to teach them the English language. Into their own language there is woven so much mythology and sorcery that a new one is needed in order to aid them in advancing beyond their baneful superstitions; and the ideas and thoughts of civilized life cannot be communicated to them in their own tongues.

THE RELATION OF THE ARMY TO THESE INDIANS.

Your commission cannot refrain from expressing its opinion concerning the effect of the presence of soldiers among these Indians where they are no longer needed to keep them under subjection. They regard the presence of a soldier as a standing menace, and to them the very name of soldier is synonymous with all that is offensive and evil. To the soldier they attribute their social demoralization and the unmentionable diseases with which they are infested. Everywhere, as we traveled among these Indians, the question would be asked us, "If we go to a reservation will the Government place soldiers there?" And to such a removal two objections were invariably urged; the first was, "We do not wish to desert the graves of our fathers," and the second, "We do not wish to give our women to the embrace of the soldiers."

If the troops are not absolutely necessary in the country for the purpose of over-awing these Indians, or protecting them in their rights against the encroachments of white men, it will be conceded that they should be removed.

We have already expressed the opinion that they are not needed to prevent a general war, and we believe that they are not useful in securing justice between white men and Indians and between Indians and Indians. In war we deal with people as organized into nationalities, not as individuals. Some hungry Indian steals a beef, some tired Indian steals a horse, a vicious Indian commits a depredation, and flies to the mountains. No effort is made to punish the real offender, but the first Indian met is shot at sight. Then, perhaps, the Indians retaliate, and the news is spread through the country that war has broken out with the Indians. Troops are sent to the district and wander around among the mountains and return. Perhaps a few Indians are killed, and perhaps a few white men. Usually in all such cases the white man is the chief sufferer, for he has property which can be spoiled, and the Indian has none that he cannot easily hide in the rocks. His methods of warfare are such that we cannot cope with him without resorting to means which are repugnant to civilized people; and, after spending thousands, or even millions of dollars, on an affair which, at its inception, was but a petty larceny, we make a peace with the Indians, and enter into an agreement to secure him lands, which we cannot fulfill, and to give him annuities, the expense of which are a burden on the public Treasury.

This treatment of the Indians as nations or tribes is in every way bad. Now, the most vicious Indian in any tribe has it in his power, at any moment that he may desire, to practically declare war between his own tribe, and perhaps a dozen surrounding tribes, and the Government of the United States.

What now is needed with all these subdued Indians is, some method by which individual criminals can be arrested and brought to justice. This cannot be done by the methods of war. As long as the Indians are scattered among the settlements the facts show that this cannot be done. The Indian has no knowledge of legal methods, and avenges his own wrongs by ways which are traditional with him, while the prejudices against savages which has grown through centuries of treacherous and bloody warfare, and the prejudices of race, which are always greatly exaggerated among the lower class of people, with whom the Indian is most liable to associate, are such that the Indian cannot secure justice through the intervention of the local authorities.

There is now no great uninhabited and unknown region to which the Indian can be sent. He is among us, and we must either protect him or destroy him. The only course left by which these Indians can be saved is to gather them on reservations, which shall be schools of industry and civilization, and the superintendents of which shall be the proper officers to secure justice between the two races, and between individuals of the Indian race. For this purpose on each reservation there should be a number of wise, firm men, who, as judges and police officers, would be able in all ordinary cases to secure substantial justice. In extraordinary cases no hasty steps should be taken. Surprises and massacres need no longer be feared, and if a larger force is needed than that wielded by the employes on the reservations, it would be easy to increase it by civil methods.

For this purpose laws should be enacted clearly defining the rights of the Indians and white men in their mutual relations, and the power of the officers of the Indian Department, and the methods of procedure to secure justice. It might possibly be unwise to withdraw all the troops at once. It might be better to remove them *pari passu* with the establishment of the Indians on reservations.

Permit the remark just here, that the expense of the military and civil methods stand in very glaring contrast. Within the territory which has heretofore been described it is probable that about two million dollars will be expended in the support of troops during the present fiscal year, and much less than two hundred thousand

dollars through the Indian Department for feeding, clothing, and civilizing the Indians.

We beg leave again to mention that these remarks apply only to conquered tribes.

There are some Indians in other portions of the United States, whom it is necessary to manage by other methods, who yet have the pride and insolence and treachery of savages. But by far the greater part of the Indians scattered throughout the territory from the Rocky Mountains to the Pacific coast are in a condition substantially the same as those who form the subject of this report.

APPROPRIATIONS.

ESTIMATES FOR APPROPRIATIONS SUBMITTED BY THE INDIAN BUREAU, THROUGH THE SECRETARY OF THE TREASURY, FOR THE SUPPORT, ETC., OF THE INDIANS HERETOFORE DESCRIBED, FOR THE FISCAL YEAR ENDING JUNE 30, 1875. (See letter from the Secretary of the Treasury, transmitting estimates of appropriations on pages indicated.)

91. One agent for the Malheur reservation	\$1, 500
91. Two agents for the tribes in Nevada, viz: the Pi-Utes and Walker River and Pyramid Lake reservations, \$1,500 each	3, 000
91. One agent at Fort Hall reservation	1, 500
91. One agent for the tribes in Utah, viz: Uintah Valley agency	1, 500
92. One interpreter, Malheur agency	500
92. One interpreter, Fort Hall agency	500
92. Three interpreters for the tribes in Nevada, viz: Pi-Utes, Walker River, and Pyramid Lake agencies, at \$500 each	1, 500
92. One interpreter for the tribes in Utah	500
104. Fulfilling treaties with Shoshonees, Eastern, Western, Northwestern, and Goship bands	
104. Eastern bands	
104. Eleventh of twenty installments, to be expended under the direction of the President in the purchase of such articles as he may deem suitable to their wants, either as hunters or herdsmen, per fifth article treaty of July 2, 1863	10, 000
104. Western bands	
104. Eleventh of twenty installments, to be expended under the direction of the President in the purchase of such articles as he may deem suitable to their wants, either as hunters or herdsmen, per seventh article treaty of October 1, 1863	5, 000
105. Northwestern bands	
105. Eleventh of twenty installments, to be expended under the direction of the President in the purchase of such articles as he may deem suitable to their wants, either as hunters or herdsmen, per third article treaty of July 30, 1863	5, 000
105. Goship bands	
105. Eleventh of twenty installments, to be expended under the direction of the President in the purchase of such articles, including cattle for herding or other purposes, as he may deem suitable to their wants and condition as hunters and herdsmen	1, 000
105	
<i>Fulfilling treaties with Shoshonees and Bannocks.</i>	
Bannocks:	
Fifth of thirty installments, to purchase four hundred suits of clothing for males over fourteen years of age, the flannel, hose, calico, and domestics for four hundred females over twelve years of age, and such flannel and cotton goods as may be needed to make suits for four hundred boys and girls under the ages named	6, 937
Fifth of ten installments, for purchase of such articles as may be considered proper by the Secretary of the Interior, for eight hundred persons roaming, at ten dollars each, and four hundred persons engaged in agriculture, at twenty dollars each	16, 000
Pay of physician, teacher, carpenter, miller, engineer, farmer, and blacksmith, as per tenth article treaty of July third, eighteen hundred and sixty-eight	6, 800
First of three installments, for the purchase of seeds and farming implements, as per eighth article same treaty	2, 500
Transportation of goods that may be purchased for the Shoshonees and Bannocks	5, 000

105 *Settlement, subsistence, and support of Shoshonees and Bannocks and other bands of Idaho and Southeastern Oregon.*

This amount to be expended in such goods, provisions, or other articles as the President may from time to time determine, including transportation; in instructing in agricultural pursuits; in providing employes, educating children, procuring medicine and medical attendance; care for and support of the aged, sick, and infirm, for the helpless orphans of said Indians, and in any other respect to promote their civilization, comfort, and improvement... \$40,000

109 *Incidental expenses of the Indian service in Idaho Territory.*

General incidental expenses of the Indian service in Idaho Territory: presents of goods, agricultural implements, and other useful articles; and to assist them to locate in permanent abodes and sustain themselves by the pursuits of civilized life, to be expended under the direction of the Secretary of the Interior, \$20,000, one-half..... 10,000

109 *Incidental expenses of the Indian service in Nevada.*

General incidental expenses of the Indian service in Nevada; presents of goods, agricultural implements, and other useful articles; and to assist them to locate in permanent abodes and sustain themselves by the pursuits of civilized life, to be expended under the direction of the Secretary of the Interior.... 50,000

110 *Incidental expenses of the Indian service in Oregon.*

General incidental expenses of the Indian service in Oregon, including transportation of annuity goods and presents, (where no special provision is made therefor by treaty,) and for paying the expenses of the removal and subsistence of Indians in Oregon, (not parties to any treaties,) and for the pay of necessary employes, \$75,000; of this amount..... 10,000

110 *Incidental expenses of the Indian service in Utah Territory.*

General incidental expenses of the Indian service in Utah Territory: presents of goods, agricultural implements, and other useful articles, and to assist them to locate in permanent abodes and sustain themselves by the pursuits of civilized life, including transportation and necessary expenses of delivering provisions to the Indians within the Utah superintendency; and for subsistence and clothing for Indians located upon the Uintah Valley reservation, Utah, to be expended under the direction of the Secretary of the Interior.... 50,000

110 *Civilization and subsistence of Indians on the Malheur reservation.*

This amount, or so much thereof as may be necessary, in the purchase of goods, subsistence stores, &c., for the Indians collected on the Malheur reservation, Oregon, and in instructing them in agricultural and mechanical pursuits, providing employes, educating children, procuring medicine and medical attendance, care for and support of the aged, sick, and infirm; for the helpless orphans of said Indians, or in any other respect to promote their civilization, comfort, and improvement..... 40,000

Total amount of these estimates..... 268,737

RECOMMENDATIONS FOR APPROPRIATIONS.

In lieu of the foregoing the following are submitted:

For the Pai Ute reservation.

For the employment of one agent, three farmers, one blacksmith, one carpenter, one saddle and harness maker, one miller, one teacher, and three general assistants..... \$12,900

For the purchase of teams, wagons, agricultural implements, seeds and tools, and supplies for the shops of the mechanics..... 8,000

For the purchase of lumber and other material for the agency buildings.....	\$3,000
For subsistence supplies.....	10,000
For the purchase of a sufficient number of cows to give one to each Indian family.....	10,000
For the purchase of fabrics for clothing and other necessary articles for the Indians.....	15,000
For machinery and repairs on mill.....	5,000
For salary of surgeon, hospital steward, and medical supplies for hospital....	5,000
For constructing wagon-road from the agency to such point as the Secretary of the Interior may direct.....	5,000
For the payment of freighting and traveling expenses.....	10,000
For collecting the Indians on the reservation and incidental expenses.....	12,000
For one interpreter.....	500

Total amount of appropriation recommended for the Pai Ute reservation. 96,400

For the Uintah reservation.

For the employment of one agent, one farmer, one blacksmith, one carpenter, one saddle and harness maker, one miller, one engineer, one teacher, and three general assistants.....	\$11,750
For the purchase of teams, wagons, agricultural implements, seeds, tools, and supplies for the shops of the mechanics.....	10,000
For the erection of houses for the Indians.....	5,000
For subsistence supplies.....	10,000
For the purchase of a sufficient number of cows to give one to each Indian family.....	6,000
For the purchase of ready-made clothing, and for fabrics for clothing, and other articles necessary for the Indians.....	8,000
For the salary of surgeon, hospital steward, and medical supplies for the hospital.....	5,000
For constructing a wagon road from the agency to the railroad.....	10,000
For the payment of freighting and traveling expenses.....	5,000
For collecting the Indians on the reservation and incidental expenses.....	5,000
For one interpreter.....	500

Total amount of appropriation recommended for the Uintah reservation. 76,250

For the Fort Hall reservation.

For the employment of one agent, three farmers, one blacksmith, one carpenter, one saddle and harness maker, one engineer, one teacher, and three general assistants.....	\$14,100
For the purchase of teams, wagons, agricultural implements, seeds, tools, and supplies for the shops of the mechanics.....	8,000
For the erection of buildings for the Indians.....	12,000
For subsistence supplies.....	12,000
For the purchase of a sufficient number of cows to give one to each Indian family.....	16,000
For the purchase of ready-made clothing, and fabrics for clothing, and articles necessary for the Indians.....	18,000
For the salary of surgeon, hospital steward, and medical supplies for the hospital.....	5,000
For the payment of freighting and traveling expenses.....	8,000
For collecting the Indians on the reservation and incidental expenses.....	12,000
For one interpreter.....	500

Total amount of appropriation recommended for Fort Hall reservation. 105,600

For the Malheur reservation.

For continuing the agency for the reservations at Pyramid Lake and Walker River until the crops now planted shall be harvested, and for removing these Indians to the Malheur reservation.....	\$12,000
For the employment of one agent, three farmers, one blacksmith, one carpenter, one saddle and harness maker, one teacher, and three general assistants.....	11,700
For the purchase of teams, wagons, agricultural implements, seeds and tools, and supplies for the shops of the mechanics.....	10,000
For the erection of buildings.....	10,000
For subsistence supplies.....	12,000

For the purchase of a sufficient number of cows to give one to each Indian family	\$12,000
For the purchase of ready-made clothing, and fabrics for clothing, and other necessary articles for the Indians	15,000
For salary of surgeon, hospital steward, and medical supplies for the hospital	5,000
For the payment of freighting and traveling expenses	8,000
For collecting the Indians on the reservation and incidental expenses	8,000
For one interpreter	500
Total amount of appropriations recommended for the Malheur reservation	<u>104,200</u>

ESTIMATED VALUE OF THE CLAIMS OF CERTAIN SETTLERS ON THE MO'-A-PA RESERVATION.

Isaac Jennings }	\$7,500
J. S. Moffett... }	
Thomas Belding }	4,250
Chandler Belding }	
Lewis Seabright }	5,700
Daniel Bonelli... ..	
Robert G. Patterson }	6,200
J. L. Lessell..... }	
William Anderson.....	750
Augustus James.....	750
Abraham James.....	1,500
Robert Logan.....	2,200
John Bennett... }	
J. H. Ratcliff.... }	1,400
G. R. A. Percival }	
Volney Rector... }	1,800
Peter L. Johnson }	
Total.....	<u>32,050</u>

It is recommended that appropriations be asked to pay the above claims.

These people already occupy much of the available land on this reservation, and have control of the water. It is absolutely necessary that they should be removed if the Indians are to be established as agriculturalists.

A special report, giving in detail the character of these improvements, viz, the buildings, trees, orchards, vineyards, water-ways, &c., together with certified copies of the surveys which were made under the State laws of Nevada to secure these settlers in their possessory rights, and a map of the reservation showing the situation of each claim, will be submitted on the completion of the map.

GENERAL RECOMMENDATIONS.

It is recommended—

First. That the act entitled "An act to vacate and sell the present Indian reservation in Utah Territory, and to settle the Indians of said Territory in the Uintah Valley," approved May 5, 1864, (see U. S. Stats. at Large, vol. 13, p. 63,) be repealed, and that the lands to which it refers be thrown open to settlement in the usual way. (See previous remarks on "The small reservations at San Pete, Corn Creek, Spanish Fork, and Deep Creek.")

Second. That the boundaries of the Pai-Ute reservation be established as follows: Beginning at a point on the Colorado River of the West eight miles east of the one hundred and fourteenth meridian, and continuing from thence due north to the thirty-seventh parallel of latitude; and continuing from thence due west along said thirty-seventh parallel of latitude to a point twenty miles west of the one hundred and fifteenth meridian; and continuing from thence due south thirty-five miles; and continuing from thence due east thirty-six miles; and continuing from thence due south to the center of the channel of the Colorado River of the West; and continuing from thence along said center of the channel of the Colorado River of the West to the point of beginning. (See previous remarks under the headings of "Reservations on the Mo'-a-pa" and "Timber.")

Third. That an inspector, together with a competent engineer, employed for this purpose from the incidental funds of the several reservations, shall visit the reservations at Uintah, Fort Hall, and on the Malheur reservation, and, in company with the agent and some of the chiefs and principal men of the tribes belonging on such reservations, shall make a careful examination of the territory embraced within the reser-

ventions and designate certain natural, or if need be artificial, boundaries for the same, and report such action to the Department, to be submitted to Congress for final approval, so that the boundaries of such reservations may be accurately established by law. When the boundaries have been thus surveyed it would be well to have the reservations surveyed and divided into small tracts and topographical maps made of them.

Fourth. That the agents for these reservations be authorized to promise the Indians that one cow will be given to each Indian family settling on these reservations annually for a term of two years subsequent to that in which the first issue of cattle is made.

Fifth. Also that the agents for these reservations be authorized to promise the Indians that \$10,000 will be expended annually on the Mo'-a-pa reservation, \$6,000 annually on the Uintah reservation, \$15,000 annually on the Fort Hall reservation, and \$10,000 annually on the Malheur reservation for such a term of years as may be necessary to give each Indian family a house, to exceed in cost not more than \$200; but that such cost shall not include the labor bestowed upon the same by the Indian himself.

Sixth. That should any of these Indians prefer to go to any other of these reservations than that to which they have been assigned in the foregoing report, or to the reservation at Wind River, the Secretary of the Interior shall have the authority to transfer the proper proportion of these appropriations from the account of the reservation to which it has been specially appropriated, to such reservation as the Indians may elect—provided the Secretary of the Interior shall approve of such election.

PAPERS ACCOMPANYING THIS REPORT.

First. A map of the Pi-Ute reservation in Southeastern Nevada.

Second. A section of the "Map of the United States and Territories prepared in the General Land-Office," with the districts inhabited by the various tribes embraced in this report, colored so as to indicate the geographical distribution of the several tribes which should be collected on the reservations.

Third. Report concerning the claims of settlers in the Mo-a-pa Valley, with copies of surveys, &c., marked A, B, C, and D, and photographs numbered 1, 2, 3.

In our letter of instruction, we were directed to consult with Col. H. A. Morrow, commandant at Camp Douglas, in Utah Territory.

While we were at Salt Lake City, completing plans for the operations of the summer, Colonel Morrow was confined to his room by severe sickness, and his physician thought it unwise for us to hold any consultation with him, but we availed ourselves of his wise counsel to the limit of our opportunities.

To many of the citizens of Utah and Nevada we are indebted for information, advice, and assistance, and we are pleased here to state that we met everywhere with the most hearty co-operation from the better class of people.

Invoking your attention to the facts herein set forth, and your consideration of the recommendations made,

We are, with much respect, your obedient servants,

J. W. POWELL,
G. W. INGALLS,
Special Commissioners.

The Hon. COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

REPORT CONCERNING CLAIMS OF SETTLERS IN THE MO-A-PA VALLEY, (S. E. NEVADA,) BY SPECIAL COMMISSIONERS J. W. POWELL AND G. W. INGALLS.

WASHINGTON, D. C., December 18, 1873.

Hon. COMMISSIONER OF INDIAN AFFAIRS, *Washington, D. C.:*

SIR: The following is a statement of the character and estimated value of the claims of certain settlers in the valley of the Mo-a-pa or Muddy Creek within the territory set apart by Executive order, dated March 12, 1873, as a reservation for the Pi-Utes of Southern Utah, Southern Nevada, Southeastern California, and Northwestern Arizona.

CLAIM OF ISAAC JENNINGS AND J. S. MOFFETT.

Land.—Amount of land claimed three hundred and twenty acres. The land originally claimed by these parties was in two tracts, of one hundred and sixty acres each, but a copartnership was formed by the said Isaac Jennings and J. S. Moffett, and they now lay claim to three hundred and twenty acres as a company.

Claim surveyed February 6 and 7, 1872, by C. W. Wandell, deputy surveyor of Lincoln County, State of Nevada, in accordance with the laws of Nevada, enacted for the purpose of securing possessory rights to Government land not having been surveyed by the General Government.

(See accompanying paper marked A, "certified copy of surveys of Isaac Jennings.")

Water-ways.—The greater part of these lands are covered by irrigating canals, but only a portion of said canals have been kept in good order; in some places they are partially destroyed, in others totally. More than nine-tenths of this land has been under cultivation, but one-half of it has been neglected; the other half is still in good order, and the ditches for irrigating the same are in repair.

Trees.—Several thousand cottonwood-trees have been planted beside the ditches, being from one to eight years old, and from twenty to sixty feet high; thrifty. A small amount of garden shrubbery; a small amount of hedging set for the purpose of subdividing a part of the land into lots.

Vineyards.—Seven plats planted in vineyard, on which are two thousand good grape-vines from four to eight years old; fifteen hundred second class of the same age, and one thousand third class, or nearly worthless, of the same age.

Meadow.—Eighteen acres set in lucern, and eight acres partly set.

Buildings.—Adobe house on stone foundation, covered with tules and earth. Rooms all without ceilings. Rooms have been papered; paper now damaged. Room used as post-office, 10 by 14; parlor, 14 by 15; large bed-room, 14 by 15; low bed-room, 12 by 15; dining-room, 16 by 20; kitchen, 16 by 16; pantry, 8 by 14; wash-room, 8 by 14; room for store, (not covered,) 16 by 18; blacksmith-shop, 16 by 40; the walls are 13 feet high; substantial floors are common; casings to doors and windows plain; doors plain; outside cellar, 12 by 14; stone walls. Hen-house, 18 by 20, rudely built of adobes and covered with tules. Granary, with two rooms, each 12 by 16, covered with tules; without floor. Three small adobe stables. Large adobe corral. Sufficient stone hauled for a second corral.

(See photograph "No. 1.")

Estimated value of this claim, \$7,500.

CLAIM OF THOS. BELDING, CHANDLER BELDING, AND LEWIS SEABRIGHT

The amount of land within this claim is considerably less than one hundred and sixty (160) acres to each person, but the value of the claim, in the estimation of the commissioners, is in no way affected by the amount of land, as the adjacent lands are still unoccupied and as the General Government has never yielded the title to any of the said lands. The value of the improvements and water-rights only are considered.

The lands included within this claim were surveyed by the same officer and at the same time as those in the claims above, at least such information has been received by the commission, but no copy of such surveys has been received.

About one hundred (100) acres has been under cultivation; now there are forty (40) acres under cultivation in good order and with irrigating canals in good repair.

Trees.—Several hundred cottonwood and other trees are set along the canals; they are from twenty to sixty feet high, good and thrifty. Small amount of well-cultivated garden-shrubbery. A small amount of hedging set for the purpose of subdividing a part of the land into lots.

Vineyard.—Twelve hundred grape-vines, four to six years old, in good order; eight hundred second-rate grape-vines; five hundred third-rate, or nearly worthless.

Buildings.—Adobe house on stone foundation, covered with tules; common floor window and door frames and doors; rooms without ceilings; walls twelve feet high, three rooms each, 16 by 16; small low back room used as kitchen. Hen-house. Small stable. Small corral made of poles.

(See photograph "No. 2.")

Fence.—Thirty-nine panels of two-pole fence. Estimated value of this claim \$4,250.

CLAIM OF DANIEL BONELLI.

Land.—One hundred and sixty (160) acres. Surveyed by C. W. Wandell, deputy county surveyor of Lincoln County, State of Nevada, February 1 and 2, 1872. (See accompanying paper marked B.)

About one-fourth of the land has been prepared for cultivation, and is covered with irrigating canals. Canals not in good repair.

Trees.—A small amount of orchard-trees and garden-shrubbery. A good hedge, inclosing ten (10) acres, on two sides of osage orange; on one side of osage orange and cottonwood trees intervening, and on the fourth side of mesquite. Water-ways for ten (10) acres in good repair.

Vineyard.—Four thousand grape-vines, in good order, from two to eight years old. Two thousand second-rate grape-vines of the same age, and two thousand three hundred and fifty third-rate grape-vines of the same age.

The number of these grape-vines was determined by counting what were believed to be average rows. A greater number were claimed. (See accompanying paper marked C.)

Meadow.—Three and one-half acres well set with lucern.

Buildings.—Adobe house, stone foundation, covered with tules; no ceilings; walls thick; twelve feet high; in good order. Front part of house, outside measurement, 15 by 32; divided into two rooms; double fire-place in partition.

Back building, outside measurement, 17 by 27, divided into two rooms; one fire-place; floors, doors, and casings for doors and windows, common cellar 12 by 14, seven feet high, with stone walls.

House said to have cost \$1,000.

Small adobe hen-house.

(See Photograph No. 3.)

Estimated value of claim \$5,700.

CLAIM OF R. G. PATTERSON AND J. L. LASSELL.

Land.—Two tracts of land, each of one hundred and sixty acres, claimed by these parties; one known as the Mill ranch, the other as the Island ranch; not surveyed.

The parties themselves live at the Mill ranch, and the Island ranch is occupied by a tenant.

Mill ranch.—The greater part of this land has at one time been under cultivation, and is covered with irrigating canals; but the greater part of these water-ways are not in good repair.

About one-half of the land was cultivated during the past year.

Trees.—Trees have been planted extensively along the water-ways, and a grove of three or four acres has been started.

Altogether there are from ten to fifteen thousand trees, from two to six years old, good and thrifty, chiefly cottonwood, but also several hundred small ash trees.

A few orchard trees, not in good condition.

A small amount of hedging, in bad order.

Vineyard.—Two thousand grape-vines in fair order; fifteen hundred in second-rate order, and ten thousand, third-rate or nearly worthless.

Meadow.—Six acres well set with lucern; four acres partly set.

Island ranch.—The greater part of this land has been under cultivation at one time, and was covered by irrigating canals; but these have been neglected, and are in bad order.

More than half of the land has grown up with brush-wood and weeds.

Trees.—About two thousand cottonwood trees, from two to five years old; thrifty.

Vineyard.—One hundred and fifty grape-vines in second-rate order. Three hundred in third-rate order; nearly worthless.

Meadow.—Two acres set in lucern.

Buildings.—Mill-house 20 by 24; common frame, inclosed with rough boards; two floors; common basement; room for cleaner; first floor 11-foot posts; low upper floor for bolt; frame-work for bolt at present in chamber; building covered with thatched tules; family living in mill-house.

Adobe store-room attached to frame-building 20 by 45; stone foundation; walls heavy, but low; no floor; tule and dirt roof; mill-race, with small flume, in fair order.

Estimated value of this claim, including both ranches, \$6,200.

CLAIM OF WILLIAM ANDERSON.

Land.—One hundred and sixty acres not surveyed. Fifteen acres under plow, in good order; twenty-five acres covered with irrigating canals; purchased of R. G. Patterson. Prior to the erection of the house, said to have cost \$200.

Buildings.—Small adobe house, two rooms; no floor; roof of tules covered with dirt; house nearly new, but very cheaply built.

Estimated value of this claim, \$750.

CLAIM OF AUGUSTUS JAMES.

Land.—One hundred and sixty (160) acres, not surveyed. Twenty-five acres under plow and ditches.

Trees.—A few cottonwood trees; nursery of several thousand small cottonwood and ash trees.

Vineyard.—Three hundred second-rate grape-vines.

Buildings.—Four small adobe buildings, in second-rate repair.

Estimated value of this claim, \$750.

CLAIM OF ABRAHAM JAMES.

Land.—One hundred and sixty (160) acres, said to have been surveyed. No copy of survey received. Purchased from Philander Bell.

(See accompanying paper marked "D", copy of deed in possession of said Abraham James.)

Twenty acres under plow and ditches, which are slightly out of order; about one half of the land has been cultivated at some time.

Trees.—Three hundred cottonwood trees, thrifty; a few small orchard trees and garden shrubbery.

Buildings.—Adobe house, 18 by 24; stone foundation, tule roof; floor, doors, and casings poor.

First adobe granary, 12 by 26; stone foundation, tule roof; adobe bins, good repair.

Second adobe granary, 12 by 14; stone foundation, tule roof; lumber floor; adobe bins; in fair order.

Adobe stable, 18 by 18, tule roof. Small adobe hen-house. Adobe building used as a threshing-room, 18 by 20; stone foundation, tule roof; adobe floor; good order.

Estimated value of claim, \$1,500.

CLAIM OF ROBERT LOGAN.

Land.—One hundred and sixty (160) acres; farm surveyed in the name of William Stewart, from whom said Robert Logan purchased the claim prior to the date of the executive order establishing the reservation.

Thirty-five acres cultivated the past year, now in good order; water-ways for the same in good condition; one hundred and ten acres originally under cultivation, but irrigating canals, for the additional amount above thirty-five acres, need much repair.

Trees.—A few cottonwood trees; small amount of garden shrubbery.

Vineyard.—Two hundred and twenty-five grape-vines, two years old, in fair order.

Meadow.—One and a half acres, well set with lucern.

Buildings.—House consists of two adobe buildings, 20 by 20, each separated by a passage-way ten feet wide; buildings and passage-way covered with good roof of tule-thatch; good stone foundation; common board floors, window and door-frames and doors; all in fair order.

Store-room, adobe, 20 by 20; very thick walls; adobe floor; well-built stone foundation; tule roof, new.

Cow-stable and granary, 18 by 40, adobe, covered with tules; stone foundation; well preserved.

Two other buildings, each 20 by 20, adobe, covered with tules; stone foundation; in a fair state of preservation.

Estimated value of claim, \$2,200.

CLAIM OF JOHN BENNETT, J. H. RATLIFF, AND G. R. A. PERCIVAL.

Land.—There are four hundred and eighty (480) acres claimed by these parties, who live together in one house. Not surveyed; fifty-five acres cultivated the past year, the same covered by water-ways in good repair; a larger amount of land was cultivated prior to the abandonment of it by the former settlers.

Trees.—Eight thousand cottonwood-trees, having one year's growth from setting, planted along the water-ways; all thrifty; two hundred larger cottonwoods, three to four years old.

Vineyard.—Two hundred grape-vines, one and two years old, in fair order.

Meadow.—Two acres well set with lucern.

Buildings.—Small adobe house, 14 by 16, not in good order.

This claim was purchased of Bell & Stewart prior to the issue of the Executive order establishing the reservation.

Estimated value of claim, \$1,400.

CLAIM OF VOLNEY RECTOR AND PETER L. JOHNSON.

Land.—One hundred and sixty (160) acres claimed. Both parties live in one house; seven acres under plow and ditch, but main ditch sufficient for a much larger amount of land; the greater part of the land has at one time been under cultivation, but the original ditches have been abandoned, and are in a great part destroyed.

Nearly one-half of the land is a natural meadow.

Trees.—From two to three thousand cottonwood-trees, planted last spring along the water-ways; good and thrifty. Overgrown nursery of many hundred cottonwood trees.

Vineyard.—A few hundred grape-cuttings planted last spring.

Buildings.—House of adobe, 14 by 20, stone foundation, tule roof; second-rate order.

Granary, 10 by 12, rough stone. A quantity of stone sufficient for the erection of a small house hauled on the ground.

Estimated value of this claim, \$1,800.

The commissioners after careful inquiry are satisfied that the improvements on the above claims were made prior to the establishment of the reservation by Executive order, and with the expectation, on the part of those who made them, of remaining as settlers in the valley.

Claims considered of no value.

CLAIM OF JOSEPH A. PARRISH.

One hundred and sixty (160) acres claimed; has plowed seven acres; no other improvements of value. Came into the valley December 27, 1872; was notified by one of the employés of the agency, when on his way to the valley, that it would probably be set apart as a reservation.

CLAIM OF JACOB MOON.

One hundred and sixty (160) acres claimed. No improvements. Came into the valley February 8, 1873. He also was notified that the valley was intended for a reservation.

CLAIM OF MARTHA C. TUCKER.

(Daughter of Jacob Moon. See above.)

One hundred and sixty acres claimed. Ten acres plowed; improvements of no value

CLAIM OF W. A. EARLES.

One hundred and sixty (160) acres claimed; no improvements. Settled in the valley during the month of January, 1873. States that he paid the Indians \$30 for the land. Remained on the reservation three weeks, then abandoned his claim.

These claims are considered by the commission to be of no value.

With great respect, your obedient servants

J. W. POWELL,
G. W. INGALLS,
Special Commissioners.

C.

REPORT OF A. B. MEACHAM, SPECIAL COMMISSIONER TO THE MODOCS, UPON THE LATE MODOC WAR.

SAN FRANCISCO, CAL., October 5, 1872.

SIR: In compliance with your instructions I herewith submit report of the late Modoc war, and in the absence of other members of the special commission to the Modocs, report individually and as chairman of said commission.

Receiving letter of instructions dated February 5, 1873, I proceeded under said instructions to arrange for a consultation with Gen. E. R. S. Canby at Fairchild's ranch. The commission was organized February 18, consisting of Jesse Applegate, Samuel Case, acting agent at Alsear, Oreg., A. B. Meacham, chairman, and Gen. E. R. S. Canby as advisor.

Referring to letter of instructions, you will discover that the duties of the commission were, "The objects to be obtained by the commission are these: first, to ascertain the causes which have led to the difficulties and hostilities between the United States troops and the Modocs;" and, secondly, "to devise the most effective and judicious measures for preventing the continuance of these hostilities, and for the restoration of peace."

Hostilities being suspended, the commission deemed it advisable to change the order of proceeding, and accordingly sought first to devise means to prevent the renewal of war. Messengers were employed to visit the Modocs and arrange for a meeting: first, Bob Whittle and wife, Matilda, (an Indian woman,) were sent, February 19, with instructions to announce to them the presence of and desire of the commission to arrange for a council meeting with the view of adjusting the difficulties that existed, and to prevent a re-opening of hostilities; also to ascertain with whom the Modocs would prefer to arrange the contemplated council.

Whittle and wife returned on the 20th, and reported the Modocs willing and anxious to "meet Riddle and Fairchilds to conclude details" for the proposed meeting. Fairchilds was intrusted with the message, and accompanied by Riddle and Artina (a Modoc woman), visited the Modoc camp, a distance of twenty miles from headquarters, with a "message to Modocs," as follows: "Fairchilds will talk for the commission, what he agrees to we will stand by. He cannot tell you any terms, but will fix a time and place for a council talk, and that no act of war will be allowed while peace talks are being had, no movements of troops will be made. We come in good faith to make peace. Our hearts are all for peace." This message was signed by Meacham, Applegate, and Case, with the approval of General Canby.

Fairchilds and party returned on the 23d, and reported the Modocs as willing and anxious for peace, but had not arranged for a meeting, because they were "unwilling to come out of the lava-beds."

FAIRCHILDS' PROPOSED MEETING BETWEEN THE LAVA-BEDS AND HEADQUARTERS.

This proposition was not agreed to, but a request for Judge Steele, of Yreka, to visit them was made, and in compliance he was sent for, with the hope on our part that, from his intimate acquaintance with these people, he might secure the meeting. Judge Steele arrived at headquarters of commission on the 4th of March, and the board of commissioners were called together, now consisting of Applegate, Case, Meacham, and Judge Roseborough, who had been added at the request of General Canby. Steele being present, accepted the mission as messenger to arrange for the meeting of commission and the Modocs, but unwisely was authorized to offer terms of peace, which was "a general amnesty to all Modocs on condition of their full and complete surrender and consent to remove to a distant reservation within the limits of Oregon or California."

Messrs. Roseborough, Case, and Applegate voting in the affirmative, and Meacham in the negative.

He was further instructed to say to them that "General Canby would make peace and conclude terms."

Messrs. Roseborough, Case and Applegate voting in the affirmative, and Meacham in the negative.

On the 5th of March, in company with Riddle and Toby, Fairchilds, and R. H. Atwell as reporter, Judge Steele visited the Modoc camp.

Failing to secure a meeting of the commission and Modocs, made then, under instruction, the proposition above referred to, also stating that General Canby was authorized to conclude the arrangement for the surrender and removal. The propositions were not well understood, and created some discussion among the Modocs.

Captain Jack, speaking for the people, accepted the terms offered, though protests and evidences of dissatisfaction were evidently made. Steele had not, however, seemed to have been aware of this fact, for on his return to headquarters he reported that "peace was made; they accept." A general feeling of relief followed, couriers were summoned to bear dispatches, when Fairchilds, who had been with Steele, declared that "there was some mistake, the Modocs have not agreed to surrender and removal." The Modoc messengers who had accompanied Steele and party to headquarters were questioned, when it was discovered that some misunderstanding existed. Steele, however, confident that he was correct, proposed to return to the Modoc camp and settle the matter beyond question. On Steele's second visit Fairchilds declined going, fearing, as he said, "that the Modocs would feel outraged by Steele's report." Atwell again accompanied Steele, who, on arrival, or soon thereafter, discovered that a great mistake had been made in reporting the first visit. The demonstrations were almost of hostile character. He was accused of reporting them falsely and working against their interests. His long acquaintance with Captain Jack and Scar-Faced Charlie, and consequent friendship, saved him and party from assassination; these two men, and one or two others, standing guard over him throughout the night. The following morning he averted the peril by proposing to return and bring the commission with him, and on this promise he was allowed to depart. On his return to headquarters he made a full report of the visit, stating the facts above referred to, and warning the commission of the danger of meeting the Modocs, except on equal terms and on neutral ground, and expressing the opinion "that no meeting could be had, no peace could be made."

The substance of these reports and conclusions were forwarded to the honorable Secretary of the Interior, who replied as follows:

"WASHINGTON, D. C.,

"March 5, 1873.

"I do not believe the Modocs mean treachery. The mission should not be a failure. I think I understand their unwillingness to confide in you. Continue negotiations. Will consult the President, and have the War Department confer with General Canby to-morrow.

"C. DELANO.

"To A. B. Meacham, Fairchilds' Ranch, via Yreka, Cal."

On the day following Steele's return from the second visit a delegation of Indians from the Modoc camp arrived. Mary, (sister of Captain Jack,) acting as messenger, proposed that, if General Canby would send wagons to meet them, the Modocs would all come out and surrender on the terms proposed by Steele on the first visit. General Canby, then acting under the authority of the vote of the commissioners transferring the whole matter to his care, accepted the proposition and named a day on which the final surrender should be consummated. However, before the time appointed, messengers arrived from the lava-beds, asking for further time to arrange for leaving camp, alleging that they were then burying their dead and could not come at the time appointed, but would comply at a subsequent period.

General Canby appointed another day, and assured the messengers that unless they were faithful to the compact he would take steps to compel compliance.

The day before the appointed time, Toby Riddle informed General Canby of intended treachery on the part of the Modocs, saying "no Modocs come; may be come to steal teams; they no give up." Her warning was not accredited.

The wagons were sent. Applegate, sanguine of the surrender, resigned and returned to his home, believing that "peace was made." Mr. Case, who had been relieved at his own request, had also left headquarters. Messages had been sent to the Department at Washington announcing the anticipated result, and the whole country was rejoicing, when, late on the evening of the appointed day, the wagons sent out by General Canby returned without the Indians. All of which was made known to the Department. Further negotiations seemed to be hopeless; nevertheless, knowing the anxiety for a peaceable solution of the troubles, we continued to seek a meeting. Instructions were received from headquarters from the honorable Secretary of the Interior, "to continue negotiations," and further continuing the commission, General Canby moved headquarters to "Van Bremens," and with him the commission moved. Soon after Doctor Thomas was added to the commission, also, L. S. Dyar, United States Indian agent, of Klamath. Meanwhile a herd of Indian horses had been captured by Major Biddle, notwithstanding the commission had informed the Modocs, through messengers, that no act of war would be permitted. Failing to arrange on satisfactory terms for a council meeting, the commission was notified by General Canby of the intended movement of troops nearer the Modoc camp. The movement was made and headquarters again changed, this time to the foot of the bluff, and within two miles of the Modoc stronghold. On the 2d of April the commission, including General Canby, met the Modocs for the first time, about midway between the Modoc camp and headquarters. No conclusions were arrived at, a severe storm coming up compelling adjournment, not, however, until an agreement had been made for the erection of a council-tent.

Riddle and his wife, Toby, expressed the opinion, on our return to camp, that treachery was intended; but the warning was not respected. On the 4th of April a request was made by Captain Jack for me to meet him and a few men at the council-tent. After a consultation with the board I went, accompanied by Judge Roseborough and J. A. Fairchilds, Riddle and his wife, Toby, as interpreters.

The Modoc chief was accompanied by six warriors and the women of his own family. He (Jack) remarked that he felt afraid in presence of General Canby and Doctor Thomas, saying "but now I can talk." He reviewed the whole question from the beginning, mentioning the Ben Wright treachery; the insults of the Klamath Indians while his people were on the reservation; the failure of Captain Knapp, acting agent of Klamath, to protect him, and his several removals while there, but made no complaint of want of subsistence; denied ever killing horses for food, but insisting that Agent Knapp "had no heart for him;" complained that Superintendent Odeneal had not visited him, and that Odeneal's messengers had promised to come again before bringing soldiers; that Major Jackson had attacked him before he was up in the morning of November 29, 1872; complained also of the citizens taking part in the battle at that time, declaring that had "no citizens been in the fight, no Indian women and children would have been killed, no citizens would have been murdered," saying his young men had done a great wrong while in hot blood, but that he could not control them any more than bad white men were controlled by American law; and feeling that he could never live in peace with the Klamaths, but wanted a home, "just the same as a white man on Lost River, the soldiers taken away and the war would stop."

On being assured that, since blood had been spilled on Lost River, he could never have it in peace, unless the Lost River murderers were given up for trial, he abandoned the request so far as his old home was concerned, saying, "I give up home; give me this lava-bed; no white man will ever want it." Again assured that no peace could be made or soldiers removed while his people remained in the lava-bed, but was informed that a new home would be given him, and provision made for clothing and subsistence. He was unwilling to surrender his men who killed the citizens, saying that the "governor of Oregon had demanded their blood, and that the law of Jackson County would kill them;" remarking, that the "law was all on one side, was made by the white man, for white men, leaving the Indian all out," finally, declaring that he could not control his people, and that he would die with them if no peace was made.

No terms were agreed to or further meetings arranged for at that time.

On the day following, Toby Riddle was sent with a proposition to Captain Jack to surrender with such others as might elect to do so. He declined the terms. On her return the messenger was warned of the intended treachery, which she reported to the commissioners and General Canby. This warning was not treated with the respect due the informer. Dr. Thomas questioned a Modoc afterward as to the truth of the report, which being denied, and the name of the author demanded, he replied, "Toby Riddle." The same party, of whom Dr. Thomas had made inquiry, was informed by General Gillem, "that unless peace was made very soon the troops would be moved up nearer the Modoc stronghold, and that one hundred Warm Spring Indians would be added to the Army within a few days." All of which was reported in the Modoc camp.

On the 8th of April a messenger visited the commission, asking for a "peace talk," saying that six unarmed Modocs were at the council-tent in the lava-bed anxious to make peace, and asking the commission to meet them.

The signal-officer at the station overlooking the lava-beds reported the "six Indians, and also in the rocks behind them twenty other Indians, all armed." Treachery was evident, and no meeting was had; further negotiations appeared useless and unsafe.

On the morning of the 10th of April a delegation from the Modoc camp arrived with renewed propositions for a meeting. The terms proposed were that, if the "commission, including General Canby and General Gillem, would come next day to the council-tent, *unarmed*, to meet a like number of *unarmed* Modocs, thus proving the confidence of the commission in the Modocs, "that they (the Modocs) would all come to headquarters and surrender on the day following." Dr. Thomas, who was then acting as (temporary) chairman, submitted the propositions to General Canby. After consultation, they decided to accept.

On the fatal morning of Friday, April 11, the commission held a meeting, and the propriety of keeping the appointment was discussed; Dr. Thomas insisting that it was a duty that must be performed; General Canby saying "that the importance of the object in view justified taking some risk;" Commissioners Dyar and Meacham recounting the evidences of premeditated treachery, and giving opinions adverse to the meeting. The interpreter, Frank Riddle, appeared before the board, and repeated the warning given by "Toby," his wife, and saying further, "that if the meeting must be had, he wanted to be free from responsibility; that he had lived with 'Toby' for twelve years, and she had never deceived him; that if the commission went, it should be *armed*." However, General Canby and Dr. Thomas insisted that the compact should be kept, the General remarking that from the signal-station a strict watch had been kept, and "only *five* Indians, unarmed, were at the council-tent;" and further, that a "watch would be kept on the council-tent, and in the event of an attack the Army would come to the rescue." Preparations were made to keep the compact; General Canby and Dr. Thomas starting in advance, and on foot, accompanied by Boston Charlie.

Before leaving the camp, as chairman of the commission, I again sought to avert the peril, calling to them, and stating again the warnings and proof of danger, and proposing to take with us a force sufficient for protection. Both the General and Doctor objected, saying it would be a "breach of faith."

To the proposition to make *any promise* necessary to avert danger, they each refused assent to "any promise that could not be kept." They proceeded to the council-tent, followed by Commissioner Dyar, interpreters Riddle and wife, and myself. On arrival it was evident that we were entrapped, and would be betrayed. *Eight armed*, instead of six unarmed Modocs, were present: Captain Jack, Schonchin, Shacknasty Jim, Ellen's Man, Hooker Jim, Boston Charlie, Bogus Charlie, and Black Jim. Any attempt to signal for assistance, or to retreat, would have precipitated the assassination.

The council was opened, on the part of the commission, by referring to the proposition made by the Modoc messengers the day before, when the meeting was agreed on. Captain Jack replied "that he wanted the soldiers taken away, and then the war would stop. He did not want the President to give him anything." About that time an incident occurred that removed all doubt as to the intention of the Modocs: Hooker Jim securing a horse belonging to the commission, by tying him to a sage-brush, and removing from the saddle an overcoat, and putting it on, remarking, "I am *Meacham now*;" intending it as an insult, that would be resented, thus making an excuse for a quarrel. Understanding his design, I simply said, "take my hat, too." He replied, in Modoc language, "I will very soon." Without further noticing him, as chairman, I replied to Captain Jack: The President sent the soldiers here, we did not bring them; we cannot take them away without his consent; they will not harm you if you are peaceable; we want peace, we do not want war; we will find a new home for you; you cannot live in this lava-bed always; there are many good places for you, and we will together look out a new home. General Canby is the soldier chief, and he is your friend; he will talk now.

The General, seeing the danger, as declared by Hooker Jim's actions in taking possession of the overcoat, arose and said: "The President sent the soldiers here, to see that everything was done right; they are your friends, and will not harm you. I have

had much experience with Indians. When a young man, I was sent to remove a tribe from Florida to a new home west of the Mississippi River, and although they did not like me well at first, they did after they became acquainted, and they elected me a chief and gave me a name which meant 'The Indian's Friend.' I was sent to remove another tribe to a new home, and they also elected me a chief, calling me the 'Tall Man.' I visited both these tribes years afterward, and they received me, in a friendly way. I have no doubt that *some time* you Modoc people will receive me as kindly."

Dr. Thomas spoke next, standing on his knees, and saying, in substance, "I believe the Great Spirit put in the heart of the President to send us here to make peace. I have known General Canby fourteen years, Mr. Meacham eighteen years, Mr. Dyar four years. I know all their hearts are good, and I know my own heart. We want no more war. The Great Spirit made all men. He made the red men and white men. He sees all our hearts and knows all we do. We are all brothers, and must live in peace together."

Schonchin said, "Take away your soldiers, and then we will go and look for a new place. We want Hot Creek for a home; take away the soldiers; *give us Hot Creek for a home*; take away the soldiers; give us Hot Creek."

Chairman. Hot Creek belongs to white men now; perhaps we cannot get it for you. Schonchin. I have been told we could have it.

Chairman. Who told you so? Did Fairchilds or Dorris say you could have it?

Schonchin. No; they did not, but Nate Beswick says we can have it.

Chairman. We can see Fairchilds and Dorris about it, and if we cannot buy it for you we will find another home.

Schonchin, (very much excited :) Take away the soldiers, and give us Hot Creek, or stop talking.

Captain Jack had risen and stepped behind Schonchin and nearly facing General Canby, who was nearest the council-tent, with Commissioner Dyar on his right, and about fifteen feet distant. I was on General Canby's left, within three feet, with Schonchin about the same distance in front of me. Dr. Thomas was on the left, within three feet, and Boston Charlie facing him, with Toby Riddle reclining on the ground between them. Riddle was still on the left of Dr. Thomas, and near him Black Jim, while Shacknasty Jim, Hooker Jim, and Bogus Charlie were behind Boston Charlie and Schonchin, and facing the commission. While Riddle was translating Schonchin's angry speech, two Modoc warriors, Barcho and Slolax, suddenly advanced (from ambush about fifty yards distant and a little to the left of the *front*, with rifles under their arms) rapidly toward us. We all arose and inquired, "Captain Jack, what does this mean?" who, turning suddenly, facing General Canby and within three or four feet, exclaimed in a very excited tone, "Ot we kantux-e," meaning "*all ready*," and drawing from under his coat a revolver, pointed it at General Canby's head. The first attempt only exploded the cap; he, however, quickly renewed the assault, the ball striking him below his left eye. He retreated, followed by Jack and Ellen's Man, a distance of forty yards, when, falling on the rocks, he was finally killed by a stab from Captain Jack and a rifle-shot from Ellen's Man. Dr. Thomas was attacked by Boston Charlie, and received the first shot in the left breast, but was allowed to retreat a short distance, followed by Boston and Bogus Charlie, and finally killed by a rifle-shot by Bogus Charlie. Commissioner Dyar fled, pursued by Hooker Jim, but escaped unhurt. Riddle also ran, followed by Black Jim, but he also escaped unhurt. Schonchin failed in his attempt to assassinate me, though several pistol-shots took effect, but not proving mortal. I fell back a distance of fifty yards, pursued by Schonchin, Shacknasty Jim, Barcho, and Slolax, they leaving, supposing me to be dead, when Boston Charlie returned and made an attempt to scalp me, but was frustrated by the strategy of Toby Riddle, shouting soldiers, soldiers.

The officer at the signal-station overlooking the scene at the council-tent gave the alarm. General Gillem ordered the several companies to the rescue on double-quick. They arrived too late to save General Canby and Dr. Thomas.

To the officers of the Army at Tule Lake Camp South, and especially to those of the medical corps, I am indebted for my recovery.

In reporting under article 1st of letter of instruction of February 5, to ascertain the causes which have led to the difficulties and hostilities between the Modocs and United States troops, I regret very much that no other member of the special commission has made an investigation or report thereon. This failure to investigate arises from the fact, that the letter of instructions and appointment of commissioners did not empower them to compel attendance, administer oaths, and otherwise do such acts as were indispensably necessary to accomplish a full, comprehensive, and authenticated report. Hence, as chairman of special commission to the Modocs, I shall submit such facts only as I believe can be substantiated by necessary proofs when required.

The Modoc tribe are an offshoot of the Klamaths. They have occupied the country known as "Lost River Basin," and covering portions of the old Government road to Oregon and California.

The first difficulty with the emigrants, as they (the Modocs) reported, grew out of the efforts of the emigrants to recapture horses found in their possession, which they claimed they had purchased from the Snake and Pitt River Indians.

After hostilities began, continued at intervals, during which time many Modocs were killed and many emigrants were cruelly butchered. Perhaps the most revolting among the many scenes was that of the killing of seventy-five white persons in 1852.

This terrible tragedy called out a company of volunteers "for the protection of emigrants," who, under command of Ben Wright, of Yreka, Cal., arrived on Tule Lake, at Bloody Point, the scene of the wholesale butchery above referred to. Failing to engage the Modocs in a fair battle, proposed a "peace talk," which was finally accepted, and forty-six Modoc warriors responded, and were by him and his company attacked, and forty-one of them slain. This act of treachery has always been remembered by the Modoc people, and had much to do in perpetuating the bitter feelings that have since existed, and doubtless had influence in the late assassination. Ben Wright was received at Yreka with great demonstrations, bonfires and banquets, and was afterward appointed an Indian agent as a reward for this heroic act of treachery to a trusting people, and a violation of the sacred rights of a flag of truce. Had he been held to account for this unauthorized act, it would have done much to secure the confidence of the Modocs, and other tribes as well. Hostilities continued until 1864, when ex-Superintendent Steele, of California, made a temporary treaty with the several tribes in the vicinity of Yreka, including the Modocs. In October following, Superintendent Huntington, of Oregon, under authority of the General Government, held a treaty-council at Council Grove, near Fort Klamath, with the Modocs and Klamath Indians, when all the country claimed by these tribes was ceded to the Government, except so much as may be embraced within the boundaries of what is known as Klamath reservation, and described in the second article of said treaty. (See Statutes at Large, vol. 16, page 707.) Schonchin, as head chief, (a brother of the Schonchin who was executed,) Captain Jack, (as Kient-poos,) and other members of the Modoc tribe, signed the treaty in the presence of witnesses. It is in evidence that the Modocs, including Captain Jack, (or Kient-poos,) in conformity of said treaty, accepted goods and subsistence, and remained on the new reservation several months, and finally left, returning to the Modoc country, and ignored the treaty, and refused to return to the reservation until December, 1869, at which time he accepted annuity goods and subsistence; and, under promise of protection from the taunts and insults of the Klamaths, he again took his abode on the Klamath reservation, together with the remainder of the tribe, selecting Modoc Point as the site for a home. They began to make arrangements for a permanent settlement, and no doubt with *bona-fide* intentions to remain. All this was agreed to, and fairly understood by all parties interested, Klamath and Modoc Indians included. The former, however, began soon thereafter to taunt the latter with being "strangers, orphans, poor men, &c.," claiming the timber, fish, grass, and water, and in various ways annoying them. Captain Jack appealed to Captain Knapp, then acting agent, for protection from their insults. Agent Knapp, not fully comprehending how much was involved in his action, removed Captain Jack's band of Modocs to a new location, where they began again to make rails, and prepare logs for building, when the Klamaths, emboldened by the success of their first interference, and being in no wise punished, or reprimanded, repeated the insults. Captain Jack again appealed for protection to Agent Knapp, who proposed still another home for the Modocs. Captain Jack again sought a resting-place for his people, and not finding one to his satisfaction he called them together, and declared his intention to leave the reservation, which he did, returning to the Lost River country, where he remained several months, and until persuaded to return to Klamath reservation, at Yainax station. Unfortunately he here employed an Indian doctor to act as a physician, and, under an old Indian law, when the patient died, he killed, or caused to be killed, the Indian doctor. The reservation Indians demanded his arrest and punishment. He fled to the Modoc country, was pursued, but, eluding arrest, he sent messengers proposing a conference. Commissions were sent to meet him, and a temporary peace secured, on the condition that he would keep his people away from the settlements, and submit to arrest, if demand should be made. He insisted then, as he had previously done, for a home on Lost River. The commissioner, under instructions from superintendent of Indian affairs, promised to lay the request before the Commissioner at Washington, which was done, together with the reasons for so doing, also recommending that a small reservation of six miles square be allowed them at the mouth of Lost River.

No action was ever taken. In the mean time the young men of Captain Jack's band became a source of much annoyance to the citizens of the Lost River country, who petitioned for their removal. Captain Jack and his men sought advice of Judges Roseborough and Steele, of Yreka. Both these gentlemen advised them not to resist the authority of the Government, but also promised, as attorneys, to assist them in getting lands, provided they would dissolve tribal relations. I have sought diligently as a commissioner for information on this subject, and conclude that nothing further was ever promised by either Roseborough or Steele. The hope thus begotten may

have caused the Modocs to treat with less respect the officers of the Government, and made them more insolent toward settlers, but nothing of willful intent can be charged to Steele or Roseborough.

Renewed petitions for their removal called the attention of Superintendent Odeneal to the subject, who, laying the matter before the Commissioner of Indian Affairs at Washington, was instructed, under date of April 11, 1872, to have the Modocs removed, if practicable, to the same reservation, (meaning Klamath,) and to protect them from the Klamaths, but that if they could not be removed or kept on the reservation, to select and report the boundaries of a new reserve for them.

Of further official correspondence on this subject the commission has not been officially advised. Superintendent Odeneal was respectfully requested to attend the meeting of the commission, but declined doing so. It is in evidence that Superintendent Odeneal sent messengers to the Modoc camp on the 26th of November, 1872, to order them to return to the reservation, and in event of refusal on their part to arrange for a meeting with them at Link River, twenty-five miles from the Modoc camp.

They refused compliance with the order, and also refused to meet Superintendent Odeneal, at Link River, saying substantially, "that they did not want to see him or talk with him; that they did not want any white man to tell them what to do; that their friends and advisers were in Yreka, Cal.; they tell us to stay here, and we intend to do it; and will not go on the reservation, (meaning Klamath;) that they were tired of talk, and were done talking." If credit be given to these declarations it would appear that some parties at Yreka were culpable. Careful investigation discloses nothing more than already recited, so far as Roseborough and Steele was concerned, but would seem to implicate one or two other parties, both of whom are now deceased; but even then no evidence has been brought forth declaring more than sympathy for the Modocs, which might easily be accounted for on the ground of personal interest, dictating friendship toward them as the best safeguard for life and property, but nothing that could be construed as advising resistance to legal authority, and their statement in regard to advisers in Yreka should not be entitled to more credit than Captain Jack's subsequent assertions that "no white man had ever advised him to stay off the reservation." This latter declaration was made during the late trials at Klamath by the "military commission," at a time when the first proposition made to Superintendent Odeneal's messengers in regard to Yreka advices would have secured the Modocs then on trial some consideration.

The only thing said or done by any parties in Yreka, that has come well authenticated that could have had any influence with the Modocs, in their replies to Odeneal's message, is the proposition above referred to as coming from Roseborough and Steele, to assist them as attorneys to secure homes when they should have abandoned tribal relations, paid taxes, and made application to become citizens. The high character both these gentlemen possess for loyalty to the Government and for integrity, would preclude the idea that any wrong was intended.

On receiving Captain Jack's insolent reply to his message, Superintendent Odeneal made application to the military commander at Fort Klamath for a force to "compel said Indians (Modocs) to go upon the Klamath reservation;" reciting the following words from the honorable Commissioner of Indian Affairs: "You are hereby directed to remove the Modoc Indians to Klamath reservation, peaceably if you possibly can, but forcibly if you must," and saying: "I transfer the whole matter to your department without assuming to dictate the course you shall pursue in executing the order aforesaid, trusting, however, that you may accomplish the object desired without the shedding of blood if possible to avoid it."

He received the following reply:

"HEADQUARTERS FORT KLAMATH, November 28, 1872.

"SIR: In compliance with your written request of yesterday, I will state that Captain Jackson will leave this post about noon to-day, with about thirty men; will be at Link River to-night, and I hope before morning at Captain Jack's camp.

"I am, sir, very respectfully, your obedient servant,

"JOHN GREEN,

"Major First Cavalry, Commanding Post.

"MR. T. B. ODENEAL,

"Superintendent Indian Affairs."

Major Jackson arrived at the Modoc camp on the morning of the 29th and obtained an interview, during which he used every argument in his power to induce them to go on to Klamath reservation at Yainax, informing them that ample provision had been made for clothing and subsistence, assuring them of the folly of resistance to the orders of the Government. Finding his efforts unavailing, he ordered them to "lay down their arms." This order had been partially obeyed and prospects were that no serious trouble would ensue, until the demand was made of "Scarface Charlie" to surrender,

who refused compliance, and Major Jackson ordered an officer to disarm him, who advanced to perform the duty with pistol drawn, when both the officer and Scarfaced Charlie discharged their arms, but so nearly simultaneous that it is a matter of doubt who really fired the first shot. A general engagement ensued between Major Jackson's forces and the Modocs in the camp on the west side of Lost River, composed of Captain Jack, Schonchin John, Scarfaced Charlie, and eleven or twelve other warriors with families.

It should be understood that Lost River, at this point, is a deep stream three hundred feet wide, dividing the Modoc camp.

While Captain Jack and other warriors occupied the west bank, Curlyheaded Doctor, Hooker Jim, and nine other warriors, with their families, occupied the east side. While Major Jackson was taking position around Captain Jack's camp a number of citizens had also taken a position commanding the camp on the east side, and when the former became engaged in battle with Captain Jack's band on the west side, the latter soon engaged in battle with the Curlyheaded Doctor's band on the east side. The commission has been unable to learn by what authority the citizens referred to were assembled on the east side of Lost River, on the morning of the 29th of November. It is, however, safe to declare that had no citizens taken part in the battle, none would have been subsequently murdered.

In reporting the causes that led to the difficulties between the United States troops and the Modoc Indians, I submit—

1st. That Captain Jack, being a lineal descendant of "Old Modocus," was ambitious to be recognized as "head chief," and Schonchin being acknowledged his superior in office, the former preferred a roving life free from restraint, where his ambition could be gratified. Hence, he was dissatisfied with the treaty of 1864, and left the reservation agreed on in said treaty council. That through the desire for peace the settlers occupying the "Modoc country" and the citizens of the adjacent towns had extended sympathy to him, which he misconstrued into indorsement of his cause and justification of his resistance to Federal authority; and that another cause for the friendship of white citizens for the Modocs grew out of the fact that the Modoc country was divided by the State line of Oregon and California, and since Indian agencies are supposed to create business, both States were desirous of securing the patronage thereof. A review of official correspondence between Commissioner of Indian Affairs and the officers and citizens of these two States will develop the fact that unusual friendship and sympathy was shown the Modocs, prior to the treaty of 1864, and continuously thereafter. But there is no evidence that any responsible party has counseled resistance, though it is certain that the sympathy of citizens and settlers, together with the ambition to obtain homes as "white men" under the proposition of Steele and Roseborough, had more or less influence with them. They left the reservation first in 1864, and refused to return. The "humane policy" then pursued in the several efforts to restore them was also misunderstood, and construed into fear and cowardice on the part of the Government. The same demonstration of force made by Major Jackson on the 29th of last November, would have secured success in 1865, without shedding blood. In 1869, satisfied that force would be employed if they resisted, they went on to Klamath reservation under promises of protection.

2d. Had they been thus protected in their rights as against the insults of the Klamath Indians they would have remained, and no second stampede would have followed; that the failure to keep the promise of protection impaired the confidence of the Modocs in subsequent promises.

3d. That in 1870 an understanding was had that an effort would be made to obtain a small reservation for them on Lost River, on condition that they kept the peace. No action was taken by the Department on this matter. The Modocs, discouraged by the delay and emboldened thereby, became an unbearable annoyance to the settlers, and removal or location could not be deferred.

4th. A small reservation, as recommended, would have averted all trouble with these people, and the failure to notify them that no action would be had on the matter was a blunder.

5th. Had they been fully apprised of the fact in a way to give them confidence that no home would be allowed them on Lost River, and an appeal been properly made by some officer of the Indian Department, they might not have resisted.

6th. Superstitious Indian religion had much to do in causing them to resist.

7th. Want of adaptability of Government agents produces confusion and sometimes war.

Finally, this war was the result of changing agents and policies too often, and the absence of well-defined regulations regarding the relative duties and powers of the Indian and military Departments, the citizens, and Indians. While the "humane policy" is the correct one, it ought to be well defined, and then intrusted to men selected on account of fitness for the work. No branch of public service more imperatively demands observance of this rule, and when it shall have been fully recognized

and adhered to by appointing men to the care of our Indian population whose hearts are in the work, and who understand the duties assigned, and whose term of office depends on faithfully achieved success, we may hope to hear of Indian wars *no more*.

Very respectfully, your obedient servant,

A. B. MEACHAM,

Chairman Special Commission to Modocs.

HON. COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

C 2.

REPORT OF CAPT. M. C. WILKINSON, UNITED STATES ARMY, SPECIAL COMMISSIONER FOR REMOVING THE MODOCS INTO THE INDIAN TERRITORY.

WASHINGTON, D. C., December 12, 1873.

SIR: In accordance with orders from the Secretary of War and your instructions under date of November 4, 1873, I have the honor to report that I have removed the Modoc Indians from Fort McPherson, Nebraska, to the Indian Territory.

Upon arrival at Baxter Springs, Kansas, and consulting with Agent H. W. Jones, it was considered the wisest plan to locate these Indians, for the winter, at Seneca Station, upon Shawnee land, instead of with the Quapaws.

I. Because the Quapaws are indolent, their influence not being such as should be had upon the Modocs, whose only hope is in work.

II. It was not thought wise to locate these Indians so near to the town of Baxter Springs, a notorious place for corrupting Indians.

III. It was very much to be desired that the Modocs should have the personal supervision of some reliable man until permanently settled upon their own land.

These were, in the main, the reasons why it was decided to build temporary barracks for them at Seneca Station. These barracks are within two hundred yards of Agent Jones's house, are of the simplest kind, and so constructed as not to injure the lumber for future use.

In this connection I would earnestly recommend that, in view of this additional responsibility upon Agent Jones who has the care of seven other tribes, his son, Endley Jones, be appointed at a salary of at least fifty dollars per month, as special agent to the Modocs until they are permanently located. When Agent Jones consented to place this tribe at his own door that he might shield them from certain whites, care for their aged, and at the earliest possible moment place their children in school, I promised to request that he might have this assistance in the extra labor so undertaken. I am assured this appointment will receive the cheerful indorsement of Superintendent Hoag.

There was no other way than to build the barracks already referred to, the total cost of which, including the expense of hauling building material twenty miles, and purchasing a large cook-stove, was but \$524.40. Only three white men were employed, and they for but one day, as it was ascertained that the Indians worked to better advantage without them. Arriving at Baxter Springs on the Sabbath, the next found the Indians in quarters of their own construction.

At Agent Jones's desire, I respectfully urge that land be purchased of the Shawnees, rather than of the Quapaws, for the Modocs, thus securing great advantages as to location, quality of land, proximity to schools, and greater impulse to work, Agent Jones fearing that the lazy habits of the Quapaws would seriously influence the Modocs. If the honorable Commissioner of Indian Affairs would approve of the purchase of land from the Shawnees and so inform them, there is but little doubt of their cheerful consent, and perhaps they would adopt the Modocs, which might be better still.

I arrived at Fort McPherson November 13; left evening of the 14th with Indians, arriving at Baxter Springs, Kansas, on the 16th; held them, excepting the working party, one week at that place.

On the cars, in the old hotel-building used for them at Baxter, I found them uniformly obedient, ready to work, cheerful in compliance with police regulations, each day proving over and over again that these Modocs only require *just* treatment, executed with firmness and kindness, to make them a singularly reliable people.

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

M. C. WILKINSON,

U. S. A., U. S. Special Commissioner.

HON. E. P. SMITH,
Commissioner of Indian Affairs, Washington, D. C.

D.

REPORT OF THE COMMISSION TO NEGOTIATE WITH THE
UTE TRIBE OF INDIANS.

PITTSBURGH, October 15, 1873.

SIR: As chairman and acting member of the commission to negotiate with the Ute Indians, I have the honor to make the following report in addition to the brief telegram sent from Denver on the 22d ultimo, and to transmit herewith the original of the agreement made with them.

A duplicate of the contract was left with Ouray, the head chief, to receive additional signatures, and when signed will be taken by him to Washington.

Under the appointment of your letter of June 20, 1873, as follows:

"DEPARTMENT OF THE INTERIOR,
" Washington, D. C., June 20, 1873.

"SIR: I have the honor to inform you that I deem it advisable to renew negotiations with the Ute Indians for the cession of a portion of their reservation lying in the southwestern part of Colorado Territory.

"To carry out this purpose I have concluded to appoint the Hon. Felix R. Brunot and the Hon. Nathan Bishop, members of the board of Indian commissioners, to conduct the intended negotiations, the authority for which action will be found in the act of Congress, approved April 23, 1872, "authorizing the Secretary of the Interior to make certain negotiations with the Ute Indians in Colorado." (See Stat. at L., 2d sess. 42d Con., p. 55.)

"You will please prepare instructions for the guidance of said commissioners in the duties hereby devolved upon them; and in doing so I suggest that you consult the instructions delivered to the commissioners last year for a similar purpose.

"The commissioners herein named will be paid their necessary expenses.

"I have already notified the War Department of their contemplated appointment, and have requested that Department to furnish the commissioners, through the proper officer in command, any needed transportation.

"Very respectfully, your obedient servant,

"C. DELANO, Secretary.

"To the COMMISSIONER OF INDIAN AFFAIRS."

and the letter of the honorable Commissioner of Indian Affairs, as follows:

"DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
" Washington, D. C., July 2, 1873.

"GENTLEMEN: An act of Congress approved April 23, 1872, (Stat. at Large, 2d sess. 42d Cong., p. 55,) authorizes and empowers the Secretary of the Interior 'to enter into negotiations with the Ute Indians in Colorado Territory for the extinguishment of their right to the southern part of a certain reservation made in pursuance of a treaty concluded March 2, 1868, situate in the southwest portion of the said Territory of Colorado, and report his proceedings under this act of Congress for its consideration. The expense of such negotiation to be paid by the United States, and to be hereafter appropriated.'

"Pursuant to the provisions of the foregoing act, and in compliance with the directions of the honorable Secretary of the Interior, contained in his letter addressed to this office July 1, 1872, a commission was appointed, consisting of Governor Edward M. McCook, of Colorado; John D. Lang, of Maine; and John McDonald, of Missouri, to visit said Indians and hold a council with them for the purpose indicated. A copy of their report is inclosed herewith, from which you will observe that the negotiations failed through the influence of outside parties who had prejudiced the minds of the Indians to defeat the object of the commission.

"Recent advices, however, received at this office from Agent Adams, indicate a more favorable disposition on the part of the Indians, and have determined the honorable Secretary of the Interior to send out a new commission, and he has accordingly designated you as such commission by his letter addressed to this Office under date of the 20th ultimo.

"You will therefore proceed to the Los Pinos agency and fix a time and place for holding the new council. Agents Charles Adams at the Los Pinos agency, and J. S. Littlefield at the White River agency have been notified of your appointment and directed to afford you all the assistance in their power in order to secure a full attendance of the different bands of Utes interested in the negotiations. Agent Adams has also been instructed to provide the necessary subsistence for the Indians during the council. The acting agent at the Abiquiu agency in New Mexico has also been instructed in the premises.

"The objects of your negotiations may be more specifically defined, for your information and guidance, as follows:

"1. The reservation of the Utes referred to in the act of Congress is unnecessarily large, comprising within its limit upward of fourteen millions of acres of the best agricultural and mineral lands in Colorado.

"2. The number of Indians occupying the same is comparatively small, not exceeding, according to the most reliable data obtainable, more than four or five thousand souls.

"3. The people of Colorado are anxious to have that portion of the reserve not needed for Indian purposes thrown open to entry and settlement as public lands of the United States, in order that the agricultural and mineral resources thereof may be more thoroughly and rapidly developed.

"It was with these objects in view, and with the hope of their early accomplishment, that Congress afforded the aforementioned legislation; and you are therefore instructed, in conducting your negotiations with the Utes, to use your most earnest endeavors to induce them to relinquish to the United States the southern portion of their reservation as at present constituted, to embrace, if possible, the tract lying between the south boundary thereof and the thirty-eighth degree of north latitude.

"Any arrangement or agreement entered into with the Indians must have the assent and concurrence of at least a majority of each and every band participating in the council; otherwise it will be futile in its results.

"Some of the provisions of the treaty of 1868 with those Indians cannot be carried out, for the reason that several of the bands claimed to have been parties thereto deny any connection with the making of the treaty, and refuse to be governed by its stipulations. To avoid this difficulty in the future every effort should be made and every reasonable inducement held out to the Indians to secure unanimity on their part of approval of any agreement that may be made.

"In conducting your negotiations for the cession of a portion of the reservation to the United States weight should be given to two considerations, viz, the actual value of the lands ceded, and the necessities of the Indians.

"The agreement entered into should clearly describe the portion of the reservation ceded and the consideration to be paid therefor, expressed in such form as to admit of the largest discretion being exercised by the Department in relation to the manner of investing or expending such consideration for the welfare of the Indians.

"You will endeavor to thoroughly impress upon their minds the fact that any agreement thus entered into will be binding only upon its ratification by Congress.

"I inclose herewith a copy of the treaty of 1868, by the terms of which said reservation was created.

"You will submit a detailed report of your action in the premises, together with such recommendations upon the subject as you may deem fit and proper.

"The War Department has been notified of your appointment and requested to furnish you, through the proper officers in command, any needed transportation.

"You will be allowed your necessary expenses while engaged upon this duty.

"Very respectfully, your obedient servant,

"EDW. P. SMITH,
"Commissioner.

"Hon. FELIX R. BRUNOT,

"President Board Indian Commissioners, Cheyenne, Wyo.

"Hon. NATHAN BISHOP,

"Board Indian Commissioners, New York City."

I went to Denver, en route to the Los Pinos Ute agency, as soon as my duties as a member of the commission to treat with the Crow tribe of Indians were completed. At Denver I learned that Hon. Nathan Bishop, my colleague, would not be able to join me. Owing to the unavoidable detention at the Crow agency, the time appointed for the Ute council had passed, and further delay seemed inexpedient. I therefore went on to Los Pinos as soon as possible, accompanied only by Mr. Thomas K. Cree, secretary, and Dr. J. Phillips, who had been engaged as Spanish interpreter.

We arrived at Los Pinos on the 6th of September, going via South Park and the Poncho Pass. The Department letter informing me that transportation for the commission would be provided at Fort Garland, was only received on arrival at Los Pinos. Ouray, the head chief, the principal chiefs of the seven bands of Utes, and a large number of the people were encamped in the vicinity of the agency, and the council was assembled on the morning of the 6th. Mr. John Lawrence acted as Spanish interpreter, Mr. James Fullerton being also present at the request of Ouray. It soon became apparent that the Utes had misapprehended the wishes of the Government, and were mistaken in regard to their own interests. They had received the impression that the commission was appointed to purchase from them only the mines already discovered, and these they were willing to sell with the right of way by one road to reach them. They also claimed that the commissioner who made with them the treaty of 1868, pointed out the Cochitopa Mountains as the eastern line of their reservation, but that now the surveyors said the line was twelve miles west of the agency buildings instead

of the same distance east of the agency, as had been promised at the treaty. They also claimed that the commissioners told them the southern line of the reservation was upon the highland south of the San Juan River, but that now surveyors had marked a line (the southern line of Colorado) north of the river which they were told was the limit of their reservation. Both of these lines they desired to have re-instated in the proposed sub-treaty. The Muaches and Capotes wanted to have their agency continued at Cimarron, in New Mexico, and to make its continuance there a condition of even the sale they proposed. None of them were willing to sell any part of the agricultural lands of the reservation.

Believing that to purchase the existing mines only, would but postpone for a few months the apprehended collision between the whites and the Indians, and, consequently, be of little benefit either to them or to the Government, I declined to enter into such negotiations.

Having no authority on the subject of the lines of the reservation, that question was withdrawn from the council by the promise that the chiefs should visit Washington to make their representations to the Government in person.

The New Mexico Utes were told that their agency would be removed, but that I would not say that it should be done at once, and they could send a delegation to Washington to state their case to the President, and if the President thought it best to do so, he would perhaps allow them to remain longer at Cimarron.

The council continued four days, with two days intervening. Such arguments were used as seemed proper to lead the minds of the Indians to an understanding of the importance of an early adjustment of the differences between the people of Colorado and themselves, the fairness of the proposition made on the part of the Government, and its accordance with their own best interests. No presents were given to influence them, and no promises were made other than those mentioned in this report and such as are named in the agreement. Every part of the articles of agreement was carefully explained, and seemed to be fully discussed and understood by all the Indians.

After I had left the agency, Ouray dictated a letter expressing his satisfaction with the result.

To satisfy some of the Weeminuche band, who feared that their agricultural and grazing land on the San Miguel might be included within the lines of the ceded country, Messrs. Cree, Adams, and Dolan, accompanied by six of the chiefs, went through the mountains, occupying a week in the journey. It will be seen by examining the boundaries of the country ceded that it does not include the agricultural and grass lands in the southern part of the reservation. A portion of the Utes have always lived in New Mexico; to remove them to the comparatively inhospitable climate of the higher latitude and greater altitude of the northern part of the reservation would be unjust, and a needless cruelty.

In conclusion, I respectfully make the following recommendations:

1st. That to prevent intrusion of settlers or herders upon the agency, until such time as it shall be removed to the Gunnison River or elsewhere—a tract of land extending from the Cochetopa Mountains on the east to a line six miles west of the agency buildings, and in width, from north to south, twelve miles—the agency buildings being in the center—be added to the Ute reservation.

2d. That the action of Congress upon the contract be solicited as early as possible, and that, until such action can be had, no persons other than the miners shall be permitted to go upon the Ute reservation as it now exists.

3d. That should Congress ratify the contract, the lines should at once be surveyed and distinctly marked, so that both whites and Indians may know them, and that in any case, special measures should be adopted to prevent the encroachment of whites upon the unceded portions of the reservation.

I respectfully submit herewith:

1st The contract with the Ute Indians in Colorado, which cedes to the United States a portion of their reservation.

2d. Letter of Ouray, head chief of the Utes, and letter inclosing a copy of the same to the Governor of Colorado.

3d. Narrative of the proceedings of the commission by T. K. Cree, secretary.

4th. Minutes of the council with the Utes.

5th Interview with Ouray at Cheyenne.

I desire to express the utmost confidence in the friendly disposition of the Ute Indians, and commend their head chief, Ouray, for his devotion to both the interests of the Government and of his people.

To T. K. Cree, secretary; Charles Adams, agent at Los Pinos; Thomas Dolan, agent from Cimarron, and to the interpreters, my thanks are due for the most cordial and efficient co-operation.

Very respectfully, your obedient servant,

FELIX R. BURNOT,
Special Commissioner.

Hon. C. DELANO,
Secretary of the Interior.

LOS PINOS AGENCY,
September 13, 1873.

DEAR SIR: You have been to see us, and we have had a good time. We want you should tell Governor Elbert and the people in the Territory that we are well pleased and perfectly satisfied with everything that has been done. Perhaps some of the people will not like it because we did not wish to sell some of our valleys and farming-land. We think we had good reasons for not doing so. We expect to occupy it ourselves before long for farming and stock-raising. About eighty of our tribe are raising corn and wheat now, and we know not how soon we shall all have to depend on ourselves for our bread. We do not want to sell our valley and farming-land for another reason. We know if we should the whites would go on it right off, build their cabins, drive in their stock, which would of course stray on our lands, and then the whites themselves would crowd upon us till there would be trouble.

We have many friends among the people of this Territory, and want to live at peace and on good terms with them, and we feel it would be better for all parties for a mountain-range to be between us. We are perfectly willing to sell our mountain-land, and hope the miners will find heaps of gold and silver; and we have no wish to molest them or make them any trouble. We do not want they should go down into our valleys, however, and kill or scare away our game.

We expect there will be much talk among the people and in the papers about what we have done, and we hope you will let the people know how we feel about it.

Truly your friend,

OURAY.

Mr. BRUNOT.

This letter was forwarded to the governor of the Territory, with the following letter, both of which were published by the Territorial press:

"MANITOU, COL., September 18, 1873.

"DEAR SIR: I left the Los Pinos agency on Saturday the 13th instant, stopping over Sunday at Saguache. On Monday morning I received a letter dictated by Ouray, the head chief of the Utes, after my departure, in which he requests me to communicate certain things to the governor and people of Colorado.

"I regret that pressing engagements prevent me from remaining in Denver long enough to confer with you in person on the subject.

"I inclose a copy of the letter and suggest its publication.

"The desire of the Utes to retain the agricultural portion of their country seems reasonable, and the friendly feelings expressed by Ouray toward the miners and the people of Colorado I have reason to believe, are shared not only by all the Utes who were present at the council, but by the whole tribe. I sincerely hope this friendly feeling will be reciprocated by the whites, and that the sensational reports of 'threatened outbreaks of the Utes' will cease, or will be treated by the authorities, and all good citizens, with the contempt and discredit they deserve.

"The late negotiations were surrounded by many embarrassments, but I am happy to state that, notwithstanding these, a result has been reached which is beneficial both to the Territory of Colorado and to the Indians. A contract has been made for the cession to the United States of all the mountain-country supposed to contain metals, embraced in an area of over 60 by 100 miles.

"The Uncompagne Park, the Gunnison and San Miguel Rivers, and the agricultural and grazing lands on the south end of the present reservation are reserved to the Indians, the latter being intended for the future occupancy of the Muache, Capote, and other Utes now in New Mexico.

"The commission of last summer, after failing in its object, proposed to the Utes 'to sell the mines,' and they, supposing this to mean only the mines already discovered and worked, it was difficult for many of the Indians to comprehend why the present commission would not consent to negotiate for these alone.

"Very respectfully, your obedient servant,

"FELIX R. BRUNOT,
"Special Commissioner.

"Gov. S. H. ELBERT,
"Denver City, Colo."

ARTICLES OF CONVENTION.

Articles of a convention made and entered into at the Los Pinos agency for the Ute Indians, on the 13th day of September, 1873, by and between Felix R. Brunot, com-

missioner in behalf of the United States, and the chiefs, head-men, and men of the Tabeguache, Muache, Capote, Weeminuche, Yampa, Grand River, and Uintah bands of Ute Indians, witnesseth: That whereas a treaty was made with the confederated band of the Ute nation, on the second day of March, A. D. 1863, and proclaimed by the President of the United States on the sixth day of November, 1863, the second article of which defines by certain lines the limits of a reservation to be owned and occupied by the Ute Indians; and whereas, by act of Congress approved April 23, 1872, the Secretary of the Interior was "authorized and empowered to enter into negotiations with the Ute Indians in Colorado for the extinguishment of their right" to a certain portion of said reservation, and a commission was appointed on the 1st day of July, 1872, to conduct said negotiations; and whereas, said negotiation having failed, owing to the refusal of said Indians to relinquish their right to any portion of said reservation, a new commission was appointed by the Secretary of the Interior by letter of June 2, 1873, to conduct said negotiation:

Now, therefore, Felix R. Brunot, commissioner in behalf of the United States, and the chiefs and people of the Tabeguache, Muache, Capote, Weeminuche, Yampa, and Grand River, and Uintah, the confederated bands of the Ute nation, do enter into the following agreement:

ARTICLE I.

The confederated bands of the Ute nation hereby relinquish to the United States all right, title, interest, and claim in and to the following-described portion of the reservation heretofore conveyed to them by the United States, viz: Beginning at a point on the eastern boundary of said reservation fifteen miles due north from the southern boundary of the Territory of Colorado, and running thence west on a line parallel with the said southern boundary to a point on said line twenty miles due east of the western boundary of Colorado Territory; thence north by a line parallel with the said western boundary to a point ten miles north of the point where said line intersects the thirty-eighth parallel of north latitude; thence east to the eastern boundary of the reservation; and thence south along said boundary to the place of beginning: *Provided*, That if any part of the Uncompagne Park shall be found to extend south of the north line of said described country, the same is not intended to be included therein, and is hereby reserved and retained as a portion of the Ute reservation.

ARTICLE II.

The United States shall permit the Ute Indians to hunt upon said lands so long as the game lasts, and the Indians are at peace with the white people.

ARTICLE III.

The United States agree to set apart and hold as a perpetual trust for the Ute Indians a sum of money, or its equivalent in bonds, which shall be sufficient to produce the sum of twenty-five thousand dollars (\$25,000) per annum, which sum of twenty-five thousand dollars per annum shall be disbursed or invested at the discretion of the President, or as he may direct, for the use and benefit of the Ute Indians annually forever.

ARTICLE IV.

The United States agree, so soon as the President may deem it necessary or expedient, to erect proper buildings and establish an agency for the Weeminuche, Muache, and Capote bands of Ute Indians, at some suitable point to be hereafter selected on the southern part of the Ute reservation.

ARTICLE V.

All the provisions of the treaty of 1863, not altered by this agreement, shall continue in force; and the following words from Article II of said treaty, viz: "The United States now solemnly agree that no person except those herein authorized to do so, and except such officers, agents, and employes of the Government as may be authorized to enter upon Indian reservations in discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon, or reside in the territory" described in the article, "except as herein otherwise provided," are hereby expressly re-affirmed, except so far as they applied to the country herein relinquished.

ARTICLE VI.

In consideration of the services of Ouray, head chief of the Ute Nation, he shall receive a salary of one thousand dollars per annum for the term of ten years, or so long as he shall remain head chief of the Utes and at peace with the United States.

ARTICLE VII.

This agreement is subject to ratification or rejection by the Congress of the United States and the President.

FELIX R. BRUNOT, [SEAL.]
Commissioner.

Attest: THOMAS K. CREE,
Secretary.

JAMES PHILLIPS, M. D.,
JOHN LAWRENCE,
Interpreters.

Ouray, his x mark, principal chief.
Sapivaneri, his x mark, chief of Tabeguaches.
Guero, his x mark, chief of Tabeguaches.
Chavanaux, his x mark, chief of Tabeguaches.
To-sah, his x mark, chief of Tabeguaches.
Chavis, his x mark, chief of Capotes.
Coronea, his x mark, chief of Capotes.
Kuchumpias, his x mark, chief of Capotes.
Topaaz, his x mark, chief of Weeminuches.
Maatchick, his x mark, chief of Muaches.
Tavanaserika, his x mark, Weeminuche warrior.
Vicente, his x mark, Muache warrior.
Peech, his x mark, Capote warrior.
Acavut, his x mark, Capote warrior.
Sium, his x mark, Tabeguache warrior.
Pasiz, his x mark, Weeminuche warrior.
José Maria, his x mark, chief of Muaches.
Ancatosh, his x mark, chief of Muaches.
Juan, his x mark, chief of Muaches.
John, his x mark, Muache, (son of Kaneatche.)
Chavez, his x mark, chief of Tabeguaches.
Curecante, his x mark, chief of Muaches.
Parisio, his x mark, Muache warrior.
Yanko, his x mark, chief of Grand River Utes.
Quatunucutz, his x mark, Capote warrior.
McCook, his x mark, Tabeguache warrior.
Buffalo, his x mark, Tabeguache warrior.
Paziuts, his x mark, Capote warrior.
Valupe, his x mark, Muache warrior.
Juan Antonio, his x mark, Muache warrior.
Kiko, his x mark, Capote warrior.
Sapaya, his x mark, Tabeguache warrior.
Satchuva, his x mark, Weeminuche warrior.
Artz, his x mark, Tabeguache warrior.
Pasquah, his x mark, Yampah warrior.
Brunot, his x mark, Tabeguache warrior.
Arop, his x mark, Weeminuche warrior.
Corutz, his x mark, Muache warrior.
Teramtup, his x mark, Muache warrior.
Acomuwep, his x mark, Capote warrior.
Washington, his x mark, chief of Capotes.
Pero, his x mark, Weeminuche warrior.
Pazio, his x mark, Capote warrior.
Jonejo, his x mark, Capote warrior.
Azumpitz, his x mark, Capote warrior.
Antelope, his x mark, Tabeguache warrior.
Aiguillar, his x mark, chief of Muaches.
Alamon, his x mark, chief of Muaches.
Cocho, his x mark, chief of Tabeguaches.
Quanusutz, his x mark, Tabeguache warrior.

Tesaquent, his x mark, Muache warrior.
 Tavaune, his x mark, Tabequache warrior.
 Muus, his x mark, Muache warrior.
 Patchuvuutz, his x mark, Tabequache warrior.
 Ochos Blancos, his x mark, Muache warrior.
 Kiratz, his x mark, Tabequache warrior.
 Wapanas, his x mark, Tabequache warrior.
 Martine, his x mark, Muache warrior.
 Manuel, his x mark, Muache warrior.
 Samora, his x mark, Muache subchief.
 Penaritz, his x mark, Tabequache warrior.
 Waiazitz, his x mark, Tabequache warrior.
 Josié Rapier, his x mark, Muache warrior.
 Tesaquitz, his x mark, Muache warrior.
 Taos, his x mark, Muache warrior.
 Cuchatoaz, his x mark, Tabequache warrior.
 Wanazitziaskitz, his x mark, Tabequache warrior.
 Kewukpo, his x mark, Muache warrior.
 Christiano, his x mark, Muache warrior.
 Anaksiz, his x mark, Tabequache warrior.
 Sapuutz, his x mark, Tabequache warrior.
 Japarka, his x mark, Tabequache warrior.
 Wankoro, his x mark, Tabequache warrior.
 Bature, his x mark, Tabequache warrior.
 Cimarron, his x mark, Muache warrior.
 Wanuponika, his x mark, Tabequache warrior.
 Lovo, his x mark, chief of Tabequaches.
 Colorado, his x mark, chief of Tabequaches.
 Cabresa Negro, his x mark, Muache warrior.
 Weutz, his x mark, Tabequache warrior.
 Trucha, his x mark, Tabequache warrior.
 Ator, his x mark, Tabequache warrior.
 Sapitoawick, his x mark, Tabequache warrior.
 Joe, his x mark, Muache warrior.
 Tug, his x mark, Tabequache warrior.
 Nehantro, his x mark, Tabequache warrior.
 Juan Martine, his x mark, Muache subchief.
 Ripis, his x mark, Muache warrior.
 Zigah, his x mark, Tabequache warrior.
 Wetoysa, his x mark, Tabequache warrior.
 Kamoev, his x mark, Tabequache warrior.
 Avoa, his x mark, Tabequache warrior.
 Shavanakovant, his mark, Tabequache warrior.
 Zanoavarap, his x mark, Tabequache warrior.
 Noawakit, his x mark, Tabequache warrior.
 Zariwap, his x mark, Tabequache warrior.
 Ucanar, his x mark, Tabequache warrior.
 Comanche, his x mark, Tabequache warrior.
 Otois, his x mark, Tabequache warrior.
 Katzupin, his x mark, Tabequache warrior.
 Tamawitchi, his x mark, Tabequache warrior.
 Kutzaporutz, his x mark, Tabequache warrior.
 Wais, his x mark, Tabequache warrior.
 Sepeis, his x mark, Muache warrior.
 Waponikatz, his x mark, Tabequache warrior.
 Zaparitzas, his x mark, Tabequache warrior.
 Kutza Comanche, Tabequache warrior.
 Nijeatz, his x mark, Tabequache warrior.
 Izazah, his x mark, Tabequache.
 Charley, his x mark, Tabequache.
 Apantoa, his x mark, Tabequache.
 Natnao, his x mark, Tabequache.
 Aka, his x mark, Tabequache.
 Tamajo, his x mark, Tabequache.
 Koapuitz, his x mark, Tabequache.
 Onarupe, his x mark, Tabequache.
 Ziah, his x mark, Tabequache.
 Guatanar, his x mark, Tabequache.
 Poenika, his x mark, Tabequache.
 Akaiock, his x mark, Tabequache.

Regis, his x mark, Tabequache.
 Poervis, his x mark, Tabequache.
 Povociat, his x mark, Tabequache.
 Tabeguacheut, his x mark, Tabequache.
 Urso, his x mark, Tabequache.
 Kerenomes, his x mark, Tabequache.
 Acatewich, his x mark, Tabequache.
 Ancatara, his x mark, Tabequache.
 Bapter, his x mark, Tabequache.
 Atzcavi, his x mark, Tabequache.
 Atzu, his x mark, Tabequache.
 Panais, his x mark, Tabequache.
 Capotavet, his x mark, Tabequache.

We, the undersigned, were present at the signing of the articles of agreement with the Ute Indians, and are hereby witnesses to their marks.

THOMAS K. CREE,
Secretary Special Ute Commission.
 CHARLES ADAMS,
United States Indian Agent.
 OTTO MEARS.
 THOMAS A. DOLAN,
 STEPHEN A. DOLE.

Kamuck, his x mark.
 Liok, his x mark, Muache.
 Teputzeit, his x mark.
 Lupuget, his x mark.
 Ponitz, his x mark.
 Lagavavuner, his x mark.
 Waziap, his x mark.
 Povva, his x mark.
 Tamserik, his x mark.
 Moupitiz, his x mark.
 Acavit, his x mark.
 Larewich, his x mark.
 Uncanante, his x mark, chief of Uncompagre-Tabequache.
 Wap-sop, his x mark, of Uncompagre-Tabequache.
 Paganachuckchuck, his mark, C. Tabequache.
 No-art, his x mark, Tabequache.
 Kane-athe, his x mark, chief of Muache.
 To-mo-aset, his x mark, Muache.
 One-a-ra-nich, his x mark, Muache.
 Siarch-a-kitz, his x mark, Tabequache.
 So-a-miugen-qua-a-boa, his x mark, Tabequache.
 To-sa-set-to-be-qua, his x mark, Tabequache.
 We-suc, his x mark, Tabequache.
 Te-sen-par-kin-a-quet, his x mark, Tabequache.
 Tuc-a-wa-be-quet, his x mark, Tabequache.
 Sah-ach-chone, his x mark, Tabequache.
 Ka-ton-a-wac, his x mark, Tabequache.
 Move-ga-ritz, his x mark, Tabequache.
 Tup-a-so-a, his x mark, Tabequache.
 So-wa-wick, his x mark, Tabequache.
 Mur-a-to, his x mark, Tabequache.
 Pal-ma-cuch, his x mark, Tabequache.
 Tu-up-o-na-ritz, his x mark, Tabequache.
 Ma-ve-to, his x mark, Tabequache.
 Tabere, his x mark, Tabequache.
 Po-ka-ne-te, his x mark, Tabequache.
 Pe-er-gue-it, his x mark, Tabequache.
 Tu-gu-op, his x mark, Tabequache.
 Sapio, his x mark, Tabequache.
 Po-wa-ra, his x mark, chief of Weeminuches.
 Wach-cup, his x mark, Weeminuches.
 Oua-su-ach, his x mark, Weeminuches.
 Ca-ve-son-ach, his x mark, Weeminuches.
 Per-ca-pe-se-ach, his x mark, Weeminuches.
 A-wa-re-otz, his x mark, Weeminuches.
 E-ta-qu-oo-am, his x mark, Weeminuches.
 Sa-o-artz, his x mark, Weeminuches.

Mo-ar-ta-witz, his x mark, Weeminuches.
 Wa-wa-ta-ey, his x mark, Weeminuches.
 Su-aph, his x mark, Weeminuches subchief.
 José-Marie, Weeminuches subchief.
 Ou-a-sent, Uncompagre-Tabequache.
 Si-vich, Uncompagre-Tabequache.
 Si-vich-arch, Uncompagre-Tabequache.
 Ana-ra-u, his x mark, Muache.
 Marromara, his x mark, Muache.
 Su-er-up, his x mark, Muache.
 To-coo, his x mark, Muache.
 Na-co-varts, his x mark.
 U-par-ca-ra-ritz, his x mark.
 Opo-par-its, his x mark.
 Ou-a-siz, his x mark, Tabequache.
 Pe-ro-re, his x mark, Tabequache.
 Et-o-oke, his x mark, Tabequache.
 Ta-be-roner, his x mark, Tabequache.
 Pah-sone, his x mark, Tabequache.
 Te-ra-ma-tu-ke, his x mark, Tabequache.
 To-si-ach, his x mark, Tabequache.
 Ca-va-rup, his x mark, Tabequache.
 Tu-vah, his x mark, Tabequache.
 Oue-a-zarts, his x mark, Tabequache.
 Sach-e-wee, his x mark, Tabequache.
 Ar-rach, his x mark, Tabequache.
 Ar-rup, his x mark, Tabequache.
 Peach-sup, his x mark, Tabequache.
 Sa-a-wip, his x mark, Tabequache.
 Ou-a-curitz, his x mark, Tabequache.
 Ava-su-ip, his x mark, Tabequache.
 Na-na-witz, his x mark, Tabequache.
 Wa-ri-ti-zi, his x mark, Tabequache.
 Le-ap-ou-an-en, his x mark, Tabequache.
 Wap-pah-pi, his x mark, Tabequache.
 We-na-quts, his x mark, Tabequache.
 No-ach-a-itz, his x mark, Tabequache.
 Con-a-ra-kuch, his x mark, Tabequache.
 So-va-ner, his x mark, Tabequache.
 Oui-nach-e-vi-ach, his x mark, Tabequache.
 Archue, his x mark, Tabequache.
 Armacos, his x mark, Tabequache.
 Oa-ra-ech, his x mark, Tabequache.
 Cap-chu-ma-char-kitz, his x mark, Tabequache.
 Ki-itz, his x mark, Tabequache.
 Per-e-que, his x mark, Tabequache.
 U-ch-ca-mir, his x mark, Tabequache.
 U-ch-ca-poo-ritz, his x mark, Tabequache.
 Uch-a-litb, his x mark, Tabequache.
 To-ko-mantz, his x mark, Tabequache, subchief.
 Ko-chup-a-sitz, his x mark, Tabequache, subchief.
 Ar-ca-va-requa, his x mark, Tabequache, subchief.
 We-ga-va-requa, his x mark, Tabequache, subchief.
 Sha-va-gua-to-ark, his x mark, Tabequache, subchief.
 We-ga-va, his x mark, Tabequache, subchief.
 Sea-rach, his x mark, Tabequache, subchief.
 So-o-mo-quitz, his x mark, Tabequache, subchief.
 Pearch, his x mark, Tabequache, subchief.
 Co-pah-rum, his x mark, Tabequache, subchief.
 Tar-tach, his x mark, Tabequache, subchief.
 Woh-chich-a-ark, his x mark, Tabequache, subchief.
 Gueco-mu-chick, his x mark, Tabequache, subchief.
 Ar-pa-chitz, his x mark, Tabequache, subchief.
 Yer-putz, his x mark, Tabequache.
 Un-no-wart, his x mark.
 Sute-qu-ertz, his x mark, Tabequache, subchief.
 Pas-ques, his x mark, Tabequache, subchief.
 José-Raphael, his x mark, Tabequache, subchief.
 Raphael, his x mark, Tabequache, subchief.
 Spur-ce, his x mark, Tabequache, subchief.

Ta-r-ah-wah, his x mark, Tabequache, subchief.
 Ka-qua-nah, his x mark, Tabequache, subchief.
 Oe-bo-atz, his x mark, Tabequache, subchief.
 Aca-une, his x mark, Tabequache, subchief.

We, the undersigned, were present at the signing of the articles of agreement with the Ute Indians, and are hereby witnesses to their marks.

THOMAS K. CREE,
Secretary Special Ute Commission.
 CHARLES ADAMS,
United States Indian Agent.
 OTTO MEARS.
 THOMAS A. DOLAN.
 STEPHEN A. DOLE.

Carwarneo, his x mark.
 Obatah, his x mark.
 Martine, his x mark.
 José, his x mark.
 Nacosebu, his x mark.
 Canhear, his x mark.
 Mopuch, his x mark.
 Warwadah, his x mark.
 Yahtanah, his x mark.
 Mocatacher, his x mark.
 Cenponough, his x mark.
 Couchewatak, his x mark.
 Tahpowata, his x mark.
 Pun-go-se, his x mark.
 Sevaro, his x mark.
 Terreon, his x mark.
 Ignaceo, his x mark.
 Juan-Ancho, his x mark.
 Cunaspeche, his x mark.
 Powincha, his x mark.
 Towiar, his x mark.
 Cabazon, his x mark.
 Wauhoup, his x mark.
 Arvaoch, his x mark.
 Otocora, his x mark.
 Pecquough, his x mark.
 Ouiceager, his x mark.
 Ojos-blancos, his x mark.
 Muecete, his x mark.
 Caehapuro, his x mark.
 Navacartia, his x mark.
 Maroon, his x mark.
 Sarvoweava, his x mark.
 Caceta, his x mark.
 Ouaveroeh, his x mark.
 Sevalho, his x mark.
 Petoboun, his x mark.
 Weeha, his x mark.
 Swopia, his x mark.
 Quinch, his x mark.
 Oveto, his x mark.
 Yeaneer, his x mark.
 Parewich, his x mark.
 Sera-bu-tom, his x mark.

We the undersigned, were present at the signing of the articles of agreement with the Ute Indians, and are hereby witnesses to their marks.

THOMAS A. DOLAN.
 T. D. BURNS.
 M. V. STEVENS.

Narrative of the proceedings of the Commission to negotiate with the Ute Indians in Colorado.

* At the conclusion of the successful negotiation with the Crow Indians, in Montana, Hon. Felix E. Brunot, special commissioner to negotiate with the Ute Indians, accom-

panied by Thomas K. Cree, as secretary, arrived at Cheyenne, Wyo., August 25. We were here met by James Phillips, M. D., of Washington, who had been engaged as Spanish interpreter.

We had expected to be met at this place by some employé of the central superintendency, having in charge "Friday," the son of Ouray, head chief of the Ute Indians, who has been a captive among the Arapahoes for some ten years. The importance of his return to the tribe by the commission at this time is shown by the accompanying report of the interview with Ouray, at Cheyenne, which had been forwarded by us to the Interior Department, under date of June 24th. Instructions had been sent by the Commissioner of Indian Affairs "to spare no trouble or reasonable expense in securing the young man," and we had requested by letter that he be held in readiness to send to Denver early in August. We learned on arriving there, August 27, that the agent of the Arapahoes had started from the Arapahoe camp on the 18th of August, expecting to reach Fort Scott, the nearest railroad station, on the 26th. We waited till the 1st of September, when, receiving no further intelligence in regard to him, we started for the Ute agency, at Los Pinos.

After a drive of two hundred miles we reached the agency, on the evening of the 5th of September.

It had been contemplated to hold the council about the 20th of August, and instructions had been sent to the agents at White River and Denver and the superintendent in New Mexico to have the Indians from the several Ute agencies assemble at Los Pinos prior to that date, but the negotiations with the Crow Indians having been more protracted than we had anticipated, the Indians were detained some three weeks waiting for us.

On our arrival we found about one thousand Indians at the agency, including all the representative men of the Ta-be-quache band, all the Mache and Capote bands, in charge of Thomas Dolan, subagent at Cimarron, seven representatives of the Weeminuche, and one each from the Denver and White River bands.

From information received prior to reaching the agency, we were led to suppose the negotiations would be attended with but little serious difficulty, but on arriving we found little to encourage us in hoping for a successful termination.

We found the Indians had been much dissatisfied at our long delay. The telegram changing the date of the council, and accounting for our non-arrival, having failed to reach the agency.

Ouray was greatly disappointed at the failure to bring his son Friday with us. He had said in the interview at Cheyenne, "The Government is strong enough to get my boy if it wished to do so, and if it shows an interest in me, and a desire to do what I wish, I will do what I can in carrying out the wishes of the Government in regard to the negotiations."

We met one surveying party, acting under the authority of the surveyor-general of the Territory, sectionizing for settlement the country within a short distance of the agency buildings, on which the Indians were camped waiting for the council, and which the Indians claim is a portion of their reservation.

A military surveying party, acting under instruction from the military authorities of the Department, had been engaged in surveying and making observations upon the reservation, much to the annoyance of the Indians, who could not understand the object of such survey. The officer in charge had informed the Indians that the eastern line of their reservation was some twenty miles west of the Cochitopa range, which they have always claimed as their eastern boundary, and that the agency buildings (which at the time of their location were supposed to be upon the reservation) were some twelve miles east of the reservation line.

One division of Professor Hayden's exploring party had spent some time upon their reservation, making surveys and taking observations, which excited the suspicions of the Indians; and the substance of letters from the newspaper correspondents accompanying the expedition, expressing views very offensive to the Indians, was known to them.

Parties of miners had repeatedly endeavored to pass by the agency and enter the reservation at places where the Indians were not willing they should go; and some of the miners with whom the Indians came into contact said "the Government was away east in the States, and had no power in the mines; it could not protect the Indians; and that they did not care whether they sold the mines or not, they were going to stay."

The President had issued an order to eject the miners and other unauthorized persons from the reservation under the following article of the treaty of 1868:

"The United States now solemnly agree that no person except these herein authorized so to do, and except such officers, agents, and employés of the Government as may be authorized to enter upon Indian reservations in discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon, or reside in the territory described in this article, except as herein otherwise provided."

The execution of this order had been suspended; and this gave color to the state-

ment of the miners, and led them to believe that the Government would take no action in regard to their presence upon the reservation if the Indians persisted in their refusal to sell. The fact that for two years the presence of miners upon the reservation in considerable numbers was well known, and that the frequent complaints of the Indians were disregarded, led them to distrust the promises of the Government.

The southern boundary line of the reservation was also a considerable distance north of the natural boundary line which the Indians assert was given them at the time of the treaty of 1868; and that the mistake was not theirs is probable, from the fact that an actual survey located in New Mexico, some distance below the northern boundary line, towns that had been, prior to it, claimed as being in Colorado.

The annuity goods which the commission had hoped to have distributed during the council, which had been shipped from New York June 1, and which they had specially requested should be at the agency, two hundred miles from the railroad, by August 1, had not arrived. Ten thousand dollars' worth of presents bought for distribution by the commission of 1872, and which had failed to reach the agency until after that commission had left, had all been distributed, except such articles as were useless and not valued by the Indians.

The commission have reason to think that persons in New Mexico, whose interest it was to retain a portion of the Utes in that Territory, and whose influence was used against the success of the negotiation last year, endeavored to prejudice the Indians, prior to their coming to the council, against it this year, and induced them to insist, as a condition of any agreement made, upon provisions which it would be impossible for the commission to concede, or, if granted, would inure to the benefit of the parties interested.

The negotiations of 1872 had brought prominently before the minds of the Indians all the objections to a sale, and they failed to realize any advantage it would be to them.

After their refusal last year to negotiate for the region sought to be purchased, the commission asked them to sell *only* the mines. The Indians understood this as referring to the mines that were then actually worked, and to include none of the surrounding country. These only they were now willing to sell. The Indians seem to have kept their own counsel in regard to the matter, and no one knew what they proposed to do. Mr. Adams, the agent, while inferring they were willing to make some arrangement, informed us that he did not know what they proposed to do, and was much surprised at their proposal when made in council. Letters had been received from various influential gentlemen recommending different parties as desirable ones to be present during the council, but profiting by the experience of the council of last year, and a knowledge of the usual manner of conducting Indian negotiations, the commission had requested that all unauthorized persons should be excluded from the agency during the council.

The only advantages we had in the negotiation were the oft-tested friendship of the Utes for the whites and their earnest desire to do all that would, in their opinion, tend to perpetuate and strengthen a reciprocal feeling by the whites for them, and the fact that not a single white person was present during the council except those connected with the commission or the agency.

The council convened on Saturday, September 6, and was continued on Monday. The real business of the commission received but little attention on these days, as the Indians insisted upon bringing up questions in which they felt a more direct interest, such as their eastern and southern boundary-lines, in regard to both of which they persistently asserted the Government had not kept faith with them. The bands at Terra Maria and Cimarron, in New Mexico, insisted upon remaining there for the present, expressing, however, a willingness to come upon the reservation at some future period, when the lands they now occupy shall be needed by the whites, and wished some promise before they would even consider the business proposed by the commission. With these, and other outside questions, we could only assure them that we had nothing to do, but would carry their words to the Great Father, and he could do what he thought was right about them.

On Tuesday, owing to the absence of an interpreter selected by the Indians, no council was held; but the subject was fully discussed in all its bearings by the Indians among themselves.

Wednesday the council again assembled, and a clear and explicit statement was made of the wishes of the Government, and the advantages to be derived by the Indians from an acceptance of the proposition of the commission were fully stated. The Indians replied with a distinct counter proposition, which had been foreshadowed in the first interview with them, declaring their intentions and willingness to sell only the mines then being worked, selling nothing but the tops of the mountains, and including none of the valleys. The miners were to build no houses, and not to make the mining region a permanent place of residence; but to come out each fall, returning again in the spring. For this purpose they would permit the use of a single road in entering and leaving the mines. This arrangement they thought, and urged upon the commis-

sion, was in accord with the proposition of the commission of 1872, and were much surprised on being informed that their proposition could not even be entertained by the present commission.

Thursday the proposition of the commission was again made in detail, giving them the boundaries of the proposed purchases, the price to be paid for it, and manner of payment, proposing a new agency upon the southern part of the reservation for the southern Utes, and re-affirming the treaty of 1868, including the section in which the Government agreed to prevent the intrusion of unauthorized whites upon the reservation. It was also proposed that if this negotiation was successful a party of the Indians might visit Washington and lay before the Commissioner of Indian Affairs the subjects they had brought up in council, and which the commission could not decide for them. They listened to all with great attention, and earnestly discussed the subject for several hours among themselves.

It was soon apparent that a large majority of the Indians really favored the proposition; but a small minority were very persistent in opposing it; and finding they were not likely to reach an early conclusion the formal council was adjourned.

The Indians continued to discuss the matter fully in council among themselves.

On Friday morning many of the chiefs came expressing a willingness to sign the paper containing the proposition made to them.

On Saturday morning, September 13, Ouray, the head chief, and all the principal men came and expressed their desire to sign the articles of agreement, provided, after doing so, a delegation of chiefs, representing the various bands, should visit the country sold, and if they found it was all mountains and mining country, and contained no farming land then the agreement should stand and be signed by the others; if not, then the agreement would fail as lacking the assent of the necessary three-fourths of the tribe.

This question with regard to the farming country was one of the most serious the commission had to meet. It had been asserted by one of the Weeminuche delegates that some forty of the band he represented were farming upon the part which it was proposed that they should sell, and the chiefs said, "We will soon need all the farming land on our reservation, as the time is not far distant when the Utes will have to give up hunting, and take to farming and stock-raising as the whites do."

That they should want a large territory is not to be wondered at. It is claimed by intelligent stock-men that it requires of average Colorado land five acres to support one sheep, and fifty acres for a horse or cow, and every large stock-raiser in the Territory holds to the necessity for and his right to from five to ten thousand acres of public land as a stock-range. The Utes have already about six thousand horses and many cattle and sheep.

The only portion of their reservation fit for farming land is along the southern boundary, below the mountain-ranges; a strip along the San Miguel River, on the southwestern boundary; and the Uncompagre Park, and a small portion of the Gunnison, the central part being all a mass of mountains, containing no valleys of any size, and the western central part, as we are informed, being rocky, with the river-courses through deep cañons. The northern part is largely volcanic *debris*, producing neither grass, vegetation, nor game, and lying at such an altitude as to be shut in from intercourse with the outside world by ice and snow most of the year. Even the present agency at Los Pinos lies at so high an altitude as to be visited by frost every month in the year, effectually preventing the raising of any kind of produce. During the winter months intercourse is kept up with Saguache, the nearest post-office, with uncertainty and danger.

In accordance with the agreement made with the Indians, the secretary of the commission, accompanied by Mr. Charles Adams, agent at Los Pinos, Mr. Thomas Dolan, subagent at Tierra Maria, and Sapivaneri and Guaro, chiefs of the Tabequaches, Curecante and Corutz, chiefs of the Maches, Asumpitz, subchief, and Conejo, son of Sobeta, principal chief of the Capotes, and Antelope, an Indian boy, started to inspect the country ceded. Leaving the agency we traveled in a southwestern direction. After crossing a range of the Uncompagre Mountains, twelve thousand five hundred feet above sea-level at the point of crossing, the party camped on the south fork of the Gunnison River, in what is known as the Lake mining region. There is no farming and very little grazing land in this section; but there is a fine chain of high mountains which are said to be rich in minerals, and in which several leads have been located. Crossing another range equally high, we struck a fork of the Rio Grande, following it to the head of Antelope Park, where, turning off to the north, we crossed a high divide, and struck the main body of the Rio Grande, which we followed to its head, crossing the range, at an altitude of thirteen thousand feet, to the head-waters of the Animas, along which, with its tributaries, is situated the celebrated San Juan mining country. We visited all the mines that have been at all developed. The Indians evinced much interest in the examination of their value. We saw but one mine that has been tested sufficiently to get much return from it. This one, it is stated, was stocked by a company at \$500,000, although a legal title could not be made to the land on which it was

located. The company have erected a mill, and spent in it, and in developing their mine, some \$75,000, and it is said the yield is about \$1,000 in gold per day. The agent of this company informed us that they had now en route for the mines a fifteen-stamp mill, with which they could produce \$25,000 per week in gold. The vein is eighteen inches thick, and it yields, it is claimed, from one to four thousand dollars per ton. One of the Indians, while in this mine, broke off a piece of rock, weighing about a pound, which he crushed in a hand-mortar, getting from it, with his indifferent handling, about one dollar's worth of gold.

Since the purchase of the mining country the owners of the mine claim it to be worth double what it was worth before. At another vein, which has only been prospected, we found among the *debris* indications of free gold in every piece of rock. Other veins are said to yield as high as \$8,000 in gold per ton. It is claimed the silver-veins are much more valuable than the gold leads. We were informed that one lead is six feet wide, and that another yields pay-ore in a vein forty feet wide, and indication of the precious metal sufficient to justify a claim for three hundred feet wide. Some five hundred to six hundred leads have been located, and about two hundred and fifty to three hundred miners were in the country at the time of our visit. The country is not only rich in gold and silver, but there are large deposits of copper, iron, lead, and coal.

On a rumor that the country had been bought, fifty persons started to locate town-lots, in what they claim will be the great smelting and refining center of the mining region.

This region is the greatest aggregation of high mountain peaks and ranges in the country, and, after visiting it, all other mountain scenery is completely dwarfed.

Having gone as far as the Indians desired, and having ascertained, as far as we could, that very little, if any, farming country was in the land sold, we returned to the agency. After hearing the report of the chiefs, the remainder of the Indians at the agency all signed the articles of convention, and a copy was sent to the White River, Denver, Cimarron, and Tierra Maria agencies, to be signed by all the Indians at those places. But one Indian, the Weeminuche before alluded to, opposed the sale and refused to sign the articles of convention. Subsequently he desired to sign it, but the band to which he belonged would not permit him to do so.

The country ceded contains about four million acres, and is unquestionably rich in mineral deposits.

On the conclusion of the present successful negotiation, the commission authorized Ouray and a delegation of his people to carry the articles of convention to the Great Father, at Washington.

The southern portion of the reservation, which is well watered and fertile, was retained more particularly as a reservation for the Weeminuche, Capote, and Muache Indians, with the view of having an agency located there for them, and in the expectation of having them settle upon it at an early day, their present temporary agencies in New Mexico being equally disadvantageous to the Indians and the Government.

Some of these Indians being averse to leaving their present place of living, permission was given each band to send a delegation to Washington to present the matter to the Commissioner of Indian Affairs.

At the council with the Utes, representatives of two branches of the Apaches, living and intermarried with the Utes, presented their case to the commission, and it was deemed expedient to permit them to accompany their friends to Washington. They have been ordered to join other branches of the Apaches, which they are averse to doing.

The following letter of General Alexander, commandant at Fort Garland, who is conversant with the facts, fully states the case, and is corroborated by the statements of the Indians:

"FORT GARLAND, COLO., September 5, 1872.

"SIR: In compliance with your request, I have the honor to furnish you with the following memoranda:

"Wherro-Mondo, chief of one band of the Jicarilla Apaches, wants the Government to set apart a reservation in Northwestern New Mexico, on a stream called the Rio Pusocco, for himself and his band, consisting of one hundred lodges, or about six hundred souls, in order that they may settle there permanently and till the soil. This tract is not occupied by any one else, and is contiguous to the present Ute reservation. Wherro is an uncle of Ouray, the principal chief of the Utes, and his band are intermarried with the Utes, and have many of their habits and customs. They therefore desire to live within visiting distance of the Utes. Wherro has always been perfectly peaceable, and has always, with a few of his people, cultivated little farms. They also are expert in the manufacture of earthenware, and get what necessities they want by the sale of their articles to the Mexicans. They have never had any annuities from the Government. Wherro says that all his band are anxious to give up their roving life and settle down to agriculture. Wherro also suggests that the reservation be made large enough to accommodate the band of Jicarilla Apaches now living with the Muache

Utes at the Cimarron, whenever they choose to change their mode of life. These Jicarilla Apaches should not be confounded with the Southern Apaches, as their habits and mode of life are entirely different. The former have property, horses, mules, lodges, blankets, sheep, &c., while the latter have nothing, living upon grass-seed, wild fruits, and hunting. I am informed that the Jicarilla Apaches at the Cimarron are ordered to be sent to the Apache reservation at Fort Stanton. I think this would be a great mistake, as they are really not the same people as the Coyotero and other bands of Apaches on that reservation.

"It appears to me that forming this settlement of industrious Indians, so closely connected with the Utes, in the immediate vicinity, would gradually induce them to adopt these peaceful occupations in preference to their present nomadic life, particularly as game gets scarce. It is the first instance in my knowledge of wild Indians in a state of peace asking such a favor of the Government, and it is certainly encouraging, in view of a peaceful solution of this question.

"I have made these statements as brief as possible. Should you desire more particular information, I will be glad to furnish any in my power.

"I am, sir, very respectfully, your obedient servant,

"A. J. ALEXANDER,

"Major and Bvt. Brig. General U. S. A.

"Hon. FELIX R. BRUNOT,

"Chairman of the Board of Indian Commissioners."

Respectfully submitted.

THOMAS K. CREE,
Secretary.

Hon. FELIX R. BRUNOT,

Chairman Special Ute Commission.

Minutes of the council held with the Ute Indians, at Los Pinos Agency, Colorado, September 6-12, 1873.

The special commissioner, under appointment by the honorable Secretary of the Interior, to negotiate with the Ute Indians, in accordance with the act of Congress approved April 23, 1872, accompanied by Thomas K. Cree, as secretary of the commission, and Dr. James Phillips, as Spanish interpreter, arrived at Los Pinos agency September 5, 1873.

On Saturday, September 6, Mr. Brunot had a conversation with Ouray in regard to the time for holding the council. It was decided to meet at 2 p. m. the same afternoon. He explained the reason for his delay at arriving at the agency, it having been understood that the council would be held about the middle of August, at which time the Indians had gathered at the agency. He then told Ouray of the effort he had been making to secure the return of Ouray's son, and read the letter of Superintendent Hoag, stating that Agent Miles had gone to the Arapahoe camp the 18th of August to get the boy, and word was expected from him every day in regard to him. He told him that he had waited at Colorado Springs four days, expecting to hear that the boy had arrived at the railroad, in which case he would have waited for him and brought him along; that he had left word at the station that if the agent arrived there with the boy, he should bring him right over, and he hoped he would be here in a few days. But if the boy would not come with the agent, then he would stop as we went back, and see him, and that Ouray should also go with us if he wished.

Ouray then detailed the particulars of the boy's capture, the facts in the main corresponding with the information gotten by Agent Daniels from the Arapahoe chief, Friday, and establishing the fact that the Ute boy called Friday, now with the Southern Arapahoes, and whom he had endeavored to bring with him, was the son of Ouray.

First day.

SEPTEMBER 6, 1873.

Council convened at 2 p. m.

There were present Hon. Felix R. Brunot, commissioner to negotiate with the Utes, and Thomas K. Cree, secretary; Dr. James Phillips, of Washington, as Spanish interpreter on the part of the commission, and John Lawrence and James Fullerton, as Spanish interpreters on the part of the Indians, and Ouray, the chief, as Ute interpreter, and Charles Adams, agent at Los Pinos, and Thomas Dolan, subagent at Tierra Maria, and the following Indian chiefs:

TABEQUACHES.—Ouray, Lovo, Sapiovaneri, Cocho, Chavanaux, Guero, Colorado, Tosah, Chaves.

MUACHES.—Ancatosh, Samora, Curecante, Aiguillar, José Maria, Mantchick.

CAPOTES.—Pesinte, Aigua, Chinne, Kanea, Chavis, Tapoat, (son of Sobeta,) Coronea, Topaatz, Acumpaziah.

WEEMINUCHES.—Purasitz, Venao, Prazit, Pa-si-ut, Panadnip, Terreapton.

DENVER.—Yanko.

APACHES.—Guero Modo, Aijove.

The White River band had been represented by Douglas, Sac-wioch Uugachief, Laritz, Ancatoras, but prior to the council the delegation returned to their agency, leaving one of their number to represent them.

In opening the council, Mr. Brunot said :

Whenever we hold a council with the Indians, we know the Great Spirit sees us and knows our hearts, and we want to ask him to make our hearts all right, and direct us in this council. We usually do so when we hold a great council among the whites. I want you all to stand up while I talk to the Great Spirit.

Mr. Brunot then led in prayer, all reverently standing. Ouray interpreted the substance of the prayer to his people.

Mr. Brunot then said :

When I came last year to see the Utes, there was a commission here from the President to talk to you about some business. You were very busy with that commission and had a long talk with them. You did not agree with the commission. I did not then come to talk about the business of the commission, but came from the President to talk about some other matters. You did not know I was coming, and did not understand my business, so I thought it best not to hold a council and talk with you about the business on which I had come. After the council I had a little talk with Ouray, and I told him one thing that I wanted—that the President had been told the Utes had killed a man. I said I did not think the Utes, who were the friends of the whites, had done it, and I wanted Ouray to find out who it was. Ouray did find out, and sent me word who it was. He said the Utes were all opposed to the men who committed the crime. I was glad to find the Utes were always to be the friends of the whites, and were to be depended on. I told the President that no one must feel bad because the Utes did not agree with the commission, and I thought the President ought to send away from the reservation the whites who were upon it, and the President made an order to send the miners off the reservation. After the order was issued, the President heard that the Utes were willing to sell the part of the reservation on which the miners were. He thought if he sent the soldiers and put the miners off the reservation, it might make trouble between them and the Utes; and if the Utes wanted to sell that piece of country on which the miners were, it was better to hear what the Utes had to say before driving the miners off. If the Utes wanted to sell that place, it was of no use to make trouble between them and the miners. The Secretary of the Interior has sent me the following letter. It is the same as if the President had written it:

“DEPARTMENT OF THE INTERIOR,

“Washington, July 14, 1873.

“DEAR SIR: During your negotiations with the Utes for the relinquishment of a portion of their reservation, I have the honor to request that you explain to them fully the reasons which induced the Government to suspend its order issued last spring for the expulsion of white settlers now within their reservation. The order for this expulsion was issued at the instance of this Department, and would have been executed at once but for the following circumstances: The President was informed that their chief, Ouray, had expressed a willingness to negotiate for the sale of a portion of the reservation, and he deemed it best to await the result of the council in regard to such negotiation, because if the Utes shall conclude to sell a portion of their reservation, it would be a needless hardship to drive out the whites, who would at once desire to return to their former occupations. To drive them out thus, would needlessly increase their enmity to the Utes. The President, therefore, in suspending the order, had the welfare and best interests of the Utes before him, as well as that of the settlers. The suspension of the order of removal only awaits the result of the negotiations, and should they fail, I have no doubt the President will renew the order for the removal of the whites.

“With my congratulations to Ouray and other chiefs of the Utes, and with the hope that your negotiations may result favorably and be productive of peace and the prosperity of the Utes, as well as of the white citizens, I have the honor to be, with great respect,

“Your obedient servant,

“C. DELANO,

“Secretary of the Interior.

“HON. FELIX R. BRUNOT,

“President of the Special Commission to negotiate with the Utes of Colorado, &c.”

He sent and asked me to come and see the Utes and talk with you. He asked me because he knew I did not want your land for myself, and that I was a friend of the

Indians, and he thought you knew that I was your friend. I said to him I would come and see Ouray and the Utes, and talk to them about what I thought was for their good. Then he sent word to Ouray and the agents that I would come. He sent this letter to me ordering me to come.

The letter of the honorable Commissioner of Indian Affairs was then read to them.

Now, I have come to talk to you about that business. I want to tell you, as your friend, that I think you are wise, because you have thought about the matter since last summer. It is not for me to tell you what to do, but for you to say what you would like to do about this matter. You see the condition of affairs just as well as I do. You have many wise men among you, and you have a wise chief. You know a wise man looks ahead and knows the future. It is much better sometimes to do what does not please us just now, if we think it will be best for our children. I think that is what you have been thinking about, and that is why you sent word you would like me to come and see you. Before I say anything more on the subject I want to hear from the Utes.

CHAVANAUX. Those lines the surveyors are running on the reservation are not according to the treaty. The mountains were the boundary of our reservation, (on the east,) and we want to know what treaty has been made that gave them the privilege of coming in and running these lines in our lands.

Mr. BRUNOT. So you want me to tell you about it.

CHAVANAUX. We would like to know.

Mr. BRUNOT. The treaty tells the lines of the reservation. I had nothing to do with making the treaty. The way the whites have of telling lines by the compass, you cannot understand, and when the treaty was made the lines were named, but it was not put on the land; when they came to locate the agency they thought it was on the reservation.

OURAY. It was on the reservation. I was interpreter and knew what the boundary-lines were.

Mr. BRUNOT. The lines they are running is only to see whether the lines are where you thought they were or not. I do not know anything about these surveyors.

OURAY. They are measuring, and whenever they find a mine they take a little piece more of our country. They are running new lines all the time.

Mr. BRUNOT. I am sorry to hear it, and if I make any agreement I want the lines to be well understood. I think the people of the Territory are running some of these lines, and if they are not right the President will not have them for the lines.

OURAY. The line they have run they say is twelve miles west from here, and it is not right. The line is not correct as they make it.

Mr. BRUNOT. I have nothing to do with these men, and I am sorry they are here.

CHAVANAUX. How is it you do not know about this?

Mr. BRUNOT. I left Washington more than three months ago, and have not heard much from there since. I do not think this survey came from Washington. I think it came from Denver. When I go to Washington I will find out all about it, and I will tell the President what the Utes say. Mr. Adams tells me they did not make any lines; they only made observations, and when the line is run it may be very different.

OURAY. If they made observations the line will probably be where they say. I interpreted it to the Utes when the treaty was made, that the line would be from the Rio Grande to the head of the mountain. We understood it so until the present time. The rivers that run to the east from the mountain-range we understood were off the reservation; those that run west were on it. In regard to Washington Gulch and others, where they are mining, they are on the reservation as we understand it. The miners have come in and have not been disturbed by the Utes. The mines in the mountains are very important; they are surrounded by the Utes, and the miners will gradually settle down upon the Ute lands in the valley.

Mr. BRUNOT. Do the mines extend on both sides of the mountains?

OURAY. All the rivers have very fine farming-lands along them, on the Rio Platte and Animas, and San Miguel Rivers. The Indians farm and have crops now; and on all the rivers that come out on this side of the mountains the Utes farm; they have corn there that is ripe now.

Mr. BRUNOT. I see the difficulty about the matter. I saw it before I came here, and I saw it last summer—the difficulty of separating the mineral from the farming land. I see the difficulty as well as you do, and I feel the importance of it more than you do. The reason is, I see the time will come when the Utes will have to raise herds of horses and cattle, and will have to farm, and do just as the whites do. It may be a good while and it may not be so long—we cannot tell—but when the time comes to raise crops and cattle, you can only use a certain amount of the land. If you were to say to me to-day that you would sell all the land that was good for farming, I would say it was not right, you ought not to do it; but if, in order to get a line that takes in the mountains, you have to put in a piece that has some good farming-lands on it, if enough is left for you, I would think it was good. If I had been all through your country as you have, I would know what was a good line; but as I have not, I do not

know exactly about the lines. I want you to say what would be a good line; if you do not know just at once, you can think about it. There may be some land across the line that you do not want to sell, but to keep that might spoil all, and it might be better to let it go. Sometimes, in order to do a great thing that we want to do, it is necessary to do a little thing we do not want to do. It is for you to decide. In order to sell a piece of your land to the Government that you want to sell, it may be necessary to sell a little piece you would rather keep; that is for you to think about.

OURAY. What have you to say in regard to the Apaches? Some of their chiefs are present, and want to hear what you have to say to them. The governor wants to take them down south with the Mescalero Apaches; they do not want to go. This one spoke last year.

GUERO MUDO, (Apache.) Some years ago some of the governors of New Mexico gave us a reservation on Muddy River, about Abiquin. We want to keep it, and not go down with the Jicarilla Apaches. We want the land that was given us. We know how to farm, and only want land to farm on. We do not ask for anything else. After the land was given to us, some Mexicans came and took the land. We told them that was our land, but they said they would keep it, and they did.

MR. BRUNOT. An inspector has gone down there, and I think he will inquire about your lands, and when I go to Washington I will hear about it. I have no instructions about it.

GUERO MUDO. We wanted you to know what we had to say and to inquire into it.

MR. BRUNOT. I am glad to hear your words; they are all put down, and I will inquire into it, and it will be attended to.

GUERO MUDO. We only ask for our land. We can work. We are not friends of those Apaches in the south. We do not like any people that fight, and do not want to go with them.

MR. BRUNOT. Would you like to come with the Utes, and would the Utes like the Apaches to come?

GUERO MUDO. We like to visit the Utes, but would rather stay where we are. We spoke to Governor McCook about it last year, and he said he would tell the President about it. He probably never told the President what we said about the matter. It was wrong if Governor McCook did not tell it. And we want you to promise us you will tell it, and to give me a promise in writing that I may show when I go back to my people.

MR. BRUNOT. If I tell a man I will do a thing, and he does not believe it, I do not care; when I say it, it is the same as if I wrote it.

GUERO MUDO. In regard to the agents in New Mexico, they have no power; they are changing all the time, and the agents are of little account, and I want your letter to show the people that I am trying to do something.

MR. BRUNOT. You will hear about it from Washington.

OURAY. The other one is an Apache of another band from Cimarron; he wants to know what the Government intends to do about them.

MR. BRUNOT. The inspector that went down a few days ago will report in Washington, and I will not know till I get there. We will send a letter from Washington to Guero Mudo.

GUERO MUDO. Are you certain a letter will come; will they not steal it on the road?

MR. BRUNOT. I do not know; maybe they will.

GUERO MUDO. It may be like some things that are sent to Ouray; he never gets them. It might be so with my letter; it might never get to me.

MR. BRUNOT. If I had come to the Utes in the old way, wanting to get your lands, I would have had a lot of people all about talking in your ears. Maybe I would have had a man to give one a horse, another a gun, to get them to talk the way I wanted. Sometimes treaties are made that way; when they want you to do what is good for the white man, but bad for the Indian, that is the way they come. I do not come that way. I tell you I am your friend, and if I could help it I would not have the Government do anything that was not good for you. When I talk to the white men or the red men, I want to talk in such a way that I will never be ashamed to meet them. Whatever I say the "Great Spirit" hears, and if it is not right I will be punished hereafter for it. I have said this because I want you to understand that I come as your friend, and I want you to do what I think is for your good, and want you to tell me just what you think about it, and we will try and fix it up in a way that will be good for all. In this way I think we will come to an agreement that will be good for all. I was to see another tribe of Indians this summer, and I saw that white men had gone upon their lands, and had found mines and were mining on their land, and other men were camped ready to go on. If I had been strong enough I would have been willing to drive them all into the river, for they had no business there; but I saw so many wanted to go upon the land, that if the President was to send the soldiers and drive them off, some of them would do things against the Indians and bring on a war with them. I saw bad men were there who would do that, and what would have been the consequence? I saw some of those men were bad men, and would bring on this trouble to get back

upon the Indian's land. I knew if they did this, the consequence would be that tribe of Indians would be driven on the bad lands above the Missouri River, and they would not get anything for their good land. The war would be made an excuse to get the land for nothing. I was sure it was good for those Indians before any trouble came to get paid for their land, so I told them the President knew these people were there taking their minerals, and he was willing to pay them for their land, and as their friend I told them to take pay for it, keeping enough to live upon. At first they did not like to sell their land, and see the whites go on it; they said they and their children were born there, and they did not want to leave it. I thought I would feel the same way, but I knew it was better to let that piece of land go and get paid for it, than to have trouble come and get nothing for it. They thought about it some time, and saw it was best, and they agreed to sell it and take a large sum of money, the interest to be used for their benefit forever, and they still have enough of land to live on and hunt on.

OURAY. I do not like the interest part of that agreement. I would rather have the money in a bank.

Mr. BRUNOT. About thirty years ago the Cherokees sold their land and came west of the Mississippi, and the Government agreed to make a note and give them the interest every year; and now they have the interest paid them every year. With part of the interest they keep up their schools and their government. The same was done with some other Indians nearly one hundred years ago, and they get money every year for the interest. A nation might lose its lands, but if the Government promised to pay them interest, they would always get it. These Indians I made the agreement with have plenty of land for themselves and their children, and, besides, the interest every year will be paid them in things they need. Your case is a little like that. It may be there are none of those bad men upon your land who would make trouble; you know better than I do about that. Still, it looks to me as if the very best thing that can be done, if you can spare these mountains, is to sell them, and to have something coming in every year. If you do not think so now, some day you will remember what I told you about it, and I think you will make up your minds some day, whether you sell it or not, that what I told you was right. Last summer the commission asked me to say something. I told you I did not come about their business, but as they asked me if I would say something, I said then just what I thought, just as I am saying now. I did not go round about it at all. I said just what I thought. Perhaps you did not understand me at that time.

OURAY. We understood you then and we understand you now.

Mr. BRUNOT. I was told I had offended you because I talked so plain. You must not be offended at plain talk, for I say what I mean.

OURAY. There are many that understand what you say, and we are not offended at plain talk.

Mr. BRUNOT. If you have any thing to say, I will hear you now, or we can meet Monday morning at 10 o'clock.

CHAVANAUX. All you say about what you done with the other Indians is all right. When I was in Washington the treaty put the line on the top of the mountains and not where the line is put now. The President heard it, and knows where it was. That is what I cannot understand—why the line is put where they now say it is. That is why it is hard to make this contract; the lines have been changed and it is bad faith on the part of the Government.

OURAY. All the Utes understand the lines, and it is as we say. The lines in regard to the mines do not amount to anything; it is changing them all the time—taking a little now and a little again—that makes trouble. You said you do not know anything in regard to these lines and it may be the same in regard to lines you make. There are many men talk about it to us; they say they are going to have the lines as they want, whether the Utes like it or not. It is common talk; everybody tells it to the Utes. The miners care very little about the Government, and do not obey the laws. They say they do not care about the Government. It is a long way off in the States, and they say the man who comes to make the treaty will go off to the States, and it will all be as they want it. With you it is different; you talk in the name of the Great Spirit; we understand that, and think it right and ought to have great weight. Some people do not work on one side or the other, but so they can fill their pockets with money, it does not make any difference what they say. If I could talk just as I see fit, it might be different, but I talk for the Indians as you do for the commission. I must talk for both sides, (as interpreter,) and give the matter consideration. We are not prepared to talk now, but day after to-morrow you will hear from us.

Second day.—Monday, September 8, 1873.

Council convened at 12 o'clock. Opened with prayer by Mr. Brunot.

Mr. BRUNOT said: I do not think I need say the same things over that I said Saturday. I think you all remember them. But there are other things I ought to say, so

that some of the Indians from New Mexico will learn how they are situated. You see everywhere how the whites are spreading over the country. In New Mexico there are getting to be many Americans and Mexicans where the Indians live. Some people down there want the Indians to stay at Tierra Maria and Cimarron, but many want them to go away. Perhaps there are some people there who sell things to the Government for the Indians, and some who trade with the Indians and make money out of them. That kind of people who make money out of the Indians want them to stay there. I do not know but the Indians know about it, but I know there are many people coming in, and many more wishing to come. They think the land belongs to the whites; everywhere the whites are taking up the good land there. There are so many there now that there is not much land left for the Indians, and it is getting worse and worse all the time, and soon all the land will be taken up, and there will be none left for the Indians to live upon. The President knows all this, and that is why he wants the Utes from New Mexico to come upon their reservation, where there is a good place for them to stay. I want the Utes from New Mexico to understand this. Very soon the President will have to make an order to put them on some place for themselves, and there is no good place there now that the whites do not claim. I want to tell them this as their friend—that they ought to join with the other Utes, and select some place on the reservation as their home. Perhaps they do not like to hear this. I do not like to say anything to any of the Indians that is disagreeable for them to hear. It makes my heart feel sorry to say anything that they do not wish to hear, but the Great Spirit tells me I must always speak the truth when I am talking to the Utes, or the whites, or anybody; whether they like it or not, I must speak the truth. Sometimes when a man hears anything he does not like, he thinks about it, and, if it is true, after a while he comes to like it. That is the way I think it will be with the Utes from New Mexico. They will think about it and find it is good, and I hope they will take my advice. We have met here to-day to settle up the matter we talked about Saturday, in regard to these mountains. Let us talk about that and nothing else till it is settled.

OURAY. It is better to settle in regard to moving the Muaches. They do not want to leave where they are in New Mexico.

Mr. BRUNOT. I have told them what comes to me from Washington, and I have told them what I think would be good for them; that it would be good for them to have a place for themselves on the lower part of the reservation, where they would be away from the whites and have a place for themselves. If they pick out a good place where they can raise corn and where they would like to live, I will ask the President to give them an agency there. I think the President will do it. I think the best way would be, if we make a bargain with all the Utes in regard to the mountains, that we put in the same paper that the Southern Utes, the Capotes, Muaches, and Weeminuches shall have an agency on the reservation there. I think it would be good to put in the paper that there shall be an agency on the lower part of the reservation, another one here or on the Gunnison, or the Uncompagne, or where the Indians say, not on the Uncompagne or the Gunnison, if the Indians do not want it, but where they want it.

OURAY. There is no difficulty in regard to us; we want the agency below somewhere. Mr. Adams knows where, but the difficulty is with the Southern Utes.

Mr. BRUNOT. I presume the Southern Utes want to be on the lower part of the reservation. I have told them what I think would be good for them. I know it is good for them, and I want them to have a home where they cannot be disturbed. If they would rather come here, it is good, but if they would rather have an agency in the southern part of the reservation, I think the President would establish one there for them. It is very important for them to make up their minds in regard to it, and I want them to have a place which they can always have for their children and their children's children. They know, themselves, that where they are now the whites claim and say it is their land, and after a little while there will be so many whites there that they cannot stay. I think they know very well that when a man sees the storm coming it is better to get fixed ready for it, and the sooner he gets protected against it the better. So, now, when there is a good chance to get a good home it is better to settle it. I think I have said all I need say about it. You have sense, and know what is best. One thing more, I forgot; perhaps the Utes from New Mexico think if they come on the reservation that they cannot hunt the buffalo; that is a mistake. I think the President will let them go to hunt the buffalo while they behave themselves, and while there are buffalo to hunt.

CURECANTE. We want our agency on the Dry Cimarron.

OURAY. The southern Indians say there are but few whites about the Dry Cimarron, and for a little while their agency should be located there, and when the whites get settled about them, then they will come upon the reservation. You heard them talk last year, and they say the same now. Part of the Cimarron is bought; they don't want to stay on it, but further off.

Mr. BRUNOT. I do not think the President will allow them to stay in New Mexico long. All the time, when there are white people about, when anything bad is done,

whether it is done by whites or Indians, the Indians are blamed with it. Suppose there are some farmers living about where the Indians are; suppose they are good men, and a bad white man comes along, and takes some horses and gets off with them; if nobody sees him, then the people all think the Indians took them. Suppose a Mexican does something bad, the whites think it is the Indians. If a Cheyenne or Arapahoe comes and takes stock, the whites think it is the Indians who live near them. That is why, when Indians and whites live together, there is trouble among them. The President knows that the Utes are the white man's friends, and he is the friend of the Utes, and he wants to have the Utes so situated that these troubles will not come. With some Indians, when the President thinks it is best for them to do anything he wishes, he sends his soldiers and makes them do it, but with some Indians, instead of sending the soldiers to make them do it, he sends some one whom he knows is their friend to tell them what he wants, and so he has sent me to tell the Utes what is best for them, and what he wants them to do. I have told the New Mexican Utes what I am sure would be good for them, and I think it would be good to put it in the paper, if we make a paper, about the mountains. But if they think they know better, and do not want to put it in the paper, I think they had better pick one or two good men, and let them go with Ouray to Washington, and tell the President what they think about it; but that need not interfere with the bargain about these mountains, and this matter about the mountains had better be settled now.

JOSÉ MARIA. I think, as Curecante said, our agency had better be on the Dry Cimarron.

MR. BRUNOT. I want to remind the New Mexico Utes of the treaty of 1868. I had nothing to do with making it, but it is put into my hands with the names of the Indians signed to it. The third article in it says—

OURAY. I understand it, but they are cutting off our lines, and they are not according to our agreement.

MR. BRUNOT. Do the New Mexican Utes understand what I say? I want them to see their treaty. It was made in 1868, five years ago, and according to this, the Utes in New Mexico agreed to give up all claim to any land outside of the reservation. What I want them to know is, that all these five years the President has been kind in permitting them to stay just where they wanted to, and it seems to me the President has been kind in not making them do what the treaty says. That is the way it looks to a friend who did not make the treaty; and now, when the President thinks it is good for them to come on the reservation, they ought to listen to him. The names that are signed to the treaty I will get Mr. Adams to read, so that we will know what chiefs signed the treaty. Do you wish to hear them?

[A protracted discussion followed; those who signed the treaty objected to the reading of their names; Ouray insisting on having the names read; the Southern Utes specially objecting, the Tabeguaches taking the part of Ouray; the southern Indians saying the treaty was a bad paper for them, and wanting to throw it out and make a new one.]

MR. BRUNOT. You men are all brothers. You belong to the same people. What is good for one is good for all. You should all try and help each other, and when a friend talks to you about what he thinks is good for all of you, you should all listen and all think about it, and see what is best for all. There may be some things that some of you do not like, but then if it is good for all the rest they ought to give it up for the general good. Perhaps there is something I think is not good for me, but if it is good for everybody else I submit to it. I know I cannot have everything my way, if everybody else thinks differently. So it is all over the world; each must give up a little for what is good for all. Sometimes, when men are all trying to come to one mind, it is difficult, and takes a little time, but if they try to agree, and when they see what is good for the greatest numbers, then they agree to it. Now, we have talked about this treaty. I told you the President was kind in permitting a portion of the Utes to do what they had agreed not to do. They agreed to come on the reservation, and he permitted them to remain in New Mexico. Perhaps some of the Utes did not like that treaty, but if the chiefs agreed to it and signed their names to it, they ought to submit to it. I want to know which of the chiefs signed that paper; it does not make much difference now, because the paper is all there; but I want to know the names, and am going to have them read, and if we make another paper, it will have some things in it I will want everybody to understand; and if we make it we will have the chiefs and everybody else sign it, and that is why I want all the bands to agree to do the same thing.

MR. ADAMS then read all the names signed to the treaty.

MR. BRUNOT. Before the treaty of 1868 was made, in 1863, five years before, there was another treaty with the Tabeguaches. That treaty said there was to be money given for ten years; that ten years is done this year; this is the last year for paying the money that was in that treaty; but the money and goods promised in this treaty (1868) is for twenty-five years more. Because the first treaty runs out with this year is another good reason why I think it is good for the Utes to sell the mountains and have

something come to them for them. The New Mexican Utes do not come much into these mountains and do not care much about them; the other Utes that live up here care much about them; but I think if both kinds of Utes do what is good for all, they will agree to sell the mountains, and the New Mexican Utes and those that live here will all get the benefit, and that is the most important matter for you to think about now. You know that it makes no difference to me about these mountains. I do not want anything that is in them; I have all I want a long way off. It is not for me or any white friends of mine that I am talking to you about this matter. It is because I know it is good for the Utes to do this; and that it will be good for your children after you, and now is the best time for you to do it. Suppose we talk about little things instead of this great matter, until the time is passed and I have to go away; and then, if trouble comes between the Utes and the miners, if it begins before the year ends, what will happen—where will it end? It will be too late then to settle it so that the Utes and their children will have goods and such things as they need come from it forever. There are many whites in this country with whom I have talked who are friends of the Utes; they tell me they like the Utes; but there are bad people who have no interest in the country, who try to make trouble with them. I know what those bad people think about it. If they could get trouble up with the Utes, and soldiers had to be sent in to settle the trouble, the Utes would be killed, and they could then get both the mountains and the farms that belong to you. That is what bad people think; perhaps it may be so, perhaps not; but what is the use of taking any chances like those, when, if you sell the mountains, you can have something for yourselves and your children for all time. This treaty gives the Utes \$30,000 per year for twenty-five years longer. Now, in twenty-five years, perhaps Ouray, Curicante, and the older chiefs may be dead and gone. I may be dead and gone, but still some of these young men and the children will be living, and some of them will have little children; but when the twenty-five years have passed the money will be gone, and they will have none. Suppose we let that treaty stand just as it is for twenty-five years, and you agree to sell a piece of this reservation, taking in all these mountains where the miners are going, and the President agrees to pay for that land \$25,000 every year; not for ten years or twenty-five years only, but forever, as long as the country lasts, so that your children and all the Utes that come after them will have something after this treaty is ended, and forever after. It would begin after the treaty was approved by Congress, and would go on forever. I want to know if there is a single Ute here who does not know in his heart that it would be good for you; I am sure it would; I know that would be good for the Utes. If I did not think it would be good for you, I would not be here to talk about it. I do not want you to sell the lands at the lower part of the reservation, the farming-lands. I want you to keep those lands, so that the Indians who like to be in a warm country in the south, can have a good place. I do not want you to sell the good lands on the Gunnison; I want those who live there to have a good place. I do not want you to sell the farming-land in the Uncompagne Park. I want the Indians who go there to have a good place. But what I think it is good for you to sell, is the land that lies between the good land on the south and the Uncompagne Park. If you are afraid some day somebody might say you have no right to go through their land, you can keep a strip of say ten miles wide on the west side, leading from one part to the other, or may be twenty miles. I think you understand what I think is good for you; but I know I am not telling you what many white people want me to tell you. Many white people would want me to say to you, you ought to sell the good farming-lands on the south, and some would want me to ask you to sell the Gunnison, and some would want me to ask you to sell the Uncompagne. I would not ask you to do any of these things, because I know a time will come when the Utes will want land to raise stock, as the white people do, and you must have that country for it. But I do advise you to sell the mountain country; it will be better for you to do so, and you will never be sorry for it.

CURICANTE. It would be well for us to have our agency on the Dry Cimarron. I am talking for the southern Indians, and I can talk to the President about it. What wrong can we do, or what wrong have we done, that we should not stay there?

MR. BRUNOT. You must understand that I want to do what is good for the Utes, and if I make any agreement I want it also to be one that Congress will agree to. Suppose I was to put into the agreement what Curicante wants, and some little thing somebody else wants. I could put it in—it would not make any difference to me; but Congress would not agree to it, and the agreement would be at an end. For this reason I must make an agreement as good as I can for the Utes, but it must be one that I think Congress will approve. When I know myself that the Government at Washington wants the Indians to leave a place in which they want to stay, if I put it in a paper that they were to stay, Congress might not agree to it. But this I can agree to, and I think it will suit Curicante, the New Mexico Utes, and all the Utes: If we make a bargain for the mountain country, I will agree to say in the paper the Southern Utes shall have an agency on the southern part of the reservation as soon as the President shall say for them to go there. Then, if we make that agreement, Curicante can go with Ouray

to see the President. He can ask the President to let them stay in New Mexico a little longer, and the President can do as he wants about it.

SAMORA. In the Cimarron there are but few settlers, and it is not necessary to have a contract to permit us to stay there, but only permission to remain there while it is sparsely settled.

MR. BRUNOT. What Samora says is very good; but if we put in the contract that when they come away from there they shall have an agency on the reservation, it will be better. But we will say nothing about Cimarron in the contract; but when you go to Washington and tell the President what you tell me, if he says you can stay there a little while longer, it is all right.

OURAY. I tell Curicante that you cannot make an agreement to give an agency at Cimarron, for Congress might not approve of it; but if he thinks they ought to stay there, that he should go to Washington and tell this to the President, and he can let them stay if he wishes.

MR. BRUNOT. Yes, that is best; but it must not interfere with the bargain we make. Here is Mautchick; I would like to know what he thinks of it. Does he not think my plan is a good one?

OURAY. They are talking about the business of the Muaches, and we tell Curicante that he had better go to Washington and have it attended to.

MR. BRUNOT. I suppose the Utes have been talking the matter over, the Muaches and all the rest. It is just the same as it is in Congress. When a matter comes up they talk about it. Each says what he thinks about it, and then they take a vote; and when they take a vote, perhaps it shows a great many agree to the proposition; and if there are more in favor of it than are opposed to it, the smaller side gives it up, and all agree to it, and it becomes a law; and even if some do not like it, they agree to it because the majority want it. That is the way it ought to be among the Utes. You all have the same interest; you are all brothers; ten or a dozen ought not to stop what is good for all the rest. After it has been talked over, all ought to agree to the same thing. I hope the Utes will come to the same mind, just as they do in Congress, and the few who do not like it will give up to the greater number; that is the sensible and true way to do. I think you all understand the matter. But you have not told me what is the opinion of the majority. I want to know what the large number think, as well as what the few think.

OURAY. The business with the Muaches is what is stopping it.

MR. BRUNOT. I have told the Utes what I think is right about that, in order that the future may be taken care of, and that they may have an agency at a future time. I will put in the paper that they may have another agency on the lower portion of the reservation. I will not put it in the paper that that agency is to be made to-day, or next year; but I will say that the agency shall be made whenever the President thinks it best to put it there. The New Mexico Utes will send their men to Washington, and they will tell the President they want to stay a while at Cimarron. They will tell the President there are few whites there; that they are doing no harm, and would like to stay there a few years longer. If the President says they can stay there longer, it is all right. There will be nothing in the paper to interfere with it; but if he will not let them stay there, I cannot help it. I want to tell you now very seriously, if you go to Washington to ask the President to let you stay at the Cimarron, and you say to him, "We prevented the Utes doing what is good for them," he will say to you, "Go to the reservation, or I will send my soldiers and make you go." But look at the other side, and see how much better, if the New Mexico Utes join with the other Utes, and do what is good for all the tribe, and then go and tell the President, "We have done what is good for all the Utes, and we would like to stay in New Mexico for a while longer," would he not be more likely to grant your request? Everybody knows that would be the best way. Curicante knows that would be the best way. If we can all agree about this, that would be for the good of the whole Ute tribe. Then, whoever goes to Washington can say, "We are trying to do what the President wants; but we want to stay on the Cimarron; there are but few whites there; but when the whites come there, then we will go to the reservation." The President would be more likely to grant the request. I want to tell what happened to me before I came here. The President asked me to go and tell some of the Sioux Indians that they must move their agency. When I went there we had a council. I told them they ought to move their agency, because it was by the river, and bad whites brought whisky to them, and did them harm. The first thing they said was, "If you give us so many guns, and flour, and things the white men have, we will move the agency; but we will not do it without you do." What did I say to them? I said the President has plenty of guns; but they have bullets in them for those who do wrong. When the President and Congress want their white friends to do what is right, they tell them, and they do it, because Congress knows what is best for them; and it is the same way with you. I said to the Sioux, "You pretend to be the friends of the President, and if you do not move the agency he will send his soldiers and make you do it; and now the council is adjourned." The next

morning they came and said, "We will do what you say; we will move up there, and will trust to the President to do what is best for us." And in two or three days they were moving, and they have gone now. It was very short work. But I do not come and talk that way to you. I do not say anything about guns and soldiers. I talk to you as one friend talks to another. I do not talk to you like I do to men who will not listen to reason. I know you listen, and I think you will decide it is all right. I talk to you as I would to my best white friends, because I know you are my friends; and all good white people know the Utes are their friends, and they want to do what is good for the Utes. I think you see what is the best. I think the Southern Utes will see it is best to settle this matter, and then go to the President and tell him about the Cimarron, and maybe he will do what they wish; and whatever a majority of the Utes agree upon, that will be right. If you want to talk about it among yourselves, talk; if you want to talk to me about it, I will hear what you have to say; but do not let this question about a few Utes staying a few years on the Cimarron interfere with this question, that is for the good of all the Utes for all time. I would like every Ute man that wanted to do what was not bad to have his own way. I would be glad if I could do just what I wanted to all the time; but I cannot. Often I have to give up what I think is best, on account of the opinion of other people. So it is with every man, whether a white man or a red man. So it is with some of the men here. They do not like to give up their opinion; but they think it best to give up for the good of all. I have not yet found out what you all think; perhaps I will find out that more of the Utes will say, as they did last year, "We do not want to sell this country." Maybe not; but I want to know what a majority think about it.

OURAY. This is what all say: Curicante and all the camp will go to Cimarron; then they will go and see the President, and if the President allows them to stay, then it is all right, and if the President orders them to come to the reservation, it is all right. This is the opinion of all.

Mr. BRUNOT. Do I understand that they drop the question, and after the council they will go and see the President, and do as he decides?

OURAY. The Indians that belong there will go back, but Curicante will go from here to Washington to see the President.

Mr. BRUNOT. It is important that I understand it. I do not want to make a mistake. Shall I understand the New Mexico Utes agree to what the other Utes do, and then Curicante and the others will go to see the President; or do they mean to go away and leave the matter of the land unsettled?

OURAY. Show us on the map where the mines are.

(Mr. Brunot then showed them on the map the lines of the reservation and the new lines he proposed to make.)

OURAY. The southern line is not as we agreed to. We agree to let the mines go.

Mr. BRUNOT. We had better say nothing about the southern line. That is one of the things you have to tell the President about.

OURAY. The New Mexico Indians claim the part in New Mexico—all below the river San Juan.

Mr. BRUNOT. I propose to leave fifteen or twenty miles above the Colorado line, so there will still be a country there for them. (He then explained, with the map, fully what he proposed to do.)

OURAY. We are willing to sell only the mountains where the miners are, and not to sell any of the valleys. (A full discussion over the map followed, the Indians freely expressing their opinion.)

Mr. BRUNOT. Maybe these mountains are not just right on the map; the white men were not there.

OURAY. The mines we will sell, but the Weeminuches want the southern boundary-line fixed. The mountains are large and the Rio Grande rises in them: Are there any mines on the side near the San Miguel River?

Mr. BRUNOT. The reason I want to put that part in is, there may be mines there, and then there would be the same trouble again. I do not know anything about the country.

OURAY. The mountains with mines we will sell, but those where the mines are not in we will not sell.

Mr. BRUNOT. I did not come to please the miners; but what I want is to save the Utes from all trouble with the miners.

OURAY. Take the head of the Rio Grande and its tributaries, and the stream that runs on the other side of the mountains, we will not sell.

Mr. BRUNOT. You will have to decide on some line that will show where the miners can go.

OURAY. The heads of the stream that run into the Rio Grande will be the bounds. The contract we make, a copy of it must be in the hands of the agent, one in the hands of the chief, and one you take to the President. We will not sell on the San Miguel. There must be posts put in that the miners cannot pass.

Mr. BRUNOT. We must understand each other better or our talk will be for nothing.

If the Utes sell a portion of their country, the price is regulated by the quantity they sell.

OURAY. We have no interest in selling any of it.

MR. BRUNOT. If you think it is not your interest to sell it, you must not sell any of it.

OURAY. We want to sell the portion around the head of the Rio Grande, and we want security that the miners will not go any further.

MR. BRUNOT. I could not make any agreement for a little piece of country where the miners only are now.

OURAY. The piece of land we offer to sell is not so small; it is large. The mountains are long, and where the miners are we will sell to the edge of the mountains, and none of the bottom-lands.

MR. BRUNOT. The difficulty in such a contract is, there will always be quarreling as to where the lines are, and there will be more trouble than there is now.

OURAY. It must be measured, and the lines all marked so all can see them.

MR. BRUNOT. It would take five years and one hundred men to do that. What I think is, that the Utes had better sell all the mountain country. Suppose I were to make a contract for where the miners are now, it would take all the Utes and one thousand soldiers to stand around it to see that the miners did not go to the other mountains, and instead of stopping the trouble it would make it worse. The mountains west of it, the miners would be hunting mines in. Suppose there are no mines in the part west, and suppose the Utes make a bargain for it.

OURAY. We cannot do what you want.

MR. BRUNOT. But I want you to hear what I have to say. Suppose you sell the mountains, and if there is no gold in them, then it would be a benefit to you. The Utes get the pay for them and the Americans would stay away. But suppose there are mines there, it will not stop the trouble; we could not keep the people away.

OURAY. Why cannot you stop them; is not the Government strong enough to keep its agreements with us?

MR. BRUNOT. What Ouray says is reasonable. I would like to stop them; but Ouray knows it is hard to do.

OURAY. In regard to the mountains around the mines, we do not say anything, but to take in so much land we will not agree to it. We know what the Government has to do by the treaty, and we know how you are talking about the trouble. You are a commissioner on the part of the Government; we are on our own part. If you do not want to buy or we do not want to sell, it is all right. The whites can go and take the gold and come out again. We do not want them to build houses there.

MR. BRUNOT. I told you I would not have come if I had not wanted to benefit the Utes. I wanted to befriend you. I do not think I would be doing what was good for the Utes if I did what Ouray wants. It need not prevent the contract from being made, but I will not make it. I will tell the President, and he may send somebody else, and they may buy just what the Utes want to sell now, and in another year they will find the miners as bad somewhere else, and then they may send somebody else. You understand why I will not agree to it. But it is all right if you do not make an agreement with me; it will not make any difference; I will try and have you protected as well as I can. I will do as I did before. I will ask the President to drive the miners away as I did last fall, but a thousand other men will tell the President to let them alone. Perhaps he will do as I say, perhaps not.

OURAY. That is all impossible. The whites are not my brothers; they can do as they please.

MR. BRUNOT. I want you to think about this a little more. Last fall you said you would not sell any of your land. I thought you were right in not wanting to sell the farming-lands, but you have now decided you ought to sell some of it. If you think a little longer, you may see the mountains are of no use to you, and you may decide it is best to provide for your children and sell them.

The council here adjourned.

Third day—Tuesday, September 9.

Owing to the absence of both interpreters, no council was held to-day.

Fourth day—Wednesday, September 10.

After waiting till two o'clock for the return of either of the interpreters, council convened, with Doctor Phillips as Spanish interpreter.

Prior to opening the council, the Indians spent two hours in consultation among themselves, Ouray explaining by the map the proposed lines.

At four o'clock p. m., in opening the council,

Mr. BRUNOT said: There were some Indians traveling once with their tents and all they had. They came to a river; it looked high and dangerous; some thought it was dangerous to cross, others thought not. They did not know what they had better do about it. Then they decided to call upon the Great Spirit to help them. They put their praying men on the bank of the river, and they all went over safely. That is what the Indians said; they crossed over and all was right with them. I am going to ask the Great Spirit to help us, and perhaps we may all come to one mind about this.

Mr. Brunot then led in prayer.

Mr. Brunot then said this letter of the Commissioner told me to come and make a bargain with the Utes for all the country south of the thirty-eighth degree, (showing it on the map.) When I come and know how things are, I would rather the Utes should keep some of the country on the south, (showing it on the map,) because I think it is good for them. As the friend of the Utes, I have made some marks to show the best thing I can do for them that I think Congress will approve. If I thought Congress would agree to it, and I thought it was good for you, I would mark the lines just where you want them. If I were to do that it would not be of any use. Congress would not agree to it, and it would be just as it was before I came here. I have made the lines in the very best place that I can for the Utes that Congress will agree to. If you agree to that, I will be glad, because I think it will be good for you and good for everybody. It is for you to say what we shall do. If you agree to that, I think it will be all right; if you do not agree to it, it will be all right so far as I am concerned, for it will not be my fault. I came and did the best I could for you. It is your country, and you can do just as you please about it. I am sure that if you agree to make the contract I have offered, it will be good for you; and whether you do it or not I am all the same your friend, and I hope you and the whites will always be friends. Whatever happens hereafter, I am willing to stand by the words I have said, and if you let me go away in a day or two, you cannot blame me or the President, for he has done all that he could. He has sent me to do what is right, and to settle the question about these mountains. If the spring comes, and the miners come in crowds and want to go into all parts of the reservation, it may then be too late to settle the question in a friendly way. Sometimes war begins when nobody wants it, because some bad people do something they ought not. When the war began between the people in the North and in the South, nobody wanted it, but bad people brought it on; good people did not want it, but bad people brought it on, and good people had to suffer. It was the same way with the poor fellows on the western coast; some bad people began the trouble, and see where it ended with the Modocs. After the trouble began, good people everywhere tried to stop it, but it was then too late, and it could not be stopped until now all of them are gone. Captain Jack was not a bad man at the beginning, but bad men brought the trouble on, and good men could not stop it.

OURAY. We believe that.

Mr. BRUNOT. I am talking about this because I am sorry in my heart that such things come, but there are bad men and they bring about such things, and men must be as careful as they can, and make every effort to prevent such things. You all know how careful you are to do no harm, that these bad men cannot have any reason to do wrong to you. Although you do that which is right, your agent and your friends have to defend you against these men. In spite of all the friends of the Indians in this country can do, and they say the Indians are good, bad men are trying to bring about trouble with you. Some men say, Let this matter go on; let it alone and it will fix itself; there will be trouble with the Utes and then we will get all their country for nothing. Perhaps it may be so and perhaps not, but this I know, it is better to make a good bargain, of which your children will get the benefit, than to take any risk. I think that is good sense, and that is the talk of one friend to another. If the white people go into these mountains it is right that you should get pay for them. If you sell the mountains the way I point out, and the Government agrees to pay you \$25,000 per year as long as you and your descendants live, it will always be good. When that bargain is made, and if there is no gold there, and the white people do not want to stay there, you have the use of the mountains just the same, and the pay for them too. In some parts of the mountains, I do not know whether the white people would stay or not, but I fear they will want to go there; but if they do not stay there you get paid for it all the same. If you sell a big piece of country, I can pay more for it than if you sell a little piece. Some places they will go in and scrape the ground; they will not find any gold, and then they will go away.

OURAY. For that reason you require a large piece, and if they do not want it they will go away.

Mr. BRUNOT. For the large piece I can offer a large sum. Last year the commission that was here told me they were going to offer for all below the line of 38, (shown on the map,) and would pay you for ten years but little more each year than I now offer to pay each year forever. The Government did not tell me what to offer to the Utes.

I know what the commission last year proposed to offer, but because the Government did not tell me, I offer you the largest amount that I think the Government will agree to pay. That would be \$25,000 per year, every year, forever. Besides that, I say that when the President thinks it is time, he will put an agency on the southern part of the reservation, and that will cost more money. The building of houses and what is wanted for an agency will not come out of the \$25,000; that is the offer; that is the best I think Congress will agree to; if you agree to it, I will be very glad, and we will make out a paper with it all in it. We will make three copies; one for me to take to the President, one for Ouray, and one for the agent to keep, and all who agree to it will put their names to the paper. Ouray or some other chiefs would have to go and see the Indians who are not here, and get their names to the paper. Then Ouray will bring that paper to Washington, and one each of the Mauches, Capotes, and Weeminuches are to go with him, and they can tell the President that they want to stay on the Cimarron, and one of the Apaches could go, too, and tell the President what they want. I think you can understand that is all that I can offer, and I want you to say yes or no to-day. I want you to tell me this evening what you will do. We have talked it all over. You want to go to your camps, and I want to go to my home, a long way off, as soon as I can.

(Ouray here talked to his people for some time. A discussion followed as to the lines, the Indians saying some were farming inside the proposed lines.)

MR. BRUNOT. If any Indians are now cultivating the soil in any part of the reservation, I will put it in the paper if you wish that they shall not be disturbed. I know very well that this arrangement will put you to some inconvenience, but that is why we offer a large sum of money. We have to look at things as they are and we must give up little things to accomplish great ones. You sell the country, and get a good price for it. The privilege of going across the country will not be taken from you. You can travel by all the roads.

OURAY. It is a large piece of country. We want the lines smaller, (making lines on the map taking in only where the miners now are.)

MR. BRUNOT. As I said before, I would like to fix it. I see and understand what you would like, and I would like to fix it that way if I thought it would be agreed to by Congress. I want to do all I can for you. If I would do that, I will tell you what would happen. The report would go out, and everybody would say the Utes have sold their country, and the white people would come in crowds. Next winter the paper would go before Congress, and Congress would say no. That is not what he should have done; he should have bought all of these mountains. Congress would not agree to it, and the country would be so full of people we would never put them out, and the result would be, instead of helping the Utes, I would be only bringing on trouble, and rather than hurt you by what I do, I would prefer to go home and do nothing.

OURAY. There is plenty of game in the mountains. The majority are opposed to it. I am in favor of it, but it does not amount to anything.

MR. BRUNOT. I understand Ouray to say the Utes are not willing to make the bargain with the lines I have pointed out. I could make a paper showing the lines you seem to be in favor of. Then the miners would come in there; not only those who break the laws, but those who do right; all would come in and the mountains would be filled with miners. Congress would not decide about the paper till next spring, and by that time the miners would be saying, "We want to go farther;" and a thousand people in Colorado would say I did not do right; and Congress would say the law they passed told me about buying all this country; and Congress would not agree to what I did; and when they look at the paper they would say they did not agree to it; and it would turn out, instead of having done something good for the Utes, the country would be full of miners and no bargain at all. Now, the way the matter stands, I have made the best offer that I can for the good of the Utes that Congress will agree to. I will have to shake hands and go home, and leave the bargain with the Utes, or somebody else to make.

OURAY. We do not wish to sell the part below, and we want the line farther east.

MR. BRUNOT. I have done the best I can for you; it is all over, and we part good friends; and we may as well adjourn the council. I understand what you want. I have done what I think is best for you; it does not suit you, and I think we had better adjourn the council. We have had a long talk for nothing, but I guess it is all right. Perhaps there is something you do not know. I would say in the paper you could hunt in the part sold as long as there is any game in it. But I see you do not wish to agree to my proposition, and we will now close the council.

The council here adjourned.

Fifth day—Thursday, September 11.

There was no council held to-day, but the commission waited, expecting the Indians would decide to enter into the articles of convention, it being their opinion that a

large proportion of the Utes were in favor of so doing, the principal men of the Tabeguaches (Ouray's men) having expressed themselves as favorable to it. During the day the following articles of convention were prepared as embodying the views of the commission as to what ought to be done:

ARTICLES OF CONVENTION.

Articles of a convention made and entered into at the Los Pinos agency for the Ute Indians, on the 13th day of September, 1873, by and between Felix R. Brunot, commissioner in behalf of the United States, and the chiefs, head-men, and men of the Tabeguache, Muache, Capote, Weeminuche, Yampa, Grand River, and Uintah bands of the Ute Indians, witnesseth: That whereas a treaty was made with the confederated bands of the Ute Nation on the second day of March, A. D. 1868, and proclaimed by the President of the United States on the sixth day of November, 1868, the second article of which defines by certain lines the limits of a reservation to be owned and occupied by the Ute Indians; and whereas, by act of Congress approved April 23, 1872, the Secretary of the Interior was "authorized and empowered to enter into negotiations with the Ute Indians in Colorado for the extinguishment of their right" to a certain portion of said reservation, and a commission was appointed on the first day of July, 1872, to conduct said negotiations; and whereas said negotiations having failed, owing to the refusal of said Indians to relinquish their right to any portion of said reservation, a new commission was appointed by the Secretary of the Interior by letter of June 2, 1873, to conduct said negotiation:

Now, therefore, Felix R. Brunot, commissioner in behalf of the United States, and the chiefs and people of the Tabeguache, Muache, Capote, Weeminuche, Yampa, Grand River, and Uintah, the confederated bands of the Ute Nation, do enter into the following agreement:

ARTICLE I.

The confederated bands of the Ute Nation hereby relinquish to the United States all right, title, interest, and claim in and to the following-described portion of the reservation heretofore conveyed to them by the United States, viz: Beginning at a point on the eastern boundary of said reservation, fifteen miles due north from the southern boundary of the Territory of Colorado, and running thence west on a line parallel with the said southern boundary to a point on said line twenty miles due east of the western boundary of Colorado Territory; thence north by a line parallel with the said western boundary to a point ten miles north of the point where said line intersects the 38th parallel of north latitude; thence east to the eastern boundary of the reservation, and thence south along said boundary to the place of beginning: *Provided*, That if any part of the Uncompagne Park shall be found to extend south of the north line of said described country, the same is not intended to be included therein, and is hereby reserved and retained as a portion of the Ute reservation.

ARTICLE II.

The United States shall permit the Ute Indians to hunt upon said lands so long as the game lasts and the Indians are at peace with the white people.

ARTICLE III.

The United States agree to set apart and hold as a perpetual trust for the Ute Indians, a sum of money, or its equivalent in bonds, which shall be sufficient to produce the sum of twenty-five thousand dollars (\$25,000) per annum; which sum of twenty-five thousand dollars per annum shall be disbursed or invested at the discretion of the President, or as he may direct, for the use and benefit of the Ute Indians, annually forever.

ARTICLE IV.

The United States agree, so soon as the President may deem it necessary or expedient, to erect proper buildings and establish an agency for the Weeminuche, Muache, and Capote bands of the Ute Indians, at some suitable point to be hereafter selected on the southern part of the reservation.

ARTICLE V.

All the provisions of the treaty of 1868 not altered by this agreement shall continue in force; and the following words from article two of said treaty, viz: "The United States now solemnly agree that no persons except those herein authorized to do so, and except such officers, agents, and employes of the Government as may be authorized to enter upon Indian reservations in discharge of duties enjoined by law, shall ever be

permitted to pass over, settle upon, or reside in the territory" described in the article, "except as herein otherwise provided," are hereby expressly re-affirmed, except so far as they applied to the country herein relinquished.

ARTICLE VI.

In consideration of the services of Ouray, head chief of the Ute Nation, he shall receive a salary of one thousand dollars per annum for the term of ten years, or so long as he shall remain head chief of the Utes and at peace with the United States.

ARTICLE VII.

This agreement is subject to ratification or rejection by the Congress of the United States and the President.

Sixth day—Friday, September 12.

Many of the chiefs expressed themselves as willing to sign the articles of agreement, but it was thought best to wait until the head chief signed it. The Indians counseled in regard to it all day.

Seventh day—Saturday, September 13.

Ouray and all the principal men came and expressed a willingness to sign the articles of convention, provided after doing so some of the representative men of the different bands, accompanied by the secretary of the commission, should visit the country sold, and, if it proved to be mining and not farming land, then all the Indians should sign it; if the reverse was the case, then the agreement should be inoperative as lacking the assent of the necessary three-fourths of the tribe. The articles of convention were then signed by all the Indians present—being the chiefs and head-men of all the bands who had been represented in the council.

THOMAS K. CREE,
Secretary Special Ute Commission.

INTERVIEW WITH OURAY, CHIEF OF THE UTES.

CHEYENNE, WYO., *June 24.*

A dispatch was received from Charles Adams, agent of the Ute Indians at Los Pinos reservation, Colorado, saying that Ouray, head chief of the Utes, was at Denver and desired to see Mr. Brunot. We telegraphed him to come up.

JUNE 25.

Agent Adams and Ouray arrived at noon. The object of Ouray's visit was to hear what prospect there was of the recovery of his son, a young man who had been captured by the Sioux in a battle between them and the Utes on the Republican River, in Kansas, some ten years ago; since when he had not been able to hear anything of the boy, except that he learned from a Mexican woman, who had lived among the Sioux, that the captive boy was still alive.

On the visit of Mr. Brunot to the Ute agency, in 1872, Ouray had asked that an effort should be made to find him and restore him to his tribe. Subsequently we ascertained that the boy had been captured or passed into the hands of the Northern Arapahoes on the North Platte, and after several years had gotten among the Southern Arapahoes.

Before introducing the object of the visit, Mr. Brunot referred to a conversation he had had with Ouray at his agency, in which Ouray promised that he would find out the murderers of Miller—agent of the Navajoes—who had been killed by his Indians some months previously.

Mr. BRUNOT said. I am glad you found out about the men who killed Agent Miller.

OURAY. We killed one, the other escaped to the Moquis Pueblo village. They were Weeminuche Utes; the main band were up in Utah; these two had strayed behind; they followed Agent Miller and killed him to get his mules. They were out all summer,

and were afraid to come in, and were almost starved. They eat up both the mules before we found them. I was sorry the one was killed; I wanted to bring him in and give him up to the agent to be punished. We followed the other one but could not catch him. If he ever comes back we will get him and bring him to the agent.

Mr. BRUNOT then explained to Ouray that when he was at the agency an officer with soldiers was then hunting the murderers; and after Ouray had promised to find them, the officer agreed, if Mr. Brunot would write him a letter and ask him to do so, to go back and let Ouray find the Indians who had committed the murder.

OURAY said at that time none of the Utes knew who had killed Mr. Miller.

Mr. BRUNOT then told him of the efforts he had been making to find his boy; told him he had been among the Sioux and had heard where the boy was, and hoped that he would be able to get him and take him to the Utes.

OURAY said the Government is strong, and can do what it wants; if the Government will do what it can for me and get my boy, I will do what I can for the Government in regard to our lands.

Mr. BRUNOT. We are trying to do what we can about the boy. If the Utes had a boy among them that we wanted, the Utes would hide him away. We have to be very careful. The Arapahoes may run him away; we must be careful. We want to get your boy home; and whatever can be done to get him we will do. It matters not how much money it costs, or how much trouble it is, we will do all we can to get him, and we want to do what is right and kind for the Indians. When I saw you some of the Indians talked bad, but I knew they did not know any better, and I thought some day they would find out what was right, and they will find out that the President is their friend and wants to do right. How soon do you want to have a council about your land?

Mr. ADAMS. Ouray said it would be best for you to come and talk with them, and he proposed we should come to Cheyenne and talk with you. Last fall they opposed the removal of their agency; now they want it moved fifty miles west. I have to run two establishments; one for our cattle and one for the agency. By putting the agency at Gunnison River, we could do away with one of them. It is a lower and warmer country, and could be cultivated. We are farming at the herding camp now. The Indian camp is only one day's ride from the proposed new agency site. Now the Indians cannot come to the agency in winter at all.

Mr. BRUNOT. I think if the agency is moved it ought to be put where it will not have to be moved again.

OURAY. We do not care about the mountains, but the Uncompagne country we will not sell. If we sell the mountains we fear the whites will bring stock into the Uncompagne country, and then trouble will begin again. If a line could be made, and all the whites kept inside of it, we would sell the mining region. At present, the Colorado people only want the mines. We want to know that our country will be kept for us.

Mr. BRUNOT. Personally I do not care about your selling, and would not have gone last year, only I went to see that no injustice was done the Indians. I thought when I was there you had better listen to the commissioners, and thus save trouble. I have no fancy for the miners who go where they have no right to go. Have there been more miners going in?

Mr. ADAMS. Yes. Ouray keeps his people away from them.

Mr. BRUNOT. I asked the President to make an order to drive the miners out. The President heard Ouray had changed his mind and would sell the mines, so it was thought best to stop the execution of the order for a while.

Mr. ADAMS. Ouray does not know the order was countermanded.

Mr. BRUNOT. We went to the Shoshones last year; they have mines in their country. They said the country was of no use to them, and they sold it, and now the miners are their friends. They wanted to be paid in cattle; they are to get them, so many each year. They are all very much pleased about it. I was to see the Sioux two years ago, and they had their agency on the bank of the river. I told them it was a bad place—they would have trouble with the whites. I wanted them to be put it in a good place where the Government would protect them. They would not do so then, but I went this time to them and they said they would put it where I wanted, as they now saw what I told them was true. I want the Sioux to promise not to come over the railroad. I do not want them to fight with the Utes, or anybody else.

OURAY. I would like to see you come down there, but no one from the Territory to come with you. Everybody from the Territory is interested in buying my country. It is best you come down and keep the matter quiet, and not let the people of the Territory know of it.

Mr. BRUNOT. They wrote me a letter from Washington, and asked who I wanted to go. I wrote and told them if they sent anybody there they had better send those who do not live in the Territory. I told them if I was to go and hold a council I did not want any of the whites who were there before to be permitted to come. They sent me a letter and told me there was a man named Powell, who, they thought, was a good man to go—what do you think of him?

OURAY. I would not object if Mr. Powell suits you, but I do not wish any one who lives in the Territory to come.

Mr. BRUNOT. He is the explorer, and does not belong to the Territory.

OURAY. I would not object to him.

Mr. BRUNOT. Do you think a council could be held and the whites kept away?

Mr. ADAMS. I think so. Ouray has given orders to his men to keep away from the miners. I heard some of the parties who were at the council last year would be back again.

Mr. BRUNOT. I asked that none should come unless invited by the commission. I said that if Ouray wanted me to go, and the President asked me, if I could do any good to Ouray's people I would go. I said I would not go unless Ouray sent word that it would be of some use for me to come.

Mr. ADAMS. You would want to see all the Ute Indians we can get to attend?

Mr. BRUNOT. I would want to see all the Indians who can be got together.

OURAY. Where are you going now?

Mr. BRUNOT. To see the Crows. How long before you could get your people together, and when would be the best time for me to come?

OURAY. How long will you be at the Crows? You know how soon you could get to the Ute agency. In August the Utes will be hunting, but the captains can come in.

Mr. BRUNOT. If a treaty is made it is necessary three-fourths of the people agree to it.

OURAY. I will talk with them and do what I can.

Mr. BRUNOT. It used to be just what the chief said; but this treaty is different; it says three-fourths of the adult male Indians, and I want the treaty carried out. From now till August we will try and get Ouray's boy; and, if we can, we will take him with us. If we cannot get him, then Ouray must not be too sorry; we will still try and get him. I hope we will get him then.

OURAY. Bring the boy if you can; if you cannot I will be sorry.

Mr. BRUNOT. We will do the best we can. Your boy talks English.

OURAY. A brother of Friday's captured the boy; he died, and Friday took the boy.

Mr. BRUNOT. The boy's name is Friday?

OURAY. Several years ago, when the Arapahoes came to Denver, I heard there was a Ute boy called Friday; but I never could see him.

Mr. BRUNOT. They kept him away?

OURAY. I heard two or three years ago from a Mexican woman that the boy was alive. I would not know him.

Mr. BRUNOT. When Ouray looked for the boy at Denver the Arapahoes kept him away, and we want to get him before they hide him now. I think you had better not tell your people the boy is coming, for if he does not, they will think something is wrong.

OURAY. I understand. I want to see the boy. The Utes understand you now. They have learned that you have worked good for other Indians before, and we think you will work good for us. I will tell them what you say, and they will know you are our friend.

Respectfully submitted.

THOMAS K. CREE,
Secretary.

E.

REPORT OF THE COMMISSION TO NEGOTIATE WITH THE CROW TRIBE OF INDIANS.

SIR: We have the honor to report that under our appointment as special commissioners to negotiate with the Crow tribe of Indians, contained in your letter of May 1, 1873, viz:

Letter of the honorable Secretary of the Interior.

"DEPARTMENT OF THE INTERIOR,
"Washington, D. C., May 14, 1873,

"SIR: I have received your letter of the 21st ultimo, recommending the appointment of a special commission to visit the Crow tribe of Indians with a view of negotiating an agreement with the chiefs and head-men of said tribe of Indians in the Territory of Montana for the surrender of their reservation in said Territory, or of such part thereof as may be consistent with the welfare of said Indians, as provided by the act of March 3, 1873.

"In compliance with said recommendation, I hereby appoint Hon. F. R. Brunot, of the board of Indian commissioners, *Col. E. C. Kemble, of New York, and H. E. Alvord, of Virginia, to constitute said commission, for the purpose named by you.

"Messrs. Kemble and Alvord will be allowed compensation at the rate of \$8 per day, in addition to their actual and necessary expenses, while engaged in the performance of this duty. Mr. Brunot will be allowed only his actual expenses.

"You will be pleased to prepare instructions for the guidance of said commission, a draught of which you will submit to this Department for its approval.

"Very respectfully, your obedient servant,

"C. DELANO,
"Secretary.

"The COMMISSIONER OF INDIAN AFFAIRS."

and the instructions of the honorable Commissioner of Indian Affairs contained in the following letter:

Letter of the honorable Commissioner of Indian Affairs.

"DEPARTMENT OF THE INTERIOR,
"OFFICE OF INDIAN AFFAIRS,
"Washington, D. C., May 31, 1873.

"SIR: By the terms of an act of Congress approved March 3, 1873, it is provided: 'That the Secretary of the Interior be, and he is hereby, authorized to negotiate with the chiefs and head-men of the Crow tribe of Indians in the Territory of Montana for the surrender of their reservation in said Territory, or of such part thereof as may be consistent with the welfare of said Indians: *Provided*, That any such negotiation shall leave the remainder of said reservation in compact form and in good locality for farming purposes, having within it a sufficiency of good land for farming, and a sufficiency for water and timber; and if there is upon such reservation a locality where fishing could be valuable to the Indians, to include the same, if practicable; and the Secretary shall report his action, in pursuance of this act, to Congress, at the next session thereof, for its confirmation or rejection.'

"Pursuant to the provisions of the foregoing act, and in compliance with the directions contained in letter of the honorable Secretary of the Interior, under date of the 14th instant, you are informed that a special commission has been appointed, consisting of yourself, as chairman, in conjunction with *Col. E. C. Kemble, of New York, and H. E. Alvord, of Virginia, to visit the Crow tribe of Indians and negotiate an agreement with them to the end that the objects of said act may be affected.

"You will proceed to the Crow agency, and, after consultation with the United States agent for the tribe, will assemble the Indians in open council, at some point on the reservation deemed most desirable for the purpose, and explain to them the purport and objects of the act of March 3, 1873, and of your visit.

"The Crow reserve was established pursuant to the treaty with them concluded May 7, 1868, and is bounded as follows: 'Commencing where the 107th degree of longitude west of Greenwich crosses the south boundary of Montana Territory; thence north along said 107th meridian to the mid-channel of the Yellowstone River; thence up said mid-channel of the Yellowstone, to the point where it crosses the said southern boundary of Montana, being the 45th degree of north latitude; and thence east along said parallel of latitude to the place of beginning.'

"Such an extent of territory being greatly in excess of the quantity required for the necessities of the Indians, and the northern boundary thereof, throughout its entire length, being in close proximity to the proposed line of the Northern Pacific Railroad, it is desirable that the Indians should relinquish to the Government at least a portion thereof, and consent to confine themselves within more circumscribed limits.

"It is with this end primarily in view that you should conduct your negotiations under the foregoing appointment.

"You will explain to the Indians that it is the desire of the Government that they should adopt agricultural and pastoral pursuits to the end that they may in time become self-sustaining and prosperous, and that in order to encourage them in the cultivation of such pursuits all possible aid will be afforded them in the way of stock and agricultural implements.

"Should you find them willing to relinquish upon reasonable terms any portion of their reservation to the United States, you will cause written articles of agreement to that effect to be prepared and duly signed by the chiefs and head-men of the tribe, and by each member of the commission. Such agreement must clearly describe the portion of the reservation ceded and the consideration to be paid therefor, expressed in such form as to admit of the largest discretion being exercised by the Department in relation to the manner of investing or expending such consideration for the welfare of the Indians.

* Changed to Gen. E. Whittlesey, of Washington, and James Wright, M. D., of Montana.

"Portions of the reservation are very mountainous, and undoubtedly rich in minerals of different kinds. Many mining claims are now being worked by white settlers on the reserve, and, as reported by the agent, some of them were located before the country was set apart as a reserve for the Crows, and the miners in consequence claim priority of right. In view of these facts the agent has also heretofore recommended that the Crows should be induced to cede that portion of their reservation lying between the waters of the Big Horn and Yellowstone Rivers, as the only way in which satisfactory adjustment can be made of the difficulties that will otherwise inevitably arise between the miners and the Indians. You will, however, in negotiating with the Indians, be governed by your own judgment as to the portion most desirable for them to cede, taking due care that the portion retained by them shall be of a character best adapted to their necessities, with the end in view of their eventually becoming an agricultural and pastoral people.

"Care should also be exercised, in negotiating any agreement, that the portion of the reservation retained by the Indians for their use and occupancy shall be in compact form and in good locality for agricultural purposes, due regard being paid to the quantity of tillable land within its limits, as well as the sufficiency of the supply of water and timber. Also, if practicable, to include such fisheries as may be of value to the Indians as a means of furnishing them with supplies of food.

"It must also be clearly understood that any agreement made with the Indians will be of validity only upon its ratification by Congress, and this fact should be impressed at every opportunity thoroughly and forcibly upon the minds of the Indians, in order that no misunderstanding relative thereto may exist on their part.

"Another matter to which you will give your attention is the contemplated change in the location of the Crow agency. The present location thereof is understood to be highly unfavorable and unsatisfactory to the Indians, being remote from timber, and having an insufficient quantity of good agricultural land in its vicinity, as well as being greatly exposed to high winds.

"You will consult with Superintendent Wright and Agent Pease in relation to this matter, and will obtain all the information in your power as to the most suitable point for locating such agency, and report your views concerning the same to this office.

"The duties enjoined upon you in the foregoing instructions will be entered upon immediately after the completion of the duties assigned you as chairman of the special commission to visit and negotiate with the Northern Sioux, parties to the treaty of 1868.

"You will be allowed your actual necessary expenses while engaged in the performance of the duties assigned you, vouchers for which, when practicable, should be obtained and submitted to this office with your account.

"You will submit a detailed report of your proceedings at the earliest day practicable, accompanied by such form of written agreement as may have been entered into with the Indians.

"Very respectfully, your obedient servant,

"EDW'D P. SMITH,
"Commissioner.

"Hon. FELIX R. BRUNOT,

"Chairman Special Commission, Pittsburgh, Pa."

the special commission to negotiate a treaty with the Crow Indians have the honor to make the following report:

In accordance with the instructions of the honorable Commissioner of Indian Affairs, Felix R. Brunot, chairman of the commission, accompanied by Thomas K. Cree, secretary, arrived at Bozeman, July 7, 1873. Arrangements were at once made to gather all the Crow Indians at the agency for a council.

On the 29th of July, General E. Whittlesey and Dr. James Wright, members of the commission, arrived at Bozeman. The next day a conference of the commission was held. The chairman read to the commission the letter of the honorable Secretary of the Interior, of date May 14; the letter of the honorable Commissioner of Indian Affairs, of date May 31; report of Agent Pease, of date April 30; and the treaty made with the Crows at Fort Laramie, May 7, 1868.

July 31 we drove to the Crow agency, found that the main body of Indians had not yet arrived, but some thirty chiefs and head-men, representing the Mountain and River Crows, had been sent forward to meet the commission.

The next morning we had a conference with them, Blackfoot, the second chief of the Mountain Crows, being the spokesman. He informed us that the main body of the Indians were encamped some distance from the agency, and could not arrive before the 8th or 10th of August. He accounted for their delay in getting to the agency, after the arrival of the messenger in their camp, by the fact that they had been fighting a large war-party of the Sioux, who were following them, necessitating great care in the moving of the women, children, and camp-equipage; to the prevalence of sickness

from which many had died, and to the high stage of water, which delayed them considerably, as there was great danger in crossing the swollen streams. He told the commission that the party would return to the camp the following day, and would come back with it to the agency as expeditiously as possible. A full report of this conference will be found in the accompanying documents.

The main body of the River Crows left Benton in good season to reach the agency, but, as we were informed, when some four days on their journey were stopped by parties interested in keeping them in the vicinity of the trading-posts on the Missouri River.

The main camp arrived at the agency August 8. The erysipelas was prevailing among them in a contagious form; many had died from it, and Iron Bull and Blackfoot, the two principal chiefs, were both sick. Long Horse, the third chief and most prominent warrior, was in mourning for the death of his brother, who had been killed a few days before in the encounter with the Sioux.

The issue of provisions prevented the holding of a council the next day, the Indians giving as a reason for not wishing to come into council the sickness of Iron Bull and Blackfoot.

The council convened on the 11th of August. There were present, in addition to the members of the commission, General Sweitzer, commandant of Fort Ellis, Dr. Lightfoot, U. S. A., Captain Tyler and Lieutenant Rowe, of Company F, Second Cavalry, Major Pease, agent for the Crows, Nelson Story, esq., of Bozeman, Charles Hoffman, trader, several of the employes of the agency; and, of the Indians, Iron Bull, Blackfoot, and all the principal chiefs, and a large number of Indians representing both branches of the Crow tribe.

In opening the council the chairman expressed the regret he had felt at not meeting the Crows on a former visit, and the pleasure it gave himself and the other members of the commission to meet them at the present time. We then read and explained to the Indians the treaty made by them at Fort Laramie in 1868, the act of Congress of March 3, 1873, under which the commission was appointed, and the letter of instructions of the honorable Commissioner of Indian Affairs.

We dwelt upon the fact of the miners in large numbers being on the reservation; of the recent discovery of gold and silver mines; and of the danger of trouble unless the Indians were willing to sell a portion of their reservation, which was of little use to them, and accepting in payment a satisfactory sum of money that should be expended for their benefit.

We referred to the probability of the Northern Pacific Railroad coming along the Yellowstone, and that it might come upon their reservation; and we explained the necessity for a new location for the agency buildings, and offered to go with the agent and the Indians and select a new location for it. The council lasted four days. A full report of it will be found in the accompanying documents.

On the fifth day of the council, finding the Indians were not likely soon to come to an agreement, for the purpose of inducing an immediate decision, we formally closed the council.

Early the next morning all the chiefs and head-men came and expressed a desire to sign the agreement. After ascertaining that they fully understood the articles of convention, the chairman said, "You have come to tell us that you agree to the exchange of your present reservation on the Yellowstone for Judith's Basin, and wish to agree to the paper."

Iron Bull, Blackfoot, and all the chiefs said, "Yes, we all agree to it."

The Indians having expressed an unwillingness to touch the pen in making their mark, thinking it was "bad luck" to do so, the chairman said, "We wish you all to come, one at a time, and say 'yes' or 'no' to the paper. We wish you to bring in all the others, and they will say 'yes' or 'no,' and then none who say 'yes' can afterward say 'we did not agree to it.'"

The chiefs thought if they agreed to it, it was sufficient, as all the tribe would abide by their decision, but we insisted that all should approve or disapprove of it.

They then came forward, and as each said "yes," his name was signed to the articles of convention.

All agreed to it, except one head-man named "Crazy," who refused to express an opinion either way.

Each, as he said "yes," asked that they might be permitted to eat buffalo for a long time, to which the commissioners responded "yes," as the Indians shook hands with them, respectively. Others asked for guns and horses; many asked that Agent Pease might be retained. To all of their requests the commissioners answered that there was nothing in the paper about these things, and that they only said "yes" to what was in the agreement, but told them when the young men went to Washington they could talk to the "Great Father" about giving them what they wished.

The necessity for the ratification by Congress of the articles of convention it was difficult to have them understand; but it was explained to them as fully as possible

during the council. We made no promises to the Indians other than those contained in the articles of convention, and no conference in regard to it was held by us with the chiefs, or other Indians, except in public council.

The sessions of the council were all well attended, all the chiefs and head-men, and many Indian men and women, being present at every session; and we have every reason to think the action of the council meets with the almost unanimous approval of the Indians party to it.

The River Crows will, we doubt not, approve of the action of those representing them, as they have always lived in the section of country now set apart as their reservation.

In accordance with the desire expressed by all the Indians in council and elsewhere, we authorized Agent Pease to take to Washington eight Indians, chiefs and others, representing both the Mountain and River Crows, to be accompanied by one interpreter. We were the more willing to take this action, for the reason that no member of the Crow tribe has ever been East, and their idea of "the white man's" power and civilization is very meager. Their steady friendship for the whites, whom they have always had every reason to suppose inferior to them in number and power, we thought also merited some return. The trip to the East will, we doubt not, prove of lasting benefit to the tribe.

The request made during and after the council, for a present of horses, we did not feel at liberty to accede to, yet we have no hesitation in recommending that such a present be made. At the time of making their former treaties, they have always been given horses, a present they prize above all others. In view of the advantages that will accrue to the Government from the arrangement entered into, and the fact that, while attending upon the sessions of the council, a large number of their horses were stolen, as well as in return for the friendship they have always exhibited for the whites, we would respectfully recommend that they be presented with one horse for each lodge or family. It is presumed that funds appropriated for beneficial purposes for the Crow tribe of Indians are available for this purpose.

We would call special attention to the last clause of the articles of convention, in which it is agreed upon the part of the commissioners that, "pending action by Congress, the United States shall prevent all further encroachment upon the present reservation of the Crow tribe," and respectfully recommend that instructions be sent the agent to prevent all whites from passing over, settling upon, or residing in said territory, except such as are specially exempted by the treaty of 1868, and such others as are now engaged in mining in Emigrant Gulch; that he be directed to prevent all exploring parties or individuals from entering upon the reservation, and that any one engaged in hunting or trapping for game be arrested and turned over to the civil authorities.

We also respectfully recommend that, pending the action of Congress, the section of country described in the first article of the articles of convention be, by order of the President, withdrawn from market, and that it be declared not to be open for, or subject to, entry under the homestead or pre-emption laws. There are at present no settlers in any portion of this country, and this recommendation is made to prevent any such entering upon it, pending action by Congress. In case Congress should ratify the action of this commission, we would further respectfully recommend that agents of tribes, other than the Crows, be directed, as far as possible, to prevent them from hunting in Judith's Basin.

That Congress be requested to define the penalty for wolfing or killing game by means of poison in the section of country contiguous to the proposed reservation, as described in article fourth of the articles of convention.

That an appropriation be asked for the erection of agency buildings, in accordance with the provisions of the treaty of 1868, and that a commission be appointed by the honorable Secretary of the Interior to locate the agency at a suitable place in the Judith Basin, as far south as is practicable, keeping in view the necessity for wood, water, grass, and a sufficient body of tillable land susceptible of easy irrigation, and not so elevated as to render crops uncertain.

Very respectfully submitted.

FELIX R. BRUNOT,
R. WHITTLESEY,
JAMES WRIGHT,
Commissioners.

THOMAS K. CREE, *Secretary.*

Supplementary report by the chairman of the commission.

PITTSBURGH, November 19, 1873.

SIR: In addition to the report of the Crow commission, prepared by the secretary under the direction of my colleagues when *en route* from the agency, and already in your hands, I have the honor to submit a brief explanation of the reasons influencing the commission in their negotiations.

The official instructions seemed to contemplate mainly the purchase of the western portion of the reserve, but your letter to the chairman was understood to leave a wider discretion with the commission.

We found that the principal region already occupied by the miners was along Emigrant Gulch, extending thirty or forty miles eastwardly into the mountains from the western border of the reserve, and upon Clarke's Fork of the Yellowstone River, and that the prospectors were gradually extending their operations, and could not long be prevented from overrunning the entire mountain region bounded by Clarke's Fork and the Yellowstone River. The Indians claimed the country around the heads of Clarke's Fork and the east branches of the Yellowstone in Wyoming Territory; and, although not upon the reserve, it was impossible to convince them that it had not been originally included. We also found that the topographical features of the country were such as to admit of no dividing-line, west of Pryor's Creek, which would be satisfactory either to the commission or the Indians; or which would not, if adopted, become, very soon, the cause of serious misunderstanding and contention between the whites and Indians.

The portion of the reserve which lies east of Clarke's Fork, and includes Pryor's Creek, is within the limits of the country claimed by the Sioux as their hunting-grounds. It is constantly frequented by them in large bands for the purpose of fighting the Crows, and is the battle-ground upon which the two tribes often meet.

The Sioux largely outnumber the Crows, and have even extended their raids against them to the present agency. To remove this friendly tribe to so close a proximity to their powerful enemies would be wrong, and would involve the necessity of a military fort, and a considerable force for their protection, which would be costly and inexpedient.

The commission further considered that the Northern Pacific Railroad would be located for three hundred miles along the present reservation, and one or more roads already projected from the southward would pass through it, and that the valley of the Yellowstone, and the valleys of the many fine streams emptying into the south side of that river, affording some of the choicest lands in the West for cultivation and stock, would, when thus rendered accessible to the whites, be irrepressibly demanded for their use, and make the removal of the Crow Indians a necessity.

To anticipate this necessity while there yet remained unoccupied a more retired district of country suitable to their needs, and which could be given to them, seemed of incalculable importance to the future welfare of the Indians. Postponement of the selection of a proper location for a few years would probably leave no place for them but the cold and arid region north of the Missouri River. On the other side, it was considered that the peaceable release of the fine body of land included in the Crow reserve, already partially occupied, and the possession of which must soon seem a necessity, and the avoidance of future possible controversy and bloodshed between the whites and its proper owners, was of the greatest importance to the Government.

The Judith Basin, lying out of the present and prospective line of migration, surrounded by a belt of mountains and barren lands destitute of valuable ores to attract their cupidity, and relatively inaccessible to the whites, yet possessing within itself the necessary requisites for farming—land, grass, wood, and water—and not too large for the future needs of the Indians, seemed peculiarly adapted for the purpose of a reservation.

The sum of money agreed to be invested for the Indians is a very moderate price for the quantity of land they relinquish. Probably a larger sum than the interest of the capital funded would in any event be required to be expended annually for their maintenance until they become self-supporting. Hence the ratification of the contract would involve no additional expenditure on the part of the Government.

I desire, in behalf of myself and colleagues, to express our obligations to Col. N. B. Switzer, commanding Fort Ellis, for facilities furnished and efficient co-operation; and to himself and to all the officers of the fort for many personal courtesies and attentions; also to Agent F. D. Pease and the employés of the agency, for their zealous co-operation.

Respectfully submitted.

FELIX R. BRUNOT,
Chairman of Commission.

Hon. C. DELANO,
Secretary of the Interior.

Articles of convention made and concluded on the sixteenth day of August, in the year of our Lord one thousand eight hundred and seventy-three, at the Crow agency, in the Territory of Montana, by and between Felix R. Brunot, E. Whittlesey, and James Wright, commissioners in behalf of the United States, and the chiefs, head-men, and men representing the tribe of Crow Indians, and constituting a majority of the adult male Indians belonging to said tribe.

Whereas a treaty was made and concluded at Fort Laramie, Dak., on the seventh day of May, in the year of our Lord one thousand eight hundred and sixty-eight, by and between commissioners, on the part of the United States, and the chiefs and head-men of and representing the Crow Indians, they being duly authorized to act in the premises;

And whereas by an act of Congress, approved March 3, 1873, it is provided, "That the Secretary of the Interior be, and he is hereby, authorized to negotiate with the chiefs and head-men of the Crow tribe of Indians in the Territory of Montana for the surrender of their reservation in said Territory, or of such part thereof as may be consistent with the welfare of said Indians: *Provided*, That any such negotiation shall leave the remainder of said reservation in compact form, and in good locality for farming purposes, having within it a sufficiency of good land for farming, and a sufficiency for water and timber; and if there is upon said reservation a locality where fishing could be valuable to the Indians, to include the same if practicable; and the Secretary shall report his action, in pursuance of this act, to Congress at the next session thereof, for its confirmation or rejection;"

And whereas, in pursuance of said act of Congress, commissioners* were appointed by the Secretary of the Interior to conduct the negotiation therein contemplated:

The said commissioners on the part of the United States, and the chiefs, head-men, and men, constituting a majority of the adult males of the Crow tribe of Indians, in behalf of their tribe, do solemnly make and enter into the following agreement, subject to the confirmation or rejection of the Congress of the United States, at the next session thereof:

ARTICLE I.

The United States agrees that the following district of country, to wit: commencing at a point on the Missouri River opposite to the mouth of Shankin Creek; thence up said creek to its head, and thence along the summit of the divide between the waters of Arrow and Judith Rivers, and the waters entering the Missouri River, to a point opposite to the divide between the head-waters of the Judith River and the waters of the Muscle-Shell River; thence along said divide to the Snowy Mountains, and along the summit of said Snowy Mountains, in a northeasterly direction, to a point nearest to the divide between the waters which run easterly to the Muscle-Shell River and the waters running to the Judith River; thence northwardly along said divide to the divide between the head-waters of Arnell's Creek and the head-waters of Dog River, and along said divide to the Missouri River; thence up the middle of said river to the place of beginning, (the said boundaries being intended to include all the country drained by the Judith River, Arrow River, and Dog River,) shall be, and the same is, set apart for the absolute and undisturbed use and occupation of the Indians herein named, and for such other friendly tribes, or individual Indians, as, from time to time, they may be willing, with the consent of the United States, to admit among them. And the United States now solemnly agrees that no person, except those herein designated and authorized so to do, and except such officers, agents, and employes of the Government as may be authorized to enter upon Indian reservations in discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon, or reside in the territory described in this article for the use of said Indians; and the United States agrees to erect the agency and other buildings, and execute all the stipulations of the treaty of Fort Laramie, (the said stipulations being hereby re-affirmed,) within the limits herein described, in lieu of upon the south side of the Yellowstone River.

ARTICLE II.

The United States agrees to set apart the sum of one million of dollars, and to hold the same in trust for the sole use and benefit of the Crow tribe of Indians, the principal to be held in perpetuity, and the interest thereof to be expended, or re-invested at the discretion of the President of the United States, annually, for the benefit of said tribe.

ARTICLE III.

It is mutually agreed between the United States and the Crow Indians that the second article of the treaty made at Fort Laramie, between the commissioners of the United States and the Crow tribe of Indians, be, and the same is, abrogated by this agreement; and the said Indians hereby cede to the United States all their right, title, and claim to the tract of country described in the said second article, to wit: "Commencing where the 107th degree of longitude west of Greenwich crosses the south

boundary of Montana Territory; thence north along said 107th meridian to the mid-channel of the Yellowstone River; thence up said mid-channel of the Yellowstone to the point where it crosses the said southern boundary of Montana, being the 45th degree of north latitude; and thence east along said parallel of latitude to the place of beginning," and which is conveyed to them therein, except the right to hunt upon said lands so long as they may remain unoccupied, and as game may be found thereon and peace continues between the whites and Indians.

ARTICLE IV.

The United States agrees to suppress, so far as possible, by the imposition of pains and penalties, the practice of wolfing, or killing game by means of poison, within the limits of the following district of country, viz: Beginning at the mouth of the Muscle-Shell; thence up the said river to the North Fork, and up the North Fork to its source; thence northward along the summit of the Little Belt and Highwood Mountains to the head of Deep Creek; thence down said creek to the Missouri River, and along the margin of said river to the place of beginning.

It is expressly understood between the commissioners and the Indians, parties thereto, that this agreement is subject to the ratification or rejection of the Congress of the United States at its next session, and that, pending the action of Congress, the United States shall prevent all further encroachments upon the present reservation of the Crow tribe.

FELIX R. BRUNOT,
E. WHITTLESEY,
JAMES S. WRIGHT,

Commissioners in behalf of the United States.

Attest:

THOMAS K. CREE, *Secretary.*

his
PIERRE + SHANE,
mark

his
MITCH + BOYER,
mark

Interpreters.

Iron Bull, Che-ve-te-pu-ma-ta.
Black Foot, Kam-ne-but-se.
Long Horse, E-che-te-hats-ke.
Show-his-face, In-tee-us.
Bear Wolf, Isa-auchbe-te-se.
Thin Belly, Ella-causs-se.
Good Heart, Uss-pit-ta-watse.
Old Onion, Mit-hu-a.
Red Sides, Si-ta-pa-rusc.
Crazy Head, A-su-ma-ratz.
Bull chief, Ise-la-mats-etts.
Shot-in-the-jaw, Esa-woor.
Lone Tree, Money-a-mut-eats.
In-the-morning, A-a-Seitz.
Boy-that-grabs, Seeateots.
White Forehead, E-seha-ehire.
Small Waist, E-hene-pea-carts.
Flat Side, Oos-tsoo-ch-seots.
Old Dog, Bis-ca-carriers.
The nest, Ish-shis-she-ess.
Crazy-sister-in-law, Ou-at-ma-ra-sach.
The Spider-that-Creeps, Ah-spe-di-ess.
Crazy Pon dé Orai, Minne-hu-ma-ra-ehac.
Bull-goes-a-hunting, Ce-da-nu-ta-cass.
Crane-in-the-Sky, A-pil-Mouse.
Coon-Elk, Chin-ka-shee-araeche.
The Old Crow, Perits-har-sts.
White Otter, Ma-pu-ku-he-te-te-suish.
Long-Snake, Bi-ka-che-hats-ki.
White Mouth, Te-de-sil-se.
Pock-Mark, Te-spu-ke-he-te.
The White Bull, Te-shu-net.
The No Hand, Te-si-closst-so-ish.
The little Antelope, Uk-ha-nak-ish.

Curley, Ash-ish-ish-e.
 The Ridge, E. Nak-he-sash.
 Big Horse, Te-le-si-cle-is-ash.
 Calf in the mouth, Nak-pak-a-e.
 Old Mountain Tail, A-mak-ha-viss-ish.
 Bear in the water, Me-mum-ak-hiss-is-e-ish.
 One Feather, Mash-u-a-mo-te.
 The Mix, Ma-ish-ish.
 Bell Rock, Mit-a-wosh.
 New Lodge, As-hi-hash.
 The Rings, She-da-nat-sik.
 Well Bull, Te-si-do-po-mo.
 The Shaven, Bish-i-ish.
 The one who hunts his debt, Ash-e-te-si-Oish.
 One who hears good, Ma-in-ke-ku-te-sit-sine.
 The Burnt, Osh-Nish.
 Bear Robe, Ach-jo-it-se-is.
 The River, A-ash-ish.
 Big Forehead, Ak-hi-es-ash.
 The one who knows the bull, Te-se-do-pc-e-a-te-sa.
 Big Kettle, Bi-re-ke-hi-tash.
 Chief Wolf, No-it-a-ma-te-sets.
 The Leg, Te-tu-se-pe.
 The man who sits in the middle of the ground, A-ive-ku-a-ta-mish.
 Blinkey, Bish-te-ha-mo-te-te.
 One who sees all over the land, A-we-ko-to-e-ka.
 Bull all the time, Te-si-doss-ko-te-so-te.
 Plenty of bear, A-che-pil-se-a-hush.
 Rides behind a man on horseback, Ma-me-ri-ke-ish.
 Bird off the ground, Ma-pe-she-ri.
 Charge through the camp, Ash-e-ri-i-a-was-sash.
 The old Bear, Ak-hi-pit-se-u-ke-hi-ke-ish.
 Crazy Wolf, Te-se-te-man-ache.
 The Plume, Te-se-do-pie-shu.she-ish.
 Old Alligator, Bo-ru-ke-he-sa-cha-ri-ish.
 Bob-tail Bear, Ak-hi-pilse-u-ke-hi-ke-ish.
 Pole Cat Look behind, Te-spit-te-sash.
 Wolf Bow, Te-sets-sha-tak-he.
 The Sioux that runs fast, Ak-man-ash-u-pe-yeu-hu she.
 Little Soldier. The one who hunts his enemy.
 Bull Rock. Pretty Lodge. Herd the Horses.
 Three Wolf. Stray Horse.

We, the undersigned, were present at and witnessed the assent of the Crow chiefs, head-men, and men of the Crow tribe of Indians, whose names are attached thereto.

THOMAS K. CREE,

Secretary Special Crow Commission.

C. W. HOFFMAN.

R. W. CROSS.

I. M. CASTNER.

F. GIESDORF.

F. D. PEASE,

Agent for Crow Indians.

The undersigned were present at the council with the Crow Indians, and witnessed the proceedings. The agreement was carefully explained, and was fully understood and assented to by the Indians.

GEO. L. TYLER,

Captain, Second United States Cavalry.

CHARLES F. ROE,

Lieutenant, Second United States Cavalry.

We, the undersigned, members of the Crow tribe of Indians, were not at the agency at the time of the council, but, after having the articles of convention fully explained to us, do hereby give our assent to the same.

The Deaf.

Crooked Face.

Little Face.

Split Ear.

Kill the Chief.

Plenty Elkhorses.

Boy Chief, Taboo.

The Buffalo.

Burnt Arm.

Buffalo Calf.

Brown Beaver.

Small Pony.

Small Boy.	Plenty Elkhorses.	Green Meadow.
White Bull.	Boy Chief, Taboo.	Old Kettle.
The Sergeant.	The Buffalo.	Tall Pine.
The Blind.	Bad Snow.	Diving Otter.
Chief Bull.	Old Cloud.	Friendly Beaver.
The Bravo.	Yellow Fender.	Jack Sheppard.
Eats a horse.	The Swan.	The Throat.
Medicine Chicken.	Pretty Side.	Flat Back.
Long Hour.	Yellow Bull.	Black Foot's Son.
Crow Head.	Sharp Nose.	The Red.
Arm in his neck.	Crooked Nose.	The Twin.
Small Bear.	The Coat.	Yellow Top.
White Otter.	Bear From Below.	Raw-Hide.
School Teacher.	The Hair.	Plenty Head.
White Calf.	The Weasel.	Little Wolf.
Bull on top of the mountain.	Two Tails.	Rotten Tail.
Big Pond.	Pounded Meat.	Red Fox.
The Magpie.	Sister to Crazy.	The Onion.
Pretty Bird.	The Dumb.	Half Yellow Face.
The Gooseberry.	The Pipe.	Dog Eye.
Musk Rat.	Yellow Horse.	Afraid-of-his Eyes.
Shoots well.	Tiger Woman.	Little Son.
Young one in the mouth.	Iron Neck.	Yellow Tobacco.
Sitting Weasel.	Medicine Rock.	Iron Necklace.
Pretty Robe.	The Shell.	Small Wolf.
Four Chiefs.	Splendid Leg.	Gray Head.
Sharp blade sword.	White Head.	Yellow Head.
The Deer.	Old Saddle.	Pretty Eagle.
Cloudy Forehead.	The River Bull Woman.	No Heart.
The Knife.	Shell-in-the-Year.	Red Beard.
Black Face.	Good Beard.	Blue Moccasin.
Long Fingers.	Little Whetstone.	Young Wolf.
Blind Horse.	Otter that knows.	No Hand.
Flying Eagle.	Bird Woman.	The Otter.
Calf Woman.	Old Blackbird.	Show his Face.
Pretty Bull.	White Dog.	Dirty Head.
Black Dog.	Pretty Gun.	Takes the Shield.
The Winking Eye.	Plenty head gear.	Two Hours.
Young Horse.	Two Lances.	The Blind Bull.
Sewed side.	Small Bull.	White Swan.
Pretty prisoner.	The Black Bird.	Hides-his-Face.
Kill the Chief.	Fat Elk.	

We, the undersigned, members of the Crow tribe of Indians, who were at the agency during the sitting of the council, but were not present when the articles of convention were assented to, hereby give our assent to them.

Bad Hand, Blue Leggings.	Crane in the Sky.	Picket Pin.
Ugly Face.	Big Nose.	Old Tobacco.
Back Bone.	Yellow Leggings.	Hole-in-the-Forehead.
The Panther.	Mauntain Pocket.	Crazy Head.
Sitting Bull.	Old Cloud.	Iron Feather.
Little Iron.	Old Kettle.	Red Fox.
Fish Catcher.	Red Face.	Bird in the Neck.
Horse Guard.	Bear Head.	The Buffalo.
Scabbed Bull.	Black Head.	Medicine Rock.
The Chicken.	Shake-his-Tail.	Crooked Eye.
Strong-by-Himself.	Poor Elk.	Pretty Bear.
The Tail.	Big Ball.	Old Liar.
Long Neck.	Old Tiger.	Kills Quick.
Spotted Tail.	The Island.	Smart Boy, Great Hunter.
Yellow Top.	Old Man.	

Witness: ^{his} PIERRE + SHANE, *Interpreter.*
mark.

I certify on honor that the above names were appended as stated.

F. D. PEASE.

Narrative of the proceedings of the special commission.

Hon. Felix R. Brunot, chairman of the special commission to negotiate with the Crow tribe of Indians, under act of Congress of March 3, 1873, accompanied by Thomas K. Cree, as secretary, arrived at Bozeman, July 7.

Arranged with Agent Pease to have the Mountain and River Crows brought to the agency as soon as possible.

July 28.—General E. Whittlesey, of Washington, and Dr. James Wright, late superintendent of Indian affairs for Montana, members of the commission, arrived at Bozeman.

August 30. A conference of the commission was held at Fort Ellis. The chairman read the letter of the honorable Secretary of the Interior, dated May 14, authorizing the commission, and the letter of the honorable Commissioner of Indian Affairs, of May 29, giving instructions for the guidance of the commission in its negotiation with the Crows. Also, the treaty at Fort Laramie, made with the Crows May 7, 1868. The commission had a free conference in regard to the objects sought to be attained.

Having learned that the parties sent out for the Mountain Crow Indians, after thirty-three days' absence, had found them, and had reported that they were *en route* for the agency, and that a portion of the River Crows had already arrived, the commission decided to leave for the agency the next day.

July 30.—Left for the Crow agency. Arrived at 9.30 p. m. Blackfoot and a few of the principal men who had come in from the camp were waiting to see the commission.

Aug. 1.—This morning some twenty of the prominent chiefs, under Blackfoot, called to pay a formal visit to the commissioners. They came in singing a song of welcome "to the commissioners from the Great Father," and, after shaking hands and embracing the great white chiefs, the following conversation occurred:

MR. BRUNOT. We are very glad to see you. We have been waiting for some time at Bozeman. We want to see all the Crows. The Great Father sent us and told us to talk with all of you. We want to know where your camp is, and when all will be in.

BLACKFOOT. They are camped on the Yellowstone, at the mouth of Alder Creek, about forty miles away.

MR. BRUNOT. How many days is that away?

BLACKFOOT. We can't tell how many nights; six or seven, perhaps.

MR. BRUNOT. That is a long time for us to wait.

BLACKFOOT. Our horses are poor; it is warm weather, and the horses have given out; all the streams are high and hard to cross; they sent us men ahead to meet you. Last summer you came and sent to see the tribe, but before we got here you had gone. This time I came ahead because I wanted to see you.

MR. BRUNOT. If they come as soon as they can we will wait. Can the camp be here in five nights?

BLACKFOOT. I do not think they can get here so soon. Do not be in a hurry; we want to see you. The streams are high, and our horses poor, but we will come as soon as possible.

MR. BRUNOT. I waited a long time for you last summer, and the Great Father was sorry you did not come. It is a long journey from Washington; it would take six months on a horse to go there, and now that we are here we want to see you, and if the camp comes as fast as it can we will wait.

BLACKFOOT. To-morrow I will go to the camp, and bring them as soon as I can. We do not know how long it will take, but we will bring them as soon as we can; we did tell them that you were in a hurry.

MR. BRUNOT. That is well.

BLACKFOOT. You have sent for us; we had not gotten skins enough, and were not through our hunt, but we came at once.

MR. BRUNOT. How many lodges have you?

BLACKFOOT. We do not know how many; there are about 400 lodges, but some are River Crows, Bannocks, and Nez Percés.

MR. BRUNOT. Where did you meet the Sioux?

BLACKFOOT. Across Prior's Creek, about twenty miles, at the foot of Prior's Mountain, we met the Cheyennes and Sioux. They were coming this way; they were a big party. The most of them did not come to fight, but a small party met and fought us, and we killed one of the Sioux. From there we went after them. We had plenty of ammunition and were friends of the white men, and we followed them down the Big Horn. There is a large party at Fort Smith; when they found we were coming they went back. The Big Horn was too high for us to cross, or we would have followed them and driven them from the country. On Warm Spring Creek, across the Big Horn, we fought and whipped them, but could not get over the river after them. The Crow soldiers wanted to cross, but the camp could not go without danger of drowning some of our people and ponies, but we sent scouts, and they brought back horses taken from the Sioux camp. The Sioux camp was between the Big Horn and Little Horn; we sent six of our men; they brought twelve Sioux horses. When they came

back we sent two more. They found a Sioux out hunting; they killed and scalped him and got his horse; when they came back they found us camped at Pompey's Pillar.

Three Nez Percés went out from there and took five horses and mules from the Sioux. We sent two more men; the Sioux camp was at the mouth of the Little Horn; it was a big camp; five rows of tepees. They got some horses, and shot into the Sioux tents. From Pompey's Pillar we came to Prior Creek, and there Boyer (the messenger) found us. He came through near the Sioux camp, and just afterward we had the fight with the Sioux—just at the mouth of Prior Creek. The party was so large they came right up to our camp and attacked us. The big valley on Prior's Creek was full of Sioux Indians. Boyer will tell you the same. The white men who were with us took their guns and went out with us to fight the Sioux. Another party went from Prior Creek after the Sioux. When we came to the Stinking Water three of them had been killed. We knew you great white men who were coming from the "Great Father" to see us would hear whether we whipped or not. We began to fight when the sun got up; we fought them till noon, when the Sioux began to run; we followed them to Fly Creek, nearly sixty miles.

The Sioux must have good white-men friends on the Platte and Missouri. They get guns and ammunition; they are better armed than we are; they have Winchester, Henry, and Spencer rifles and needle-guns. We took some of these guns from those we killed; we took two Henry rifles and one needle-gun; they threw away their blankets and saddles, and we got a number of them; they threw away their ammunition. Their outfit was better than ours. We got needle, Spencer, and Winchester cartridges, and powder and balls from them. The Great Father does not know that the Sioux get these arms and ammunition, and then they kill white men with them. The Crows do not kill white men; the arms and ammunition we get is to hunt with, and defend ourselves and our white friends with.

When the fight was over we intended to go to Heart Mountain, where buffalo were plenty, and get skins for our lodges, but we did not go then.

We came here to shake hands with you; and we want you to think well of the Crows. We mean to do right, and we will listen to what you say to us. We want you to know how the Sioux trouble us. There are many Sioux, but we are not afraid of them. They want to come on our land, but we intend to keep them off. I love you and hold on to your hand, but the Sioux we want to fight. We will stay here to-day, and to-morrow we will go to the camp. Too many of us cannot leave the camp at one time for fear of the Sioux. Even at the agency we watch for the Sioux. We brought a good many guns with us, and the camp is short that many. The Sioux want to get our country, but we will not let them have it.

Mr. BRUNOT. The Great Father does not give the Sioux any guns. I do not know where they get them. We know the Crows are our friends; that is the reason we come here; and we want you always to continue our friends; what we say is for your good. I have to go to see the Utes after I leave here. The Ute chief met me on the way. He heard what the Great Father wanted them to do, and they are going to do it; and so with nearly all the Indians, they are going to do as the President wishes them.

After awhile, if the Sioux do not do as the President wants, he will make them do it. Since the President's war is over he has plenty of soldiers, and he intends to make everybody—red men, white men, and black men—do what is right. He is going to make them all do it, whether they want it or not; but he does not think the Crows want any soldiers, for they are his friends and will do what is right.

Is Long Horse with the camp? I saw him last year.

BLACKFOOT. Yes; his brother was killed in the fight.

Mr. BRUNOT. We came in a wagon, and could not carry any presents with us, but we want you to have dinner with us. How many chiefs are here?

BLACKFOOT. Twenty-two Mountain-Crow men, and nine River Crows.

Mr. BRUNOT. We want the Mountain Crows to-day, and the River Crows to-morrow.

BLACKFOOT. The River Crows belong to me, and I want you to treat us all alike.

Mr. BRUNOT. This is our dinner, and we want you all to come to-day.

BLACKFOOT. Are there any cattle above the cañon on the river?

Mr. BRUNOT. Yes; I saw them there. Those cattle are on the wrong side of the river.

Major PEASE. They ought all be taken off, and the miners too. I ordered the herders to move the cattle farther up, or else across on the other side of the river.

Mr. BRUNOT. Major Pease has ordered them to take the cattle away. The country up there is not good for much; there are many mountains.

BLACKFOOT. The country is good, and we like it. It is our country, and we know it is good.

Mr. BRUNOT. I know it is your country. Where is the best country you know of for Indians to live on?

BLACKFOOT, (after much discussion.) Why did you ask that question?

Mr. BRUNOT. I want the Crows to have the best country, and I want to know where it is. I do not want any of your country for myself.

BLACKFOOT. I am going to tell you, but we are not ready yet. We have land we like very much, and we will tell you about it when our people come in.

Mr. BRUNOT. Some places the white men are in already; other places they are going in; and we want to find a good place that we can keep always for the Crows.

BLACKFOOT. Do not be too fast; wait till all are here. When the rest come in we will tell you our mind.

Mr. BRUNOT. You will come for dinner, and then you will go and bring the camp.

AUG. 8.—The Indians arrived to-day. They had been detained by fights with the Sioux, and by sickness in the camp, quite a number having died while *en route* for the agency; Iron Bull and Blackfoot, the two principal chiefs being sick; and Long Horse, an important chief, being in mourning for his brother, who was killed by the Sioux.

Arrangements were made for a council to-morrow.

AUG. 9.—Provisions were issued to-day, taking from 10 o'clock till 5, after which the Indians declined to come into council on account of the chiefs being sick and the hour too late.

Respectfully submitted.

THOMAS K. CREE, *Secretary.*

To the SPECIAL CROW COMMISSION.

REPORT OF THE COUNCIL.

CROW AGENCY, MONTANA TERRITORY,

August 11, 1873.

A council was held with the Crow Indians this morning. There were present Hon. Felix R. Brunot, chairman of the board of Indian commissioners; General E. Whittlesey, of Washington, and James Wright, late superintendent of Indian affairs for Montana, as a special commission under act of Congress of March 3, 1873, to negotiate with the Crow Indians, with Thomas K. Cree as secretary. There were present, by invitation of the commission, General Sweitzer, commandant at Fort Ellis; Captain Tyler, and Lieutenant Rowe, of Company F, Second Cavalry; Dr. Lightfoot, surgeon U. S. A.; Major Pease, agent for the Crows; Nelson Story, esq., of Bozeman, Charles Hoffman, esq., and Mr. Cross, traders; several of the employes of the agency, and the following Indian chiefs and subchiefs:

Of the Mountain Crows—Iron Bull, Blackfoot, Thin Belly, Bear Wolf Show-his-face, Good Heart, Shot-in-the-jaw, Crazy, Bear-in-the-water, Bull-goes-hunting, Crane-in-the-sky, Crazy Sister-in-law, Crazy-head, Long Horse, Old Crow, White Calf, Red Side, Onion, White Mouth, Bird-in-the-neck, Spotted Tail, Poor Elk, Little Iron, Chief Bull, Old Dog, Bell-rock, Along-the-ridge.

River Crows—Little Soldier, Wolf's Bow, Hunts-his-enemy, Boiling Leggin, White Rock, Black Bull, Cranberry, Bear-head, Poor Assinaboine, and many others.

In opening the council Mr. Brunot said:

Before we talk about business I want General Whittlesey to ask the Great Spirit to look into our hearts and make them all good.

General Whittlesey led in prayer, asking that God would guide the commission and the Indians in the deliberations of the council, and lead each right.

Mr. BRUNOT said: I am glad to meet all my friends here now. I was sorry I could not see you when I came here last summer. I came then to hear what you had to say about yourselves, and to talk to you of what I thought was good for you. I have now come again, and am very glad to see you. My heart is good to you, and I hope you are all well to-day, [many had been sick.] The Great Father sent some words to you when I started to come, and he sent these two gentlemen with me to see you. He told us there was a new general at Fort Ellis, and he also has come to see you. Another man, Mr. Cree, comes with us to write down all that is said by the white men and the Indians. I want you to speak wise words, because they will go to the Great Father. These gentlemen are all glad to see you, and they wish me tell you so. The Great Father has heard many things from this country; some tell him one thing, some another. I see with my own eyes many things I will tell him when I go back. I know he thinks the Crows are all his friends, and he wishes to do what is good for you; and when he told us to come and tell the Crows what he thinks is best for you, it is because he cares for you. I want you to know that every word I say to you comes from my heart. I would not say a bad thing for my own child, nor would I for you, and all I say you will see is true. The Great Father knows that the Crow Indians made a treaty at Fort Laramie. I was not there, nor the Great Father, but he sent commissioners there, and some of your chiefs were there; but the treaty is printed, and he gave us this printed paper. It says, "This is the treaty made at Fort Laramie." I hold it in my hand; it has some chiefs' names signed to it. The names are: Pretty Bull, Wolf Bow, Mountain Tail, Blackfoot, White Horse, Poor Elk, Shot-in-the-jaw, White Forehead, Pounded

Meat, Bird-in-the-neck, and The Swan. These are the names of the chiefs that signed the paper. That treaty says where the Crow land is to be. I think it is a good country. It is along this river about seventy-five miles above the agency, and then goes toward where the sun rises until it crosses the Big Horn, and goes half way between it and the mouth of the Rose-bud River, about twelve miles this side of Porcupine Creek. This is what the treaty and the map say. That is the country that belongs to you forever, or until you wish to sell it. Now, the country across the river, where you go to hunt buffalo, the treaty says, you can go to while the buffalo are there; but when the game is gone away from there that is all to be white man's land. The Great Father has heard that the country southwest of here is not of much use to the Crows, and that the whites are going into it. I have seen some of it along the river, and I think it is very good; but some of it is very rocky and mountainous. It is good only for people who wish to hunt gold. I have seen white people going past the reservation to Clark's Fork; I am sorry to see them going there. I do not want to see white people go upon Indian land so long as it belongs to the Indians and they want to keep it. The Great Father at Washington does not want whites to go upon land that belongs to the Indians. He has heard that the whites have gone there, and he thought, to prevent any more trouble, that the best thing for the Indians to do was to sell that land. So last winter when the Great Father's council came together and heard about these white people being on the Indians' land, they passed a law to send out men to ask you whether you would sell these lands. This law says—

"That the Secretary of the Interior be, and he is hereby, authorized to negotiate with the chiefs and head-men of the Crow tribe of Indians in the Territory of Montana, for the surrender of their reservation in said Territory, or of such part thereof as may be consistent with the welfare of said Indians: *Provided*, That any such negotiation shall leave the remainder of said reservation in compact form and in good locality for farming purposes, having within it a sufficiency of good land for farming and a sufficiency for water and timber; and if there is upon such reservation a locality where fishing could be valuable to the Indians, to include the same if practicable; and the Secretary shall report his action in pursuance of this act of Congress at the next session thereof, for its confirmation or rejection."

He says the men must not buy anything from the Indians if it is not good for you to sell it. The Indians must keep plenty of land for themselves and their children to live on. The land they keep must be good for them to farm and must have a good place for an agency, and it must be good for them. That is one thing the Great Father told us to say to the Crows, and it is for you to think about. This treaty, after awhile, comes to an end. You always have the land, but in thirty years the annuity goods stop. It says all who stay upon the reservation must be fed for four years. I am sorry it is not longer, but that is what the treaty says. Suppose the white men continue to come into the mines; they get too numerous, and after awhile there may be trouble between them and the Indians. I hope the trouble will never come. I want, as long as I live, if I choose to come here, to have the Crows take me by the hand and know I am their friend. When many men think one way and many think another way, it is best to talk it over and see if all will not come to think alike. I think this is best. The Crows do not care about digging in the mines. It would not be good for you to do so. If you can sell to the Great Father the piece of land that has the mines upon it, he will put away the money and for it send useful things to you every year. That is what I want you to think about. The Great Father is making an iron road that is coming along the river. It will make it very easy to bring things to the Crows and the people who live in this country. Sometimes the Great Father sends the goods to the Indians; they start them in the spring, but they do not get here until the next spring. They ought to come before you go upon your fall hunt, that you may have everything with you. When the railroad is done the goods will come quick. Perhaps he will make the railroad on the other side of the river, perhaps on this side; I do not know which. This side is Crow land. You can say whether you want it on your land or not. You can think about that. If you sell a part of your land you must have a better place than this for an agency. We want to help you pick out the place. You will think about that too. I have said enough; now I want to hear you talk.

Several Indians here came forward and presented buffalo-robcs, and two presented pledges, each representing a horse, to the members of the commission. The commissioners demurred at accepting the presents, but were assured that the Indians would be offended if they refused. The commissioners then accepted them, but afterward gave them away to needy Indians.

Mr. BRUNOT. I have been to see many tribes of Indians. I go to see them because I want to do them good. Some places the men, to show that they are my friends, bring me something which they wish to give me. I always tell them I do not come to get anything from them; that I have plenty myself, and I do not want to take anything that is of use to them; and now the Crows have come, and, to show that your hearts are good to us you have given us these robes. I have let you do so because it is your way, and I do not want to do anything but what is kind and right.

BLACKFOOT. When we see our friends we give presents to each other. My father comes and sees me; he gives me something and I take it. We give you something and you ought to take it.

Mr. BRUNOT. A long time ago, when men wanted to get anything from the Indians they brought a great many presents. It was because they wanted to get something away from them. If I come to the Crows and bring you a lot of presents you will think I want to get something away from you. (To the whites: We prefer that what is said should go to the Indians through the interpreter, and we do not want others who talk their language to talk with them about what is said.)

OLD CROW. I give you a present. We want you to take the sickness away from us.

BLACKFOOT. You call the Great Spirit Jesus in your language; we call him in the Crow language E-so-we-wat-se. I am going to light the pipe and talk to the Great Spirit. (He lighted the pipe, and, looking up reverently, said:;) "The Great Spirit has made the red man and the white man, and sees all before Him to-day. Have pity upon us! May the white man and the Indian speak truth to each other to-day. The sun that looks down upon us to-day, and gives us light and heat, sees that our hearts are true, and that what we do is good for the poor red man. The moon, that shines on us in the night-time, will see us prosper and do well. The earth, on which we walk, from which we come, and which we love as our mother—which we love as our country—we ask thee to see that we do that which is good for us and our children. This tobacco comes from the whites; we mix it with bark from the Indian trees and burn it together before Thee, O Great Spirit! So may our hearts and the hearts of the white men go out together to Thee and be made good and right."

As he invoked the Great Spirit, the earth, &c., the pipe was reverently held in the direction of each, and, after this, was presented to the commissioners and then to the chiefs to smoke, after which ceremony Blackfoot said:

BLACKFOOT. I am going to have a long talk with you. My Great Father sent our friends to see us. We see each other; that is good. You came here last summer; we were sent for to see you. We were back of the mountains when we heard of you, but high waters and the mountains prevented our coming. You said you did not see us, and you were sorry for it. We could not come any faster. This summer we were on this side, near the Yellowstone, where we were getting skins to make lodges. In the fall the traders will want our robes. We will then go over the Yellowstone to Judith's Basin to hunt. Since I was a boy I recollect that is what the Crows always did. When the Crows meet a friend they always give him something; so we do with you. You say you have a book that tells about the Great Spirit. We always give the Great Spirit something. I think that is good. We see the sun, we give him something; and the moon and the earth, we give them something. We beg them to take pity on us. The sun and moon look at us, and the ground gives us food. You come and see us, and that is why we give you something. We are men like each other; our religion is different from yours.

The old folks are dying off; then who will own the land? I went to Fort Laramie; the old Indians signed the treaty. We came back to the camp and told the young men, and they said we had done wrong and they did not want to have anything to do with it. They said, "We love the Great Father, and hold on to the hands of our white friend. All the other Indian tribes fight the whites; we do not do so. We love the whites, and we want them to leave us a big country."

All the other Indians go and talk with the Great Father; you take them to Washington; they are bad; they hide their hearts; but they talk good to the Great Father, and you do more for them than for us. This I want to tell you; yesterday you spoke to us and we listened to you. If you wish to have peace with all the Indians get them all together and make peace with them. Then I will make peace with them, too.

The Great Spirit made these mountains and rivers for us, and all this land. We were told so, and when we go down the river hunting for food we come back here again. We cross over to the other river, and we think it is good. Many years ago the buffalo got sick and died, and Mr. Maldron gave us annuity goods, and since then they have given us something every year. The guns you gave us we do not point at the whites. We do not shoot our white friends. We are true when we look in your face. On our hands is no white man's blood. When you give us arms to go and fight the Sioux we fight them to keep our lands from them. When we raise our camp and go for buffalo some white men go with us; they see what we are doing; they see that we jump over the places that are bloody. On the other side of the river below, there are plenty of buffalo; on the mountains are plenty of elk and black-tail deer; and white-tail deer are plenty at the foot of the mountain. All the streams are full of beaver. In the Yellowstone River the whites catch trout; there are plenty of them. The white men give us food; we know nothing about it. Do not be in a hurry; when we are poor, we will tell you of it. At Laramie we went to see the commissioners. Now commissioners come to see us, and we listen to what you say. The commissioners told us at Laramie if we remained good friends of the whites we would be taken care of for forty years. Since we made that treaty it is only five years. You are in a hurry to

quit giving us food. I am a young man yet; my teeth are all good. They told us at Laramie we would get food till we were old, and our children after us. This is not the place for the agency, on this point of rocks. We would like to know who built the agency here. They told us they would give us our food. They promised to send a good agent and good traders, and if they were not good they would be taken away. Pease never treated us wrong; the young men and the children he always treated right; all that was sent for us he gave us; he was not a thief; he treated us well, and we do not want him to go away from us. On Sheep Mountain white men come; they are my friends; they marry Crow women, they have children with them; the men talk Crow. When we come from hunting we get off at their doors, and they give us something to eat. We like it. We raised Shane, [the interpreter;] he was a boy when he came here. You ask us what we have to say, and that is what we tell you. Here is the doctor; when our people are sick he doctors them. He has two children by a Crow woman; we like him. Here are our traders; when we go hunting they give us ammunition; they gave me a revolver to kill buffalo. We do not know anything about Cross, [a new trader;] we do not know his face. We want the soldiers at Ellis to take the part of the Crows. When they come here to see the giving of annuity goods we give them robes to take with them, and when they hear bad talk about the Crows we want them to speak well of us. When we camp here some of the whites run off with our horses into the mountains. We know about it, but we do not say anything. We have a strong heart, as firm as a rock, and we say nothing about it, but you want to hear what we have to say and I tell you. In Gallatin Valley the Cheyennes, Arapahoes, and Sioux made a raid and the people blamed the Crows with it. We want them to quit speaking bad about us. On the Missouri River the whites have married into all the different Indian tribes; their brothers-in-law, the white men, come here and steal our horses. We follow them and find who have them. Some of the Crows went to the Missouri River and got some Crow horses. The white people sent word they were their horses, and we sent them all back. We claim our horses, but they are not brought back.

When we set up our lodge-poles, one reaches to the Yellowstone; the other is on White River; another one goes to Wind River; the other lodges on the Bridger Mountains. This is our land, and so we told the commissioners at Fort Laramie; but all kinds of white people come over it, and we tell you of it, though we say nothing to them. On this side of the Yellowstone there is a lake; about it are buffalo. It is a rich country; the whites are on it; they are stealing our quartz; it is ours, but we say nothing to them. The whites steal a great deal of our money. We do not want them to go into our country. We would like needle-guns to get game and fight the Sioux; this we tell you.

Mr. BRUNOT. Blackfoot says he wants the soldiers to speak well of the Crows. I will tell him what took place last summer. When I came here, white men in the Gallatin Valley told me the Crows had killed two white men, and took their horses. I did not believe it, but I wanted to find out. I went to the soldiers and asked them about it; they said it was not the Crows. So the soldiers did speak for the Crows, and as long as the Crows do well the soldiers are their friends. Afterward I found out who killed the men and took the horses; it was Arapahoes and Cheyennes. I wrote a letter to tell the governor who it was. I think he will put it in the newspapers, and everybody will know that it was not the Crows. Blackfoot says the white people are digging in the mountains, taking away your gold. I know that myself; I saw them go there. I told them it was not right. The Great Father has heard about it; and he has said the Crows had better let the people have the gold, and he will pay you for the land. The Crows have done well. You have not hurt the white people who are on the reservation and in the mines, and you tell us you are the white man's friends. The Great Father does not want any of these whites to hurt the Crows. He says for us to tell the Crows that if you let the white people have the land he will give you things you need for many years. I have been looking about over your reservation. I see you do not go much where the mines are. I think it would be good for you to let the white people have the land, and the Great Father for many years will give you what you need for yourselves and your children. I do not want this on account of the people who are on your land, but I think it will be good for you and your children. It is your land, and you can do what you please with it. If you want to keep it, I have nothing to say, but I think it would be good for you to sell it.

Blackfoot said he went to Laramie, and, when he came back, the young men did not agree to what he said. I do not want that to occur again. Whatever the chiefs do, I want the young men to know all about it, and to agree to it, and then no one can say it was wrong. You must think about this, and be sure you are right. It is your business; it concerns you, and you must do what you think is best. If you decide to sell the land from Clark's Fork to the Yellowstone, we will talk about what the Great Father must give you for it. If you do not want to sell so much, you can fix

some other line. That you will think about yourselves, and will tell me what you think.

BLACKFOOT. I do not want whites to go to Heart Mountain.

MR. BRUNOT. The upper part of Clark's Fork is not on the reservation.

BLACKFOOT. I do not care so much about the part on the Yellowstone and in the mountains, but above, in the valley, it is good. I am going to tell you I treat my friends good. When you speak to me I say, yes! yes! Along the Muscle-Shell and Teton Mountains is Judith Basin. Many men go into that country wolfing; they kill game. We thought, when we saw them, that white men are giving us food; when we have to buy what we want, they will be ashamed when they see us. When we have a friend we take him to our tepes. We give him a robe to cover himself. When we meet a wolfer, if he is poor, we give him a pair of pants and moccasins, or a blanket. We shake hands with him, and send him away all right. We would like them to quit wolfing; there are getting to be too many of them, and we want them to quit. (The commissioners examined the map.) What have you decided about on the map?

MR. BRUNOT. We were looking at the map to see where was a good line, if the Crows decided to sell the mountain part of their reservation. Some people think it would be best to sell from the mouth of Clark's Fork up to the Yellowstone; others think it would be best not to sell so much, but to take some other line this side of that; but it is for you to make up your mind how much you will sell, or whether you will sell any. It is your land; you can do as you please about it.

We have told you what the Great Father wants you to do. I have told you I think it would be good to let the miners have the mountains where they are, and where they are going, and for the Great Father to pay you. I think it would be better for you and your children; but, if you do not think as I do, it is all right.

BEAR-WOLF. These are old men, (the chiefs.) We are young men; we are just grown up; we do not want to sell any land.

IRON-BULL. You are my friends.

Here he was interrupted by the arrival of a mourning people. Long-Neck, whose brother was killed in a recent fight with the Sioux, with his squaw, came in weeping; he placed his hands on the head of each commissioner and sung a mourning song, all the Indians looking solemn, and some weeping.

LONG-NECK. My brother is killed by the Sioux; I want to revenge myself. I come to ask you to give me good luck.

After the mourning party had gone Iron-Bull said: We are tired. I will say a few words and quit talking for to-day. Look all around us! There is no white man's blood; we do not set our feet upon his blood. When you gave us flour did we ask for it? Did we ever ask for sugar or beef? What made you give it to us? We never asked you to give us pants and stockings. You have not asked me to say what I am now going to ask you. I have asked why food is given us, and I was told we were getting food because we were friends of the whites. We like the food; do not quit giving it to us when four years are up. Here is our agency; we were looking for a white man to take charge of it. We know Pease's face. All the people, old men, young men, women, and children know Pease. If you put anybody else here as agent we will not feel like living here any more. We do not want Story and Hoffman, our traders, to go away. There is a tall man in the store called Cross; he makes bad faces to us; he is a hard man; we do not know him. I am not a fool. I am the Iron Bull. I love all white men. The Sioux, Cheyennes, and Arapahoes do not like the whites; if you do not know it, I tell you so. The whites have no horses on the Sweet-Water or in the Gallatin Valley; and over to the Missouri River all their horses are in the Sioux camp. All about they have killed white men and scalped them. If you like us, do not give the Sioux any ammunition or guns. Do what I ask you. Let people keep their cattle on the other side of the Yellowstone. The whites would like to move on our land; do not be in a hurry. Here is a good place to farm, and there is wood on the mountains. You saw that man who came here and cried. The Sioux killed his brother, just as they would you or me. Have pity on us and take the sickness away from the Crow camp. When we raise camp we will go for buffalo; we will make a medicine lodge near the lake. If we come back and nothing happens, we will be glad to see you. When we raise camp we want you to give us ammunition to defend our camp. A long time ago a peace commission sent for me to the Yellowstone. I went with Shane, (the interpreter;) they gave me blankets. I could blow through them, and they went to pieces; they gave us nothing that was good. I asked them to do something for us. They said "Yes," but they have done nothing for us. There are plenty of buffalo yet. The soldiers went down the other side of the Yellowstone; we said nothing because we loved them. When there is no game for us to eat, then we will come and tell you about it.

MR. BRUNOT. One thing I want you all to understand. You say you want Mr. Pease for agent. You know his face and like him; so do I, and I think the Great Father likes him, too. The Great Father, when he has his men, he puts them where he wants them to go; he puts them where he pleases. General Baker was over at Fort Ellis; the Great Father took him away and sent another man there. When I came here I

knew Major Pease was here; these gentlemen knew Pease was here, and that is all we know about it. If the Great Father wants to take him away you must think it is all right. Major Pease is your friend and will always be so. If the Great Father sends anybody else, that is for him to do as he wishes. He did not tell me anything about it. But if the Great Father sends a new agent or trader, you must try them and see if they are good. If a man comes who does not do right, tell the Great Father, and he will send another man. We have nothing to do with it. You are all tired, and you want to talk among yourselves about what has been said, and I think we had better stop. We will meet to-morrow and have other things to say, and we want you to talk about it and tell us what you have to say.

LOW HORN, (taking Pease and putting his arms about him.) We love him, and want to keep him. We all love him, and want him to remain with the Crows.

MR. BRUNOT. When I talk to the Crows I mean all—the River and Mountain Crows both. I think if a man has a family it is good for all of them to be together, and not divided up. I think the River Crows ought to stay with the others; you ought all to be one family. I thought all the River Crows would be here, but some have not come. I hope you will all be friends together. We are very sorry for your people who are sick, and for those who mourn. We cannot help it. The Great Spirit does everything; but we will ask the Great Spirit to take the sickness away, and I hope he will make you well. That is all we will say to-day. To-morrow morning, at nine o'clock, we will meet in council. What you have said has been put on paper, and will go to the Great Father. There are some things I do not speak of, because I do not know about them, but all I do say is true. I will take your words to the Great Father, and he will do as he pleases. I want you to talk among yourselves, and tell us to-morrow what you will do about your land. When I came away from Washington I did not bring any presents, because I thought if I came to the Crows bringing a lot of presents you would think I would take advantage of you. But now that we are here and see you, we think we would like to give you something. We have to do the best we can. We have a few blankets we wish to give you. We give them to you to show you that we are your friends, the same as you showed us when you brought the robes to us.

Fifty blankets were then distributed among the chiefs and head-men; after which the council adjourned.

Second day.

AUGUST 12, 1873.

The council convened at two o'clock. Blackfoot made a long speech to his people, telling them of the number of whites that are coming into their country and going into Judith's Basin, eating the game, and their stock eating the grass on which the buffalo and antelope, the Indian food, feed.

The council opened with prayer by General Whittlesey.

MR. BRUNOT. I do not wish to say the same things I did yesterday. I think you heard them all, and have thought of them, and are ready to say something in regard to the business of which we talked. We have been thinking about it, and so have you. Now you have something to say about it, and we are ready to listen. The business about the land is yours more than it is anybody else's. If a man has a great thing to think about he does not mind little things; if he sees the sun, and can look at that, he does not want to look at a little camp-fire. Some other time he will look at the little things; so now we will talk of the great matter, and some other time we will talk of the little things.

BLACKFOOT. What men say one to the other is good. Look at me. I am a big man. I have a big heart, and what I say is true. The whites have been digging gold at Emigrant Gulch for ten years. Perhaps the white men think the Crows do not know it, but we do know all about it. Above Emigrant Gulch I hear the whites have found other diggings. I love the Great Father, and I love my white friends. I will talk to you. The whites have been stealing our property. We are men, and know of it, and we will some day ask for the pay for our gold that the white men took from us. We used to go up the Yellowstone, and cross to the lake, and go through to Heart Mountain on the Stinking Water. That was our country. This summer we intend to go to Heart Mountain to get skins for our lodges. One time on Big Rocky (Rosebud) our camp met a wagon and white men with it. Four chiefs went and shook hands with the white men. The white men pulled out their revolvers and shot one of the Crow chiefs and killed him, and shot another who got well. When we heard of this we cried; we thought much about it, and then tried to forget it, because the white man was our friend.

MR. BRUNOT. When was that?

BLACKFOOT. When General Sully first came into the country to fight the Sioux, (1862.) We do not understand you about the country. We understood Heart Mountain and Stinking River were in the Crow reservation, but you say it is not. Above the cañons they have been digging gold; now the whites want to take Heart Mountain, and we

do not understand it. From Emigrant Gulch on this side we do not want to sell; above it we will sell you. We go to Judith Basin in the winter and locate on the creeks. The buffalo and antelope are ours. The whites kill them and put poison on them to kill wolves; they kill our horses with their poison. We say it is all right, because we love the white man and hold on to his hands. We are now telling you what we think. Dr. Hunter went down the river to the Warm Spring and located himself down there. I want you to hear and believe what I say. When we go for buffalo we find trappers hunting all over our country and men going everywhere on it. They think we do not know of it, but we do. White men who have married our women are stopping here for the Crows. When we kill our enemy, one who is hostile to everybody, the whites ought to be glad. A long time ago young White Bear, an Indian brave, and a white man, his friend, went together to fight the Sioux. They fought side by side. The white man was killed. Did the red man run away? No; he fought by the side of his white friend; and avenged his death. They fought hand in hand; and so they died. The bones of the red man and white are now mingled together. That shows we are friends of the white man; and as the red man and white man died, hand in hand, so ought we to live.

Right close to the agency this year Dr. Frost, a white man, and two Crow women were killed by the Sioux. The white man and the red women died together. That is why we want to war against the Sioux. The white men did not avenge the death of the white man, but we avenged the death of both the white and the red people. We think, when we died together as friends, we ought to live together as friends. We say, yes, yes, to what you say, and we wish to do what is best for both whites and Indians.

What we were told at Laramie I have in my heart. They told us to look out a white man with a good heart for our agent. We have found him. Here he is in Pease. He does not drink whisky; he likes us. He does not offer us whisky, and we like him. Pease never made any Indians mad at him; the children all like him; he is kind to all of us. What we ask you to do is to permit him to stay, and then we will listen to what you say. You come to hear what we have to say. I tell you, up above, on the river, the whites are digging gold. You can buy that country for the whites. We do not hide anything; we are men. From Emigrant Gulch to the Forks you can have; below it you cannot. I am a man, and that is what I say. We do not want a railroad alongside of the river. What do you think about it? We do not want Pease to go away. We never hurt a white man, and we can always look in the white man's face and shake hands with him. The Nez Percés Indians made peace with us, and they like us. The Bannock Indians shake hands with us, but they do badly. You should talk to them. When we went to Laramie the commissioners asked us to make peace with the Snakes. We did so and love them; we know and like Wash-a-kie, and we made peace with him. If you count the Crows there are fourteen hundred men. We would like you to give us guns enough for them, and plenty of horses, and to give us food for all time, as long as there are Crows, and that is what we want for our piece of land.

CRAZY SISTER-IN-LAW, (a chief.) We do not want Pease to go away. My boy does not want him to go away. He gives you a horse (to the commission) to keep Pease here. (He gave the commissioner a stick as a pledge representing a horse.)

Mountain Chief's daughter and Crazy Sister-in-Law's little daughter presented robes, saying, "We want Pease to stay with the Crow tribe." All the children gathered about Major Pease to hold on to him.

The council here adjourned unceremoniously, after which—

WHITE MOUTH said, "Blackfoot did wrong in sending everybody away from the council. I do not feel right about it. I thought the council was going to be a good one. We cannot help it, but we do not like it."

Other Indians came forward and said they had nothing to do with breaking up the council. Plenty of others wished to talk, but Blackfoot did it all.

Council re-assembled at five o'clock. Iron Bull, head-chief, being sick, did not return.

Mr. BRUNOT. Do any of you want to talk?

BLACKFOOT. You asked us to come back and now we want to hear what you have to say.

Mr. BRUNOT. We are glad to see the chiefs back, but we would like to see more of the young men, and hope more will come. I want to talk a little about what Blackfoot said, and about some other things. I want to talk as I always do, true and straight. I don't want my words to be like the winds that go off and are never seen again. I want them to go into your ears and into your hearts, and if you do not hear them now, some day you may be sorry for it. I want you to remember all I say, and some day you will say, that white man told us the truth. When a man sees the whirlwind coming, does he tell it to stop? No! He gets out of the way; he cannot stop it. A wise man looks ahead; he sees what is coming and he gets ready for it. I see what is coming over this country. I know what is good for the Indians, and I want you to know it, too. I have been on the Platte, and on Wind River, and on the Missouri, and away to the ocean, and what do I see? You do not see it, but I do. I see the white man's towns coming further and further; they are almost here. A few years ago,

where these towns now are, there were buffalo. The buffalo used to be on the Platte, as they are now on the Big Horn and Powder River. They are all gone now. Why are they so plenty here still? They have been driven from there and have come up here. The Sioux cannot find any buffalo on the Platte, so they come up north to hunt them. If the Crows went to the Platte and the Republican, they would not find any buffalo there. They have come up here. And when they are killed off here, they will be all gone everywhere. Buffalo are the Indian's bread, but they are going away, and soon will be all gone, and the friends of the Indians want them, by that time, to have something else. We want you to have lands that you can keep, so that you will have plenty to eat; we want you to teach your children so that they may live on white man's food. These Indians who have eaten white man's food know it is good. When you went to Fort Laramie you made a treaty with the white men. I was not there, but here is the paper that tells me what the treaty was. It says, "The Crows shall have a piece of land always." It is for you and your children. That piece of land was marked on these maps. Some of you think it was larger than it is. I do not know who told you that. It was wrong; it was a mistake. If the Crows think the land is not large enough, I am sorry; but I see how hard it is to keep this piece of land for you. Some of it has the gold mountains on it. I see wherever gold mountains are, there white men go. They ought not to come here for it; it is not their land. The Great Father does not want them to come on the Crow land, but he is a long way off: he cannot see with his own eyes into the gulches and mountains. He has heard about the gold mountains and the people in them. He has also heard that the Crows do not go into the mountains much, and he thinks if the whites go into the Crow mountains, the Government ought to pay you for the lands. If the land goes away from you, by men going here, there, and everywhere, after a while it is all gone and you have nothing for it, but if you sell the land and let the people go into it, and the Great Father pays you for it, year after year, you will get things you need, and have them always. You will get them after the buffalo are all gone. The Great Father is making the railroad. It is like the whirlwind. I cannot stop it; nobody can. I might as well try to stop the Yellowstone with my hand. I cannot do it. The Sioux thought they had stopped the Great Father's soldiers last summer. The Great Father told the soldiers when they went there, if they met the Sioux and they made trouble, to come back, till they could talk about it, and now there are more soldiers coming this way than all the Sioux warriors number, and they are going to put a war-house on the border of the Sioux country, at the mouth of Powder River. You have not seen many of the Great Father's soldiers here; very few. But away to the east there are many thousands of them.

Now, about this land. I told you the Great Father wants to give you pay for it, and have you sell the mountains at this end of your reservation. It belongs to the Crows, and the Great Father does not want it to be taken away without your getting pay for it. Blackfoot talked about selling a little piece at the upper end. Suppose we were to say that will do; we will pay for that little piece; it would do no good. Here are mountains that people are going into now, and the same trouble would come again. Is not that so? I want to tell you another thing about the treaty, and I want you to know that it is not I who say this, but it is what the treaty says. I am going to tell you what the paper says. The Crows have for their lands always what is marked on this map, (showing the bounds of the reservation on the map.) Here is Crazy Mountain on the River; here is Judith Basin; here the Missouri. The treaty says this is the land of the Crows forever, (marking reservation.) Then it says as long as there are any buffalo, and as long as the white men are not here (in Judith Basin) with farms, they may go there and hunt. So on Tongue River and Powder River; you can go there. Blackfoot says white people are going into Judith Basin. The treaty does not say that whites dare not go there, but the treaty says Indians and whites both can go there. I never was in Judith Basin, but I have heard of it, and I have heard that it is a better country than this; that it is good for grass, and that there is plenty of water, wood, and game. I know the railroad is not going there, but that it is coming along here. I think if the Crow Indians could have Judith Basin instead of this, so that they would own it, and could come out and hunt here, it would be good. The way it is now, the Crows, the white men, and any other Indians can go there, but other Indians cannot come here without the permission of the Crows; but if the Crows had that for a reservation, the whites dare not go there at all, and other Indians could not go there without the Crows permitted them to do so. But the Crows could come here and hunt as long as there is game. That country there is not as large as this country here, but the country all around it you could go to all the same; but, because that country is not so large, if you go there you ought to have some pay for the difference. The treaty says the Crows were to be fed four years; somebody told the Crows it was forty years; that was a mistake; it was not true. This is the last year, but I do not want it to stop. I want that they shall have plenty to eat. The Great Father at Washington wants them to have plenty to eat, but every four years they have a new Great Father at Washington; perhaps some other man may be Great Father some day, and

he may not want you to have these things. I hope you will always have them until you learn to make them like the white men; but I cannot tell; a new Great Father may be a different kind of a man. Now you can fix it so that it does not make any difference who the Great Father is, but you can always have plenty. You can do it this way: if you like Judith Basin, and want it for a reservation, we can go and say to the Great Father, it is smaller than this reservation, and for that reason you ought to have something always every year, in place of the big piece of country which you sell. We can ask him to give the Crows Judith Basin, and, because you give up this reservation, to give you food and things you need, so that you will never want. We can ask him to give you this, the interest of a million dollars, and every year you would get fifty thousand dollars in food and such things as you need; that is what we would ask the Great Father to do, and we think he would do it, but we do not know whether he would do it or not; he might think it too much, but if he thinks it is too much, and does not agree to it, it would be all the same as it is now. I have told you much that I think, and what I tell you is what I think is the best thing that could be done for you. These gentlemen with me all think the same way. I do not think I am wrong, and I know that I will not be afraid to meet the Crows anywhere, here or in the spirit-land, for what I have done is for your good and all I tell you is true and comes from my heart.

BLACKFOOT. What you have said we have listened to and we think it is true. At Laramie the treaty was made. We did not feel right. We had made a long journey and were tired and sick. They gave us some horses. They thought they were doing a big thing, and making us a big present. But the horses were wild like the antelope. We caught them with the lasso. They jumped and kicked; we held on tight to them, but they got away from us; we were sick hunting them, and when we got home nearly all of them were gone. The commissioners told me that we should have plenty of food given us for forty years. They were big men who talked with us; they were not drunk when they told us. We were men and heard them, and so it ought to be written in the treaty. I told the commissioners at Laramie that I had seen the Sioux commit a great massacre; they killed many white men. But the Sioux are still there and still kill white men. When you whip the Sioux come and tell us of it. You are afraid of the Sioux. Two years ago I went with the soldiers; they were very brave; they were going through the Sioux country to Powder River and Tongue River. We got to Prior Creek, just below here in the Crow country. I wanted to go ahead into the Sioux country, but the soldiers got scared and turned back. I was there and so were others who are here; they know what I say is true. The soldiers said they were going to Tongue River, but they got frightened at the Sioux and turned back. The soldiers were the whirlwind; they went toward the Sioux country, but the whirlwind turned back. Last summer the soldiers went to Prior Creek again; again they said they were going through the Sioux country, but they saw a few Sioux; they were afraid of them; they got scared and turned up to the Muscle-Shell, and went back again; again the whirlwind was going through the Sioux country, but again the whirlwind turned back. We are not the whirlwind, but we go to the Sioux; we go into their country; we meet them and fight, but we do not turn back; but we are not the whirlwind. You say the railroad is coming up the Yellowstone; that is like the whirlwind and cannot be turned back. I do not think it will come. The Sioux are on the way and you are afraid of them; they will turn the whirlwind back. If you whip the Sioux, and get them out of its way, the railroad may come, and I will say nothing.

We were born on this side of the Yellowstone and were raised here. It is good land. There is plenty of good land here. Timber and grass and water are plenty, and there is much game in the mountains. You talk about Judith Basin, and say you are going to give us plenty to eat. We do not want to exchange our land. You are my friend. If we were to go to the white man's country and bloody it as they do our country, you would not like it. For many years I have known the whites. You have a big heart, but it is not so with the white men who come into my country. Some of them never sucked their mother's breasts. I think they were raised like the buffalo, and sucked a buffalo cow for their mother. They have no hearts. I was not raised in that way; I am a man. I was raised and sucked milk from my mother's breast. There is no white man's blood on our hands, and I am not ashamed to shake hands with you. What I say is true. I am your friend. The sun sees me and hears what I say. The Great Spirit hears me and knows it is true. Did I ask these white men to come here and crowd me? Buffalo robes are my money; we have some buffalo left yet. If I go to the buffalo country and bring no robes back, the traders will not look at me; they won't be glad to see me and shake hands with me, and say "How," "How," as they would if I had plenty. I think you had better leave Pease with us as he was before. If you put anybody else here, very soon they will kick me in the face with their foot. All the men who have Crow women, we don't want them sent away. They are my friends and I want them to live as I do.

Mr. BRUNOT. About Pease I have nothing to say. I told you I liked him; and I like other good men who do right to the Indians. The Great Father does as he pleases

about these things, so I have nothing more to say about it. But as to what I said about Judith Basin. I know every man cannot think alike. Blackfoot in some things does not think just as I do. He says what he thinks; I say what I think; both are men. What difference if we do not think alike in everything? We can be friends. I am not afraid to say what I know is right; so Blackfoot says what he thinks is right, and I like it. The Great Father sent me to talk to the Sioux; they asked for guns to fight the Crows. I said they could not have them. I was not afraid of Sioux soldiers; so now I would not be afraid of my friends, the Crows. If I am not afraid to speak to enemies, I am not afraid to speak my mind to my friends. I want you to know, and you *do* know, that what I say is true, and that it is for your good, so you will think and talk about it, and, perhaps, after awhile, you will think I was right. Suppose you think I made a mistake; you are still my friends; you are the white man's friend all the same. But you must talk about these things and see if they are not good. What have I been waiting for? Because I like you and want to do something for you. I have staid a long time; we have had two days' talk; we talked of things that were in the past and of things that are now. But this matter of the land is the most important thing; if we get it fixed we can settle the little things afterward. The agency buildings were burned up; they ought to be built somewhere else very soon, and they ought to be built and in a good place where the stake will be down strong; where there is plenty of wood and water and good farming-land, and where the Indians can stay in the winter without having their heads blown off by the wind. You want it where you can stay. Suppose the question of the land is settled; then we can locate the agency. If you decide to go to Judith Basin, we will put the agency on some of the streams there in a good place. Suppose you do not want to go there; then the agency must be put on some creek here. I am afraid if the stake is put down here it will not be a strong stake in the ground, but if it were put at Judith Basin, I think it would be, but it is for you to know what is best. You need not talk till you think about it. I think I can stay till to-morrow night, and I will hear all you want to say by that time. I think you can decide about these things, so we can take your words to the Great Father; so we can put it in a paper; but I do not know; we will see.

WOLF'S BOW. We have been talking to each other a long time. You have said what you have to say. If you want my land that is over here, (above,) I tell you we will sell it to you. We asked you for fifteen hundred guns of all kinds for the mines; we want them right away in ten days. If you want to build a new agency, go to the foot of the cañon on this side of the land we give you. We will go for buffalo, and when we come back we will find the new buildings there. We told the peace commissioners at Laramie we would hold on the white man's hands always. It was put on paper there; we have a copy, and I will show it to you. We said to one another then, we would never point our guns at each other as long as we were Crows. The Sioux fight the whites; they wanted to give us mules and horses to help them fight the whites, but we would not. We have fought the Sioux, and have left many good men on the battle-fields. When I go for buffalo, the Sioux fight me for my land. I will continue to fight them. If the soldiers go to fight my enemy, the Sioux, they do not go far; they turn back close to here. We went to fight them this summer; they were as well armed as we were. We want you to tell the Great Father the Sioux have more guns than they ought to have, and he ought not to give them any more.

MR. BRUNOT. The Great Father does not give them any guns. I am afraid the Sioux get their arms from the same kind of people who give whisky to the River Crows. I got up to say that we have been here a long time. I have talked a great deal, and so have you, and we had better think about it a little. We have some tobacco we want to give you, and we want you all to come to-morrow morning.

After distributing some tobacco the council adjourned.

Third day.

AUGUST 13, 1873.

Council convened at 1 o'clock.

Blackfoot made a long speech to his people, closing up with the request that the commissioner should explain the treaty to them. He said there was nothing in the treaty of what they had said to the commissioners at Fort Laramie, and nothing of what the commissioners had said to them. He said our country is not as large as the commissioners promised it should be, and we do not understand the treaty as you read it. We do not think you will tell us a lie. None of the chiefs would accept this treaty. Show-his-face was the only one who was willing to take a copy of it. We want you to tell us what is in it. None of the Indians who were at Laramie know what is in this treaty.

The council opened with prayer by Dr. Wright.

MR. BRUNOT. You would like to know everything that is in the treaty. I will tell you. I do not know whether what is in it is good and pleases the Crows or not, nor does it make any difference whether it pleases me now, or whether I like it or not. All I know, and all the Crows need to know, is that this is the treaty as it was signed at

Laramie. Yesterday I told you some of the things I read in it. To-day I will tell you again, because Blackfoot asks me to do so. It reads, "This is a treaty made at Fort Laramie, on the 7th of May, 1868, between the peace commission and the chiefs and head-men of the Crow Tribe of Indians." Article first says, "There shall always be peace between the Crows and the Government. If bad men, the whites or any other people, do wrong to the Crows, they must tell the agent, and the Great Father will have them punished. If bad men among the Crows kill or harm the white men or take their property, they are to bring them to the agent and have them punished."

BLACKFOOT. Who made this treaty?

MR. BRUNOT. I will read their names: Generals Harney, Sherman, Angur, and others. This copy that Show-his face has was made by Captain Burt at Fort Smith, and it is a copy of the one the peace commission made. The one I have is just the same.

The second article says the United States agrees that this country shall be set apart for the occupation of the Crows and other friendly Indians, whom they wish to have and whom the United States consents shall occupy it. The country begins where the one hundred and seventh degree of longitude crosses the southern boundary of Montana; then up in a straight line to the Yellowstone; then following it till it crosses the southern boundary of Montana; and thence in a straight line east to the place of beginning. This country is for the Crows and the people who are sent to live with the Crows. Then it says after that time the Crows give up all right to any part of the United States except this part embraced in the reservation.

The third article says, because the Crows gave up the other country the United States agrees to build, on Otter Creek, a warehouse, a house for an agent, doctor, carpenter, miller, blacksmith, and engineer, and when the children of the Crows are sent to school, a man shall be sent to teach them; and a school-house shall be built; and when it is time to do so, the United States is to build a saw-mill, grist-mill, and shingle-mill.

Article fourth says, the Crows agree, when a house for the agent and other buildings are built, that they will make the reservation their home always, and they shall not settle anywhere else; but as long as there is peace between the Crows and the whites they may hunt buffalo where there are any and where there are not too many whites.

Article fifth says, the agent shall live among the Crows, and listen to their complaints, and do as the treaty says. If the Crows or the whites do anything wrong, the agent is to send word to the Great Father about it; and what the Great Father decides is right, that the agent shall do.

Article sixth says, if any of the Crows, or any one whom the Government and the Crows allow to live with them, wish to farm, the agent shall help them; and if any Indian selects a piece of land for a farm it shall be entered in a book, and it shall always be his, and he can get a paper from the agent to say that is his. The Great Father may, at any time, survey the land, and mark it out in patches, to show what each one owns. The United States may make laws to show what kind of title the Indian people shall have.

BLACKFOOT. It is all lies; we do not want to hear any more. Wrap it up and throw it all away. We will not have that treaty.

MR. BRUNOT. You had better hear it all and know what you are to get. (At this point there was much excitement among the Indians, many of them declaring they would hear no more. After waiting a few minutes Mr. Brunot insisted upon silence, and said :) You asked me to read the treaty. I am going to tell you all that is in it. It goes on to say that all treaties made before this one are gone, but from the time of this treaty, the United States agree to send to the Crows the following articles: For each male Indian over fourteen years of age, a suit of good woollen clothes; for each woman over twelve years of age a flannel skirt, or goods to make it, some calico, or twelve yards of cotton domestic; and for the boys and girls younger than fourteen and twelve years, flannel and cotton goods to make each one a suit; and it says, so that the Great Father can send these things, the agent shall each year send word how many Indians there are to get them. This is to be done for thirty years. That is your annuity goods. In addition to this, the Great Father is to send money to the agent to use for the benefit of the Indians at the agency—not to give the money to them, but to spend it for their benefit and make them comfortable and happy. If the Indians do not want the clothing, they are to tell the agent what they do want; and if the Great Father thinks it is good for them he will send them what they want, instead of the clothing, but the agent must send to the Great Father word what they want, and the Great Father must give permission to do so, before any change can be made. For fear some one might not give all their goods to the Indians, some officer must come and see that they get them. The United States agree to send an agent, physician, engineer, blacksmith, carpenter, and farmer, and to pay them while they are here. It says the Crows must have food for four years.

I did not make this treaty. I see that, although the Crows may have made a mistake about the land, the treaty is good for them. The Great Father lives a long way off; he is trying to keep his part of the treaty; but I told you he could not see into

the gulches and all these places, and he cannot come from Washington with all the goods that are sent. One man cannot always tell what is being done a great way off, but he wants to do the best he can for you, and wants you to do the best you can for him. You know the goods last year and year before were better than you got before. The reason is, men are trying to get what is right for you. I want you to understand it and know that there are bad white men, just as there are bad Indians. A bad white man steals your horse; it is not the Great Father, nor is he to blame for it. If a bad Crow takes a horse I do not blame it on Blackfoot; but if a white man takes a Crow horse the agent finds it out and tries to have the man punished. Sometimes he runs away. So it is with the Indians. The chiefs do not want bad Indians to do wrong; neither does the Great Father want bad whites to do wrong to you. Now, we all understand about the treaty, and we will put it away and say nothing more about it.

After you have been thinking about it, you may decide that Judith Basin is a good place to keep always. If you do you can then come here and hunt, just as you do there now. The difference is, now you own this, and hunt and stay over there; but if you sell this, you would own over there, and could come and hunt here. I have talked a long time, but it is your fault, not mine. You asked me to tell you what was in the treaty. When I told you some of it you wanted me to stop. That is not right. If you want to know what is in a man, you want to know all about him; so it is with this paper, and when you have heard it all it is not so bad for the Crows.

BLACKFOOT. We wanted to know just what was in that treaty, and my friend has told us. I have said before that we are friends, and that we like each other; yet we have different thoughts in our hearts. The first time I went to Fort Laramie and met the peace commissioners, what each said to the other, we said "Yes, yes." The second time we went, we signed the treaty; but neither of us, my white friends nor the Indian chiefs, said "Yes, yes," to what is in that treaty. What we said to them, and what they said to us, was "Good." We said "Yes, yes," to it; but it is not in the treaty. Shane was there the first time, and what he interpreted to us are not the words that are in the treaty. The first time we went, we did not sign the treaty; we only said "Yes, yes," to each other. The Indian way of making a treaty is to light a pipe, and the Indians and their white friends smoke it. When we were in council at Laramie, we asked whether we might eat the buffalo for a long time. They said yes. That is not in the treaty. We told them we wanted a big country. They said we should have it; and that is not in the treaty. They promised us plenty of goods, and food for forty years—plenty for all the Crows to eat; but that is not in the treaty. Listen to what I say. We asked, "Shall we and our children get food for forty years?" They said "Yes;" but it is not that way in the treaty. They told us when we got a good man for agent he should stay with us; but it is not so in the treaty. We asked that the white man's road along Powder River be abandoned, and that the grass be permitted to grow in it. They said "Yes, yes;" but it is not in the treaty. The land that we used to own we do not think of taking pay for. We used to own the land in the Mud River Valley. These old Crows you see here were born there. We owned Horse Creek, the Stinking Water, and Heart's Mountains. Many of these Indians were born there. So we owned the country about Powder River and Tongue River, and many of our young men were born there. So we owned the mouth of Muscleshell, and Crazy Mountain, and Judith Basin; many of our children were born there. So we told the commissioners. They said "Yes, yes;" but there is nothing about it in the treaty. We told them there were many bad Indians, but that we would hold on to the hands of the white man, and would love each other. We told them the Pie-gans, the Sioux, and other tribes have killed white men. We told them the whites were afraid of them. I asked them to look at us; that we had no arms, and they should not be afraid of the Crows. They said "Yes, yes;" but it is not so written in the treaty. The treaty, you say, has bought all our land, except on this side of the river. And what do we get for it? I am ashamed about it. We sell our land, and what do we get for it? We get a pair of stockings, and when we put them on they go to pieces. They get some old shirts, and have them washed, and give them to us; we put them on, and our elbows go right through them. They send us tin kettles; we go to get water to carry to our lodges; we dip the water up, but it all runs out again. That is what we get for our land. Why do they not send us annuity goods? We go to the buffalo country and get skins; our wives dress them, and we give them to our friends. We give more presents to our white friends than all the annuity goods we get are worth. And this is what we get for our lands. What goods are given us are no better than we give the whites, and I do not see what we are getting for our lands. We told the commission at Laramie that the Sioux were in our country on Tongue River. The Sioux and the Crows are at war; yet I went into the Sioux camp alone. They offered to give us two hundred and sixty horses and mules, all taken from white men, if we would join them; but we refused to do so. They took me by the arm, and asked me to stay with them and fight the whites; but I pulled loose from them and would not do so. I told the commission that I was asked to hold the whites with my left hand and the Sioux with my right hand; but now I gave my right hand to the

whites, and would hold on to them; they said "Yes, yes." But none of this is in the treaty. We told them we had plenty of fish and game; and when they got scarce we would tell them, and ask help from them.

They said, "Will you sell the Powder River country, Judith Basin, and Wind River country?" I told them no; but that is not in the treaty. When Major Camp came here as agent, we gave him a present of a large number of robes to send to the Great Father. We never heard that the Great Father got those robes; we would like to hear about them. The Crow tribe want Major Pease to remain with us as our agent. Some of the young men want him to take them to see the Great Father at Washington. You ask us to tell you what we want. We want Mexican blankets, elk-teeth, beads, eagle-feathers, and panther and otter skins. We like fine horses and needle-guns; these things are to us what money is to you.

Mr. BRUNOR. I told you last night I could not stay much longer. I would like to stay a month, and then I might want to stay longer. I would like to stay and talk to you, and hear you talk. Our hearts are close together. You know what I have said is true. Sometimes we know a thing is good, yet we want to keep it away from us; it troubles us. A man has a horse which he likes; somebody offers him something for it that is better; at first he does not want to part with the horse; he thinks of it, and finds he gets something better for it; then he will let it go. Just so about this land. The place on which we were born and raised we think is all the good place there is. Those that were born on Wind River thought that no other place was as good; those who were born down on the Yellowstone thought no place was as good as that. The same men have been here a while; now they think this is better. You have this reservation; you think it a good place to live on; and you go to Judith Basin to hunt. You are right; this is a good place, and you do not like to think about making a change. It belongs to you, and you can do as you please about it. If you listen and do as I want, I think it is good. If you do not think it is good, I will still say you can do as you please about it. It is like a man who does not want to let his horse go till he thinks about it; when he thinks about it and finds it is better to do so, he lets it go. The man thinks about it till he gets his mind made up. It ought to be the same way about this business. You should think about it and talk about it. Do not put it away out of your mind until you are sure you are going to do right. Do not put it off till you find the commission is gone and all our words are lost. When we come together again you can come and tell us what you think about this business. If you put it off till some other time it may be too late. The treaty says the white men, the Crows, and other Indians can go to Judith Basin. If the Crows wanted to live in Gallatin Valley they could not do it. The white men are there; so, if the white men are in Judith Basin, the Great Father cannot let the Crows live there; it will be too late after the white men are there. The whites are not there now; and before it is too late I would like the Crows to think about it and decide. But do not forget you can do just as you like best. You are men, and can make up your own minds; and what I tell you is because I am your friend, and want you to have good houses and plenty to live on. If a man was to tell me to come and get some of the Crow land for myself, I would want to strike him to the ground. I do not want anything you have, nor do I come to get things for other men. I come because the Great Spirit tells me it is right to do good to the red men. What I say is from the heart, and the time will come when you will remember my words. I will say nothing more now. I want you to come and talk about the matter, and I will take your words to the Great Father. After that I will tell you something in regard to what Blackfoot said about going to Washington. I want to tell you about that after the other things are settled.

BEAR-WOLF. What we say and agree to, we say "Yes, yes," to, on both sides. Blackfoot went to Fort Laramie. They talked with each other; they said "Yes, yes." But when he came back we did not agree to what had been done. We want to go to Washington and see the Great Father. The chiefs are here, and we want to hold on to our lands. You bring a treaty; it is full of lies. The words that have gone to the Great Father have always been lies. Indians that fight the whites, the whites always do what they want. If you take us to Washington we will shake hands with our friends. The Great Father will talk good to us. I want no bad luck on the way. The old men are here; you see them; so are the young men. It is us who own the land, and we will have our say about it. We want you to give us the means to go to Washington.

The council here adjourned.

Fourth day.

AUGUST 14, 1873.

Owing to the protracted rain no general council was held to-day. The chiefs, however, were gathered in council, continuing all the afternoon.

Fifth day.

AUGUST 15, 1873.

Council convened at twelve o'clock. Blackfoot made a long speech to his people being frequently interrupted by the other Indians.

Council opened with prayer by General Whittlesey; after which three hours were given the Indians in which to discuss among themselves the propositions in the articles of agreement.

Council re-assembled at three o'clock.

Mr. BRUNOT. When we ceased talking in the council it was raining, and we said we had talked a good while and now it was time to think some and make up our minds. That was what I told you, and the chiefs said it was good to think about it. I told you to make up your minds, and whatever you said, so it should be. If you decided not to sell this place, then we know the Crows do not want to sell it; but I told you what I thought was good for you to do. I asked you to think and see if you could not do that. The next day it rained so much that we did not come together again. I think the rains came so that you would have a longer time to think and decide what you would do. The rain comes on the ground; then the sun comes and makes the ground warm, and makes the grain grow for food for your ponies and the buffalo. So to-day the sun is bright and beautiful; and I hope that the Crows' hearts are good, and that they will decide to do what is good for themselves. Whatever you do I hope it is for a long time and for your good. We talked three days, and now this is the last day to talk, and whatever is done must all be done this evening, so that we may go in the morning. What I said was put in a paper; and if you have decided to go to Judith Basin, we will put our names to the paper, and you will put your names to it, and we will take it to the Great Father at Washington. But if you have decided the other way, we will tear up the paper, shake hands, and be friends all the same. Now we want to know what you have made up your minds to do.

BLACKFOOT. We have been meeting white men before. Whenever we met them we had something to say to them. We met you, and you told us what was written down you would take to the Great Father. We have talked three days, and my tongue is not tired.

Mr. Brunot then explained the provisions of the articles of agreement in a general way, and said: If you wish, the paper will be read; then you can put your names to it or not, as you wish.

BLACKFOOT. On this side of the river and on the other side is our country. If you do not know anything about it, I will tell you about it, for I was raised here. You mark all our country, the streams and mountains, and I would like to tell you about it; and what I say I want you to take to your heart. You make us think a great deal to-day. I am a man, and am talking to you. All the Indian tribes have not strong arms and brave hearts like we have; they are not so brave. We love you and shake hands with you, (taking Mr. Brunot's hand.) We have gone to Judith Basin a great deal, and you wish us to take it for a reservation. All kinds of men go there; trappers and hunters go there poisoning game. The Sioux Indians, Crees, Santees, Mandans, Assiniboines, Gros Ventres, Piegiens, Pen d'Oreilles, Flatheads, the Mountain Crows, the River Crows, Bannacks, Snakes, and Nez Percé Indians and white people, all go there. You wish us to take the Judith Basin for a reservation. All these Indians will come, and we will likely quarrel; that is what we think about it. Judith Basin is a small basin; a great many people go there; we all go there to eat buffalo. I have told you about the Sioux when they come to fight us. We go a long way from our camp. All Indians are not as strong as we are; they give up and run off. If you have two dogs, if they go to fight, and you catch them and pull apart, when you let them go they fight again. So it is with the Sioux and Crows. You tell me the railroad is coming up the Yellowstone. If you move this place away from here, the Sioux will be like a whirlwind; they will come and fight the whites; that is true as I tell you. Along Prior Mountain is the Crow trail. We listen to you, and what I tell you is true. The young men do not care what they do. We want some of them to go to Washington with Major Pease, and what they say there will be all right. I will tell you what we will do; neither of us will live forever; in time both of us will die. We will sell the part of our reservation containing the mountains from Clark's Fork, below the mountains, and the valleys we will not sell. The Crow young men will go to Washington and fix it up, and come back and tell us about it. We will sell the range of mountains to Heart's Mountain and Clark's Fork. The young men will sell it at Washington, and they will say to the Great Father at Washington, that the Crows have a strong heart and are willing to sell their land. When you buy this and give us plenty for it, we will talk about the rest, if you want to buy it. Those mountains are full of mines. The whites think we don't know about the mines, but we do. We will sell you a big country, all the mountains. Now tell us what you are going to give for our mountains. We want plenty for them. Am I talking right? The young men think I am talking right. Every one here is trying to get plenty. The railroad is coming. It is not here yet. You talk about Judith Basin. I have heard about it. I want to

see what you will give for the mountains; then we will talk about the rest of our land. You think you have peace with the Sioux; I do not think you have. You want to shake hands with them. We want to know whether you are going to fight the Sioux or not; we want to know. We will see what the young men will do at Washington; if they hear what is good, we will do it. The railroad will not be here for some time, and before that we will be part of the time on this side and part of the time on the other side of the river. In the Gallatin Valley, if you sell a house and a little piece of ground, you get paid for it. I know that is the white man's way of doing. The white men are all around us. On the other side of the river all those streams belong to the Crows. When the Sioux come there, we can run them off into the river. We are friends; when our friends get horses stolen, we give them some. Many of our horses are stolen here; four of my horses are gone now; last night some horses were stolen. The Sioux took them along the mountains. On the other side of the gap, there are plenty of houses full of everything. In Gallatin Valley are plenty of cartridges; the Crows have none. If the Sioux come, I do not know what we shall fight them with. See all these old women! They have no clothing; the young men have no good blankets. We would like the Nez Percés, when they raise camp, to come here; they die with the Crows; they help to fight the Sioux. The last commission told us we could eat buffalo a long time. While we are here, the Flathead Indians take our horses. I would like you to take our part and stop them.

Mr. BRUNOT. We talked about the horses this morning with Major Pease; he is going to send and get them; and the troops will take the horses if they find where they are, and they will bring them back.

BLACKFOOT. We did not know you had talked about it. We would like you to say "yes" to what we said. At Laramie we said, yes! but not to what is in the treaty.

Mr. BRUNOT. Tell Blackfoot every man is not like every other man. I was listening, and I heard all he said, and it went into my heart. If a man hears something that makes him sorry, he looks sorry; if he thinks he is going to hear what is good, and he does not hear it, he looks sorry. I heard all he said; and when he got through, it was time for me to say something. Somebody took some horses. I heard it, and talked with Major Pease, and he is going to send for them; he is going to send to Fort Shaw, and if they find the horses, they will ask the soldiers to get them back. You have an agent to look after such things, and he does the best he can. So, Major Pease is going to try and get them back. They have one of our horses, too; I guess you did not know that. (This seemed to amuse them very much.) Now we will talk about the treaty; it is far more important than a few horses. The paper that we have made about Judith's Basin, I think we had better read; then you will know what I think is good for you. Then I will tell you what I think of your proposition. The miners were at Emigrant Gulch long ago; some are on Clark's Fork. The Great Father knows that; he could send the soldiers and make them go away, but suppose he should do that, what would happen? Some of these men would get mad at the Crows about it, and would do something wrong; and perhaps they would get others to help them, and perhaps the Crows would go after them, and somebody might get killed; perhaps a white man, perhaps an Indian. If somebody got hurt, his friends would want revenge; soon we would be quarreling. I do not want it to be so, nor does the Great Father want it. The Great Father says he does not want the Indians' land taken, nor does he want trouble; so he sends us to see whether you will take money for what the white men are doing; and find a place for the Crows where there is no gold for people to run after. If Blackfoot has a good American horse, and I have a horse that is not so good, I come and say we will trade, and he will say I do not want to trade; he thinks about it and says, "my horse is better and you must give me something more;" if I say, "I will give you something more," then we make the trade. So with this country; I say to you, you have a big country, and some of these people are on it; you like the country; I show you another country; you go to it; you like it; I say if you like that country, go there, and let the white people have this country, and we will give you so much. You get all the annuity goods and all that is in the other treaty, but you get them at Judith Basin instead of here. You live in this country now and hunt over there; if you listen to me, you will live over there and come here and hunt as much as you please. Then, every year as long as you and your children live, you have money from the Great Father to buy what you want. Every year the Great Father asks the agent what do the Crows want this year? The agent asks the Crows and the Great Father sends the things; that is the way it is in the paper. That is how it will be, if we all say, "yes," and put our names to the paper. The reason why I do not think Blackfoot's proposition is good, is this: if the Crows keep the valley and sell the mountain, the whites will want all the time to go through your country; your horses will not be safe. If you want wood it is nearly all in the mountain. You sell even the water-courses with them; it would not be good to sell that and keep this; do you not see that? The white men in the mountains would be glad if I agreed to what you propose. If I cared only for them, I might agree to it, but I care for the Indians and cannot agree to it. I do not think that would be good for any of us, for trouble might come. If you cut off all above Clark's Fork, I would carry the proposition to

the Great Father, and he would give money for it, but I do not think that would be so good as to sell this place and take the other; you would not get as much for it. Black-foot asked me about the Sioux; some of them live on the Platte and on the Missouri; they are holding the white man's hand, and they do not come up to fight the Crows, but there are some who are not holding the white man's hand. But the Great Father has sent his troops, and two boats have come to the mouth of Powder River and the soldiers are building a war-house there. They are there now; you will soon hear of their being there. In regard to going to Washington, I have something to tell you about it, but it is best not to talk of that until we have settled about the land. I think some of you ought to go to see the Great Father, and I want some of you to go, and I want you to come and see me at the same time. You will see the other gentlemen who are here, and you will have a nice time and be much pleased. You can tell the Great Father what we say "yes" to, with your own mouths. I want Major Pease to go with you. All I am afraid of is when you come back, all the Crows will want to go. Now I want you to take a vote and see whether you will agree to what we offer. The sun is going down, and what we do must be done soon. If you agree to what we offer, I will go away glad, for I think it is good. I have seen you a week, and I like you, and I want nothing but good for you, and I will always think of you, and will think for your good. I will do all I can for you, and whatever is right for the Great Father to send you, I will ask him to send; these gentlemen think the same. The Crows want some horses; we will ask the Great Father to send you some, but we will not put it in the paper, for the paper is for all time. The horses would be soon gone; but what is in the paper for you to get lasts always; you get them every year. I will read what is in the paper.

The articles of convention were then read as follows:

Articles of convention made and concluded on the 16th day of August, in the year of our Lord one thousand eight hundred and seventy-three, at the Crow agency, in the Territory of Montana, by and between Felix R. Brunot, E. Whittlesey, James Wright, commissioners in behalf of the United States, and the chiefs, head-men, and men representing the tribe of Crow Indians, and constituting a majority of the adult male Indians belonging to said tribe.

Whereas a treaty was made and concluded at Fort Laramie, Dakota Territory, on the seventh day of May, in the year of our Lord one thousand eight hundred and sixty-eight, by and between commissioners on the part of the United States, and the chiefs and head-men of and representing the Crow Indians, they being duly authorized to act in the premises;

And whereas by an act of Congress, approved March 3, 1873, it is provided: "That the Secretary of the Interior be, and he is hereby authorized to negotiate with the chiefs and head-men of the Crow tribe of Indians, in the Territory of Montana, for the surrender of their reservation in said Territory, or of such part thereof as may be consistent with the welfare of said Indians: *Provided*, That any such negotiations shall leave the remainder of said reservation in compact form, and in good locality for farming purposes, having within it a sufficiency of good land for farming and a sufficiency for water and timber, and if there is upon said reservation a locality where fishing could be valuable to the Indians, to include the same if practicable; and the Secretary shall report his action, in pursuance of this act of Congress, at the next session thereof, for its confirmation or rejection;"

And whereas, in pursuance of said act of Congress, commissioners were appointed by the Secretary of the Interior to conduct the negotiations therein contemplated, the said commissioners on the part of the United States, and the chiefs, head-men, and men constituting a majority of the adult males of the Crow tribe of Indians, in behalf of their tribe, do solemnly make and enter into the following agreement, subject to the confirmation or rejection of the Congress of the United States, at the next session thereof.

ARTICLE 1. The United States agree that the following district of country, to wit: commencing at a point on the Missouri River opposite to the mouth of Shankin Creek; thence up said Creek to its head, and thence along the summit of the divide between the waters of Arrow and Judith Rivers, and the waters entering the Missouri River, to a point opposite to the divide between the head-waters of the Judith River and the waters of the Muscle-Shell River; thence along said divide to the Snowy Mountains, and along the summit of the said Snowy Mountains in a northeasterly direction, to a point nearest to the divide between the waters which run easterly to the Muscle-Shell River and the waters running to the Judith River; thence northwardly along said divide to the divide between the head-waters of Armell's Creek and the head-waters of Dog River, and along said divide to the Missouri River; thence up the middle of said River to the place of beginning—the said boundaries being intended to include all the country drained by the Judith River, Arrow River, and Dog River—shall be and the same is set apart for the absolute and undisturbed use and occupation of the Indians herein named, and for such other friendly tribes or individual Indians as from time to time they may be willing, with the consent of the United States, to admit

among them; and the United States now solemnly agree that no persons except those herein designated and authorized so to do, and except such officers, agents, and employes of the Government as may be authorized to enter upon Indian reservations in discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon, or reside in the territory described in this article for the use of said Indians; and the United States agree to erect the agency and other buildings, and execute all the stipulations of the treaty of Fort Laramie (the said stipulations being hereby re-affirmed) within the limits herein described, in lieu of upon the south side of the Yellowstone River.

ART. 2. The United States agree to set apart the sum of one million of dollars, and to hold the same in trust for the sole use and benefit of the Crow tribe of Indians, the principal to be held in perpetuity, and the interest thereof to be expended or re-invested, at the discretion of the President of the United States, annually, for the benefit of said tribe.

ART. 3. It is mutually agreed between the United States and the Crow Indians, that the second article of the treaty made at Fort Laramie between the commissioners of the United States and the Crow tribe of Indians be, and the same is, abrogated by this agreement, and the said Indians cede to the United States all their right, and title, and claim, to the tract of country described in the said second article, to wit: "Commencing where the 107th degree of longitude west of Greenwich crosses the south boundary of Montana Territory; thence north along said 107th meridian to the mid-channel of the Yellowstone River; thence up said mid-channel of the Yellowstone to the point where it crosses the said southern boundary of Montana, being the 45th degree of north latitude; and thence east along said parallel of latitude to the place of beginning," and which is conveyed to them therein, except the right to hunt upon said lands so long as they may remain unoccupied, and as game may be found thereon, and peace continues between the whites and Indians.

ART. 4. The United States agree to suppress, so far as possible, by the imposition of pains and penalties, the practice of wolfing, or killing game by means of poison, within the limits of the following district of country, viz: beginning at the mouth of the Muscle-Shell River; thence up the said river to the North Fork, and up the North Fork to its source; thence northward along the summit of the Little Belt and Highwood Mountains to the head of Deep Creek; thence down said creek to the Missouri River, and along the margin of said river to the place of beginning.

It is expressly understood between the commissioners and the Indians, parties thereto, that this agreement is subject to the ratification or rejection of the Congress of the United States at its next session, and that, pending the action of Congress, the United States shall prevent all further encroachments upon the present reservation of the Crow tribe.

The articles were carefully explained until they were fully understood by the Indians.

THIN BELLY. I say let them have the land.

LONG HORSE. We will give you this land for what you say. This side of the river belongs to us; we will sell it. These are our chiefs. We have waited for Iron Bull and Blackfoot to say they will sell the land; they don't say so, but the young men now say to sell it. I am going to come here to hunt. Do not let wolfers come here. These young men are chiefs and want to go to Washington to see the Great Father; let them go.

IRON BULL. Take the names of those who will sell; they will not touch the pen to sign the paper; they think it is bad luck; they will come up and say "yes," "yes."

BLACKFOOT. We smoke together; we talk through the pipe. As I told you, we are friends. The young men say they will sell and we agree to it. We want all on the other side of the river away up to Judith Basin. It is a small country.

MR. BRUNOT. The Great Father sent me; and I do what he says if I think it is good for those I am talking to. What I thought was good I put in the paper.

BLACKFOOT. You ought not to give the Sioux guns and ammunition; you should wipe them all out; you should throw a bad disease on them.

MR. BRUNOT. The Great Father did not tell me to talk about the Sioux. I have told you what is in this paper. Now we want all who agree to this to come and say "yes," so that after it is all over, nobody can say it is the fault of somebody else. I will put my name to it and I will never be afraid to say that I think this is good for the Crows. If you don't want to agree to this paper you will say so, and there will be none of it. I want all of you to say "yes," and then we will know it is all right. We will call the names and if you don't want to say "yes," don't say it. If more say "yes" than say "no," it is good.

MANY INDIANS. It is too small a country in the Judith Basin. We want from the Yellowstone to the Missouri.

OLD CROW. If we take Judith Basin we can shoot from one line of our country to the other line.

IRON BULL. We want to move over there, but we want all the other side of the river; that is what we want, and we tell you so.

MR. BRUNOT. I don't say "yes." I want to talk to the young men. You say you want all the country the other side of the river; that is a bigger country than this. If I would give it, I would have to say, "What will you give for the difference?" Some people will talk that way. Most of the country over the river white people cannot live on, and never will live on. Why did I not put that in with the Judith Basin? That would make your land as big as this. If I went to the Great Father and said, "I gave the Crows all the other side of the river for this," he would say, "Why did you do that?" If I said "I promised to give the Crows, every year, food and clothing besides," he would say, "That will not do." It is no use to tell him that. But if I say, "I gave the Crows a smaller piece of land and they give you a bigger piece of land, you must give them goods every year," he will say, "That is all right." If I put in the bad land, that will make it as big as this reservation, and it would do you no good except to hunt on, and you can hunt there anyhow.

BLACKFOOT. The Crow country is a big country, and we will give it for the country on the other side of the river. What I tell you is good for both sides; and we want, besides, what you told us you would give us. This is our country, and what we give is worth more than all the other side of the river. You want to give us a little hole; we want a big country; you gave the Sioux a big country, and the Crows are a big tribe and want a big country. While Blackfoot was speaking a woman came forward to speak.

THE ONE WHO GOES RIGHT STRAIGHT ALONG. I am a woman and ought not to speak in council, but I want to speak of the first council on Horse Creek. My brother went to the States and never came back. You want to give us a little territory, and we don't want it. The whites killed my brother, for he never came back, and you never paid me anything for him. Another time we were on the Little Horn; we lived in a big grass lodge, and a white man poisoned my other brother, and he died. You bought our land before, and gave us kettles that would not hold water. We want all the other side of the river from the mouth of the Yellowstone. I want my son to have a big country; you offered us a little country and I don't want it.

OLD CROW. Tongue River, Rosebud, Powder River, and Big Horn are full of wood. In Judith Basin is no wood for a camp.

MR. BRUNOT. I am afraid some one has been talking to you who is not a Crow, and you have his ideas. If I were a Nez Percé, I might say to you do not take Judith Basin; if I were a Blackfoot, I would say do not take it; if I were an Assineboine, Piegan, or Bannock, I would say to you do not take Judith Basin; if I were a Wolfers, I would say do not take Judith Basin; and what is the reason? All these people can now go in there; if it belonged to the Crows, they could not. May be some of this kind of people have been talking to you; if any of these people advise you not to take it, you can see the reason. I told you the second day why I wanted you to have Judith Basin. Now, I tell you according to the treaty, the white men, the Wolfers, and other Indian tribes can go there the same as the Crows. These men are going in there, more and more of them, every day. If you put off, for a year or two, getting it, so many whites will be there, that you can not get it. That was one reason I was desirous you should have it now. It is not a big country; I know that is a small country. The time was when all the country from the Missouri River to the mountains had no white people; now there are a great many. Blackfoot spoke about the Sioux; there were a great many Sioux; they roamed on the plains, on the Platte, and the Republican, as they pleased. They went and fought the Utes, they went as far as they pleased. The Kiowas and Comanches were all over that country once. The whites said they were going to make a railroad, and all these Indians said as a few Sioux do now, they would not have it. If you go down there now you will see not one railroad only, but many railroads, and when your young men go to Washington, they will go ten times as fast as a horse can go. That railroad was made; the Sioux could not stop it; what could they do? They could go to the white man's cabin, where he slept, and kill him, but they do not go there to do it now, and the reason was they did not take the white man's hand then; the Great Father sent them away to the barren lands on the Arkansas, and the Sioux will be pushed I do not know where. The Great Father does not want to serve his friends so. The Great Spirit tells us we are of one blood, and must do what is good for the red men who hold our hands, as we would for our children, and that is the way I feel to the Crows. And that is why I come here. Now I have come and said what I think is right. I have given the Great Father's message. The Great Father wants to save trouble. He is willing to pay you for the mountains the white people have been going into. I told you there was a good place where you can stay forever, and it is a good place for you to go to. I have told you how the buffalo have left other countries and how they will go from this. When the buffalo is gone, if you stay here till then, you can only live on a piece of this country. You can only hunt on the other side as long as there are any buffalo. Your ponies can range on the Yellowstone, and they can range up to the Judith, but you cannot cover it all over with your villages; because your lodges don't cover it all over is no reason why you cannot hunt on it. This place is your home; it does not keep you from hunting where you please. If you take Judith Basin for your home, it is the same thing, only that is your

home. You know that is a better place than this to stay both summer and winter; you stay there now longer than anywhere else. If your agency was there it would be better and you could come to this country to hunt. You say you want all the other side of the river for your reservation; that is not what the Great Father tells me to say. I cannot give you that, because the Great Father will say the paper is not good. I thought you had made up your minds to say yes to what we offered, but you say you want something else. I have said all I have to say about that proposition. We offer land, and we offer money every year for food and for the goods you need. I am going away, and that is the end of it now. But I will always think about the Crows as friends, and I hope whatever you do will be good for you. I do not know that I will ever see you again. You will remember my words, and some day you will know what I said was good for you, and all I said was true. I want some of the chiefs to go and see the Great Father. Suppose I was to die as I go to the Great Father; nobody would think the Crows killed me. Because there was a Crow man went a long way and died on his way home, that is not because the white men did bad; it was because they gave him so many good things to eat; but these young men must not eat so much. Now we will shake hands and stop the council, and it is all over, but we are better friends than when we first saw each other. But if the chiefs want to come yet and agree to the paper, they can come.

BEAR-WOLF. We want you to hold on a while. I want to go with Pease and see the Great Father and talk with him. We want to go and see how it is. You claim all on the other side of the river and give us a small piece of land. We want to go and see about it; we want Bravo and Shirley and Major Pease to go with us. We offer to give you a big country and a rich country; we love our Great Father, that is why we offer to give it to him. You want to give us a little country where there are no mines.

The council here adjourned. After the council, Iron Bull, Long Horse, and Shot-in-the-jaw, expressed themselves as favorable to making the exchange, Thin Belly having expressed the same desire in the council. Iron Bull, Long Horse, and Thin Belly are three of the principal chiefs, Blackfoot being the only principal chief not expressing a willingness to agree to it.

Sixth day.

AUGUST 16, 1873.

In the morning all the chiefs and young head-men came and expressed a desire to sign the agreement.

Mr. BRUNOT, after ascertaining that they fully understood it, said: You wish to tell me that you agree to the exchange for Judith Basin, as it is in the paper.

ALL THE CHIEFS. Yes; we all agree to it.

Mr. BRUNOT. I want you all to come, one at a time, and say "yes." Bring all the others, and they will say "yes;" and then none can say we did not do it.

IRON BULL. If all the chiefs say "yes," that is enough.

Mr. BRUNOT. It is better the others should say so too.

They then came forward, one at a time, and said "yes." In signing, all expressed the wish that they might be permitted to eat buffalo as long as there was any; others asked that they should have horses; others asked for guns; and many asked that Agent Pease should be retained. To all of these the explanation was fully given that the paper did not promise any of these things; but they were told that when they went to see the Great Father they could talk to him about giving them what they wanted.

All who were present, being all the chiefs and head-men, (except one,) came forward, and, fully understanding the articles of convention, assented to them, each saying "yes."

At twelve o'clock we left the agency for Bozeman.

Respectfully submitted,

THOMAS K. CREE,
Secretary.

To the SPECIAL CROW COMMISSION.

F.

REPORT OF T. C. JONES AND JOHN M. MILIKIN, SPECIAL COMMISSIONERS TO NEGOTIATE WITH THE CREEK INDIANS FOR THE CESSION OF A PORTION OF THEIR RESERVATION.

To the Hon. COLUMBUS DELANO,

Secretary of the Department of the Interior:

SIR: The undersigned, commissioners appointed by you to negotiate with the Creek Indians for the cession of a portion of their reservation, occupied by friendly Indians,

under the act of Congress approved March 3, 1873, beg leave respectfully to submit the following report of their proceedings:

In pursuance of an agreement as to the time of meeting, the undersigned met at the office of Central Superintendent Enoch Hoag, in the city of Lawrence, in the State of Kansas, on Monday, the 20th of October, ultimo. On the following day we left for Okmulkee, in the Creek territory, where we arrived on Wednesday, the 22d.

The national council of the Muskokee Nation had been in session some weeks, and was making preparations for an early adjournment. Having been advised that the council had appointed a commission composed of nine members to confer with us in reference to the subject-matter of our mission, we availed ourselves of the earliest moment practicable to meet said commission. Accordingly, on the morning of the 23d, we met the committee appointed by the Creek council.

After our commission had fully stated the purpose of our visit and had expressed what we understood to be the wishes of our Government as to the desirableness and importance of an early and satisfactory adjustment of the question involved in the case before us, and had made special inquiry as to the character and extent of the territory occupied by the Seminoles within the limits of the Creek country, the committee on the part of the Muskokee Nation informed us that the powers delegated to them were restricted; that they were acting under special instructions from the council, and thereupon proceeded to read to us the resolution under which said commission was constituted. The resolutions are as follows:

"Be it resolved by the national council of the Muskokee Nation, That the said commission of nine be, and are hereby, prohibited from the sale of the strip of land in the Creek country, now occupied by the Seminoles and Sacs-Foxes.

"And be it further resolved, That in the event that the Seminoles residing on said strip of land desire to remain and become a part of the Creek people, according to the provisions of the treaty of August 7, 1856, that the said commissioners on the part of the Creek Nation are fully authorized to make such arrangements as will secure this end with the commissioners on the part of the United States."

Having no authority to act in the contingency named in the second resolution, we did not enter into any discussion upon the question of the Seminoles becoming citizens of the Creek Nation, under the provisions of said treaty; as the positive prohibitory terms of the first resolution made it useless for us to present any consideration as to either the duty or expediency of the proposed cession, we informed the Creek commissioners that, unless the council could be induced to reconsider its resolution imposing the restriction, the duty intrusted to us must be regarded as at an end, and requested the committee to communicate this to the council, with such suggestions as they might see proper to add as to the propriety of a further consideration of the subject.

Our views, as expressed to the Creek committee, were very promptly communicated to the house of warriors, one branch of the national council, and we were soon invited to appear before said body. We were kindly received and invited to present the views of our Government in reference to the question concerning which we were empowered to negotiate. Your commission urged the importance of an early and equitable adjustment of the difficulty which had occurred. We expressed our belief that there had been no intentional wrong perpetrated by either the Creeks, the Seminoles, or the Government of the United States; that it was an unfortunate difficulty in which all parties were involved, and that our Government, influenced by no selfish considerations, wished to interpose, to see that substantial justice was done to all parties, so that no conflict of authority should arise, and that no disturbance might be provoked, which should lead to very disastrous results. Other points were pressing urged, tending to show that the proposed cession could do no possible harm to either the pecuniary or other interests of the Creeks, but that, on the contrary, it would leave the Creek treasury from temporary embarrassment, and would unite the Creeks and Seminoles in the bonds of an enduring fellowship. We concluded our talk with the house of warriors by respectfully asking them to reconsider the action of their body, by which they had prohibited their committee from entering into any negotiations for the sale of a part of their territory.

The considerations which were submitted to the house of warriors were received with at least no indication of disfavor. Subsequently, in our unreserved and friendly intercourse with the chiefs of the nation, and with the members of both branches of the council, we availed ourselves of opportunities offered to urge such arguments as occurred to us, and which we regarded as conclusive, as to the duty and expediency of the proposed cession. In our frequent conversations upon the subject, and in endeavoring to ascertain clearly the influences which had induced the action of the council, we found that the principal chief of the nation, the Hon. Samuel Chicote, had discussed in his recent message to the council the question of making sale of any portion of their territory to the United States. Desirous of obtaining the fullest information upon the subject we obtained his message for perusal, a copy of which, so far as relates to this subject, we herewith return, marked A.

Having examined the message, and there being no indication of action by the coun-

cil, after three days had elapsed we requested an informal meeting with the Creek committee for free consultation, which was held in the executive chamber in presence of the Chief Chicote. Here in a friendly way we referred to the points taken in the message, and replied to them with such arguments and suggestions as seemed proper under the circumstances.

On the morning of the same day Chief Chicote, with the second chief, Micco Hulkee, accompanied by an interpreter, called upon us for a friendly conference, and manifested a good deal of anxiety to maintain friendly relations with our Government. He intimated that his people were opposed to a cession of lands; stated that they had been divided and their peace disturbed by internal controversies, and that he feared, now they were becoming united, to disturb them with this question.

We inquired of him if he did not expect, in cases of breaches of the peace in the territory now claimed by the Creeks and occupied by the Seminoles, that conflicts of jurisdiction might arise endangering the peace of the tribes? He admitted that there might be such danger, and agreed with us that the sooner the controversy was settled the better. We called his attention to the fact that he was informed of the pending of the bill in Congress under which our commission was appointed, and the purpose it was hoped that it might accomplish; that his delegates were in Washington City and intimated no objections, nor did the Government learn that any opposition existed until the arrival of our commission here. To this the chief answered that the Creeks were like a sick man trying to recover, careful and timid in action. In this conversation we were strongly impressed with the conviction that the chief had become satisfied that the adjustment proposed by the Government would have to be made. While we dissent from the points made by the chief in his message, we are free to say that we believe that he was prompted by no unkind or unfriendly feelings toward our Government or its officers. We found him in all things fair and honorable, and entirely willing to afford us all the facilities we desired in seeking information, and in having unreserved communication with the national council.

Notwithstanding the honorable bearing of the principal chief and his exemption from ill-feeling in reference to this question, it is proper for us to say that several things have occurred which manifestly had an unfavorable influence upon the chief and the temper of a large number of the Creek Nation. Doubtless, no intentional disrespect to the Creek authorities was meant, and yet matters were frequently referred to in our conversations as having produced unfavorable impressions. One point referred to was the refusal of the Seminoles to meet the Creeks at Okmulkee, to negotiate a basis of settlement in regard to that portion of the Creek domain occupied by the Seminoles. Entertaining the opinion that "the question was one of such grave importance to their people, and involved, as they thought, questions which they had no power to control or determine," the Seminoles declined to accept the invitation of the Creeks. Another irritating incident was the erection of a Seminole agency building on the disputed territory, against the request of the Creek chief to have the work on said building "postponed until the question at issue between the Seminoles and the Creeks should be adjusted." A third matter of complaint was the letter of the Hon. F. A. Walker, Commissioner of Indian Affairs, dated on the 18th of April, 1872, directed to F. S. Lyon, esq., United States Indian agent. This communication, a copy of which marked B is herewith forwarded, directs the Indian agent "to inform the Creek authorities that until the question of the Seminole district shall have been settled by the Department the Seminoles must not be interfered with."

However important it was in the judgment of the Commissioner of Indian Affairs that the peremptory order referred to should be issued, it was nevertheless unfavorable in its influence upon the minds of the Creek people; and doubtless to some extent it inclined the minds of many against granting the reasonable request which the United States Government is making in behalf of the Seminoles. We refer to these topics to account in part for the very decided disinclination which we found to exist, when we first arrived at the Creek capital, to treat for the sale of any portion of the Creek territory.

Finding it difficult to ascertain with accuracy the wishes and the condition of the Seminoles, and the width of the strip of land in controversy, and the precise location of the Seminole people on the Creek soil, and also to remove the objection urged by the Creeks that the Seminoles were unwilling to meet them in consultation, we decided to send a communication to the chief of the Seminoles requesting them to come to Okmulkee, so that we might confer with them in reference to the general subject in dispute. Accordingly, on Friday, the 24th, Chief Chicote very promptly furnished a messenger to convey our communication to the Seminole chiefs.

The response of the Seminoles to our message was received on the 26th, in which the chiefs say that "it is fully understood between the Commissioner of Indian Affairs and the Seminole Nation that the matter rests wholly between the Creeks and the United States Government." They then add: "We have, however, appointed a council to meet on Monday morning, the 27th instant, to confer on the subject, and the results of its action will be immediately made known to you either by letter or delegation."

Having received no official answer from the national council to our request that they would reconsider their instructions to their committee, on Monday morning, the 27th, we determined to make to the council a written communication, which, after consultation with Chief Chicote, was presented to the council by the Hon. Pleasant Porter, one of the leading members of the house of warriors. The following is a copy of our communication:

"To the national council of the Muskokee Nation now in session:

"The undersigned, United States commissioners, beg leave to call the attention of your honorable body to the fact that, at our first meeting with the commission appointed by the national council, upon learning the purport of the instructions under which they acted, we informed them that the only power we had was to negotiate for a cession of the land covered by the possession of the Seminoles; and as your commission was prohibited from treating with us on that subject, our mission was at an end unless the national council would modify their instruction. We requested the commission to communicate this to the council, which was immediately done. The United States commission was afterward notified that the Creek council would hear any other observations we might see proper to submit. Accordingly, on the same day, we appeared before the council and submitted a brief statement of our views on the subject of our mission, and the importance of an early disposition of it. And we respectfully requested that the national council should take action at their earliest convenience and notify us of the result. Four days have since elapsed and we have no response. In view of the possible contingency of the failure of the negotiation we are authorized to make, we sent a message to the Seminole chiefs, requesting their presence here for consultation in regard to the wishes and views of their people in the premises. They have answered that the settlement of the matter 'rests wholly between the Creek Nation and the United States Government;' that they will, however, hold a council on the subject this morning and advise us of the result. In the mean time we beg that you will excuse us for urging upon your attention the importance of an early and satisfactory disposition of the matter we are instructed to adjust.

"We are deeply impressed with the belief that a failure is likely to result in disagreeable consequences, which may involve two friendly tribes that are closely allied in blood in serious complications. We are not willing to leave the matter in this situation, because we know the importance and the necessity of all these tribes being united for mutual protection against the machinations of those who are urging measures that are believed to be seriously prejudicial to your interests. We believe that if you decline to sell the lands now occupied by the Seminoles to be used as homes by them serious conflicts growing out of contending claims of jurisdiction must arise, unless the Seminoles will agree to give up their improvements and abandon their homes.

"You tell us that you are unable to see why they will not give up their separate tribal relation and submit to your laws. We are equally unable to understand why all the tribes that have been so long settled in this great Indian territory cannot unite under one general government. No doubt it would be greatly to your interest in all respects to form such a union and establish such a government. We are compelled, however, to take things as we find them.

"We can hardly think that you are ignorant of the fact that if adherence to your present position were possible it would end in driving the Seminoles from their homes. We repeat the question, is this desirable? If it were possible for you to force it, what would be done with the improvements made by them in good faith? Are they to be left on your soil without compensation? Although you are not responsible for their being there, as an honest people do you propose to take possession of these improvements without compensation? These are questions which must be met in the contingency which you seem to contemplate.

"Understanding that the Seminoles were placed in the possession of these lands by the United States authorities, you will appreciate the anxiety of the Government on the subject, and will understand that, while it is disposed to do justice to all parties, it is unwilling to see the Seminoles compelled to leave their homes. You will therefore see that a satisfactory and early settlement of this question is extremely desirable to preserve the cordial and friendly feeling existing between your nation and the United States authorities.

"We therefore respectfully ask that the national council without delay will carefully reconsider the question whether, under all the circumstances, it is not best for their nation and the peace of the tribes to sell for the benefit of the Seminoles the strip of land now occupied by them.

"ENOCH HOAG,
"Central Superintendent.
 "T. C. JONES,
 "JOHN M. MILLIKIN,
"Commissioners.

"OKMULKEE, October 27, 1873."

To the foregoing communication on the evening of the ensuing day we received the following answer:

"OKMULKEE, COLO., October 28, 1873.

"To the honorable commissioners, Enoch Hoag, Superintendent of Indian Affairs, T. C. Jones, and John M. Millikin:

"GENTLEMEN: Your communication of the 27th instant, relative to the adjustment of the complication engendered by the settlement of Seminoles on Creek territory, has been carefully considered, and we deem it proper to respectfully reply that we feel that we can very reasonably hope that our adherence to our present position, not to cede any land, will not impair the cordial and friendly relations now existing between the authorities of the United States and the Creek Nation. We cannot understand why our anxious desire to hold that which is our own, guaranteed to us by solemn treaty stipulations, could possibly endanger the good feeling now existing between us and the United States Government. We have complied with the demand of the United States, and ceded to her the west half of our entire domain for the settlement of friendly tribes thereon. The Seminoles purchased of the United States a portion of this ceded territory, and if the United States Government, contrary to her promises, located the Seminoles on our reserved territory instead of that purchased by them, and have held them there and encouraged them to make improvements thereon, we cannot clearly see, by the ordinary mode of reasoning, why we should be held accountable for the difficulties arising out of the course pursued by the United States Government. Inasmuch as we have been kept out of the use of this part of our domain for a period of seven (7) years, and taking it into consideration that the materials with which said improvements have been made were our property, these improvements would not more than compensate us therefor. We feel that these improvements can be possessed by us without the violation of any principles of honesty, and if the United States Government is unwilling to remove the Seminoles and locate them upon lands set apart by treaty stipulations for their benefit and occupancy, we have no power by which we can force the measure. The land is ours. Your own survey shows it. Your Government officially tells us that it is ours. You tell us it is ours in your communication. Our only desire is to possess that which is ours. Can you with justice withhold it? Can you, moved by a spirit of justice, intimate that we should be held accountable for your Government's wrongs to the Seminoles? We think and hope not.

"In adhering to our present position, not to cede any portion of our domain, we conscientiously believe that we are pursuing the best interest of our nation. If we are forced from our position we will be divested of a valuable portion of our domain, and (as usual in Indian land cessions) will be but poorly compensated therefor. If the Seminoles are removed to the lands set apart for them by the United States Government they lose no territory.

"You expressed fears that conflict of jurisdiction would engender disagreeable consequences and serious complications. This we doubt not, if we were to attempt to extend jurisdiction over the Seminoles now residing in our territory. But as we have been prohibited so to do by the United States authorities, we have quietly acquiesced and restricted such operations, supposing the Government of the United States desired us so to do temporarily, until she could remove the Seminoles or engraft them with the Creeks. We still have no serious desire to extend jurisdiction over that part of our domain occupied by the Seminoles, if the United States Government will within a reasonable time remove the Seminoles, thus avoiding any conflict of jurisdiction of which you seem fearful. We have ever shown an anxious desire of cultivating and preserving friendly relations among the Indian nations and tribes, fully appreciating the necessity of unity of feeling and concert of action on the part of the Indians, in order to combat the dangers which are constantly threatening them, upon which you manifest so much anxiety. In view of all the circumstances connected with the matter, we are still unwilling to cede the territory in question. Trusting that the United States Government will not set aside our claim to be justly dealt with, we claim its protection and friendship."

The foregoing was duly signed by the presiding officers of both branches of the national council.

After we had made our first communication to the council, on the 27th of October, we deemed it not improper to address an informal note to Chief Chicote. It was only intended to be suggestive to him, and was written without any expectation that it would be presented to the national council for their consideration.

The chief, however, anxious that full and free communication with the council should be enjoyed by the United States commissioners, deemed it proper to send our note to that branch of their government, that it might be duly considered. The following is a copy of our letter to the chief:

"OKMULKEE, October 28, 1873.

"SIR: The undersigned, commissioners for the United States under the act of Congress approved March 3, 1873, entitled 'An act to authorize the Secretary of the Interior to negotiate with the Creek Indians for the cession of a portion of their reservation occupied by friendly Indians,' beg leave respectfully to call your attention to the fact that negotiations of the character we are authorized to make are always conducted with difficulty with a body so large as your national council, especially in the latter days of a session, when so much other business is claiming special attention.

"We therefore beg the privilege of suggesting whether it would not be wise to appoint a commission, with full power for and on behalf of your nation, to negotiate with commissioners acting for the United States, for the cession of the lands in said act referred to, for the purposes therein mentioned, on the basis of an exchange for other lands to be conveyed to the Creek Nation, or other fair and adequate consideration, and for the final settlement of your reservation as provided in said act of Congress.

"The fact that little or no progress has been made in the negotiation during the many days we have labored here, and our desire to return to our families, we trust will be a sufficient apology for our troubling the chief executive with this communication.

"Very respectfully, your obedient servants,

"T. C. JONES,
"JOHN M. MILLIKIN.

"Hon. SAMUEL CHICOTE,
"Principal Chief of the Muskokee Nation."

The foregoing letter to Chief Chicote having been communicated to the council and referred to the committee on foreign affairs, the council returned to us the following answer:

"OKMULKEE, CREEK NATION,
October 29, 1873.

"To the Hon. Commissioners, T. C. JONES and JOHN M. MILLIKIN:

"GENTLEMEN: Your communication of date to the executive, in which you proposed an exchange of other lands for those occupied by the Seminoles, has been carefully considered. We, after considering all the circumstances connected with the matter, cannot see that such an exchange would give a practical solution of the problem. We understand that the lands proposed for exchange are those which were set apart for the Seminoles, by the United States Government, and, as a part of the Seminoles are now residing in the territory, the same troubles that now exist must necessarily continue. If we were to exchange we could not well extend our jurisdiction over that part of our domain, as there will be another government between us and that part of our territory.

"In view of these circumstances we most respectfully decline your proposition to exchange."

The foregoing was duly authenticated by the officers of both branches of the national council.

It will readily be perceived that our letter to the chief was not clearly understood by the council. We suggested that the Creek Nation appoint a commission *with full power to negotiate for the cession of the lands*, in said act referred to, *on the basis of exchange for other lands, or other fair and adequate consideration*. The exchange of lands did not necessarily refer to the lands of which the above letter speaks. Neither was the basis for negotiation limited to an exchange of lands. Any *other fair and adequate consideration* could become the basis for an equitable adjustment of the pending difficulty.

On the morning of the 29th, having reluctantly come to the conclusion that we could accomplish no valuable results by remaining longer, we deemed it proper to submit the following answer to the communication received from the council on the previous evening:

"OKMULKEE, October 29, 1873.

"To the national council of the Muskokee Nation:

"We are making arrangements to leave for our homes this morning, and have only time for a brief reply to your communication received last evening.

"We regret to observe that you contemplate no solution of the matter we were appointed by the United States to adjust, but a submission of the Seminoles or their removal from their homes. You are aware that the first condition will not be complied with, and the harsh alternative of a removal will, you are fully aware, be seriously prejudicial to the advancement of this kindred tribe in civilization. We had hoped that you would aid us in avoiding it, as the Government had signified its willingness to make you an adequate compensation.

"We do not question your sincerity in asserting that the cession would be prejudicial to your interests, but we are confident nevertheless that, according to the judgment of those best informed in the American agriculture, whether stock-growing or tillage, such a cession for the purpose proposed, in view of your extensive domain and sparse population, would be regarded as highly advantageous.

"We had therefore expected, as doubtless the Government did when the act of Congress was passed, and the commission appointed under it, you would generously agree to the method proposed to avoid driving your brethren from their homes. We need hardly tell you how deeply we deplore your refusal. Occupying the position of impartial observers and contemplating all the circumstances, we are constrained to say that we fear that the general judgment of your best friends will be that a compliance with the request of the Government would not have been an unreasonable thing to expect.

"As to your views in regard to the improvements made by these people under so many hardships, we have to say that the suggestion of loss on your part, on account of being deprived of the use of these lands, in view of the tens of thousands of acres of unoccupied and unused lands of corresponding quality in all parts of your territory, seems to us wholly untenable. And as to the materials used in the construction of improvements, when we consider the abundance of these materials and the little care taken for their protection and preservation, we can hardly believe that the Creek Nation would seriously think of basing a claim upon it.

"It would be exceedingly gratifying to us if in returning from what now seems a fruitless mission, we could entertain the hope that your nation would reconsider its position, and would co-operate with the Government in settling an important question in which the Seminoles, the Creek Nation, and the United States are seriously involved.

"Very sincerely, your friends and well-wishers,

"T. C. JONES,

"JOHN M. MILLIKIN."

After the foregoing was forwarded to the council, and we were preparing to leave, the chief called and requested us to remain a day or two longer, intimating that a more favorable action might be anticipated, our last communication with a message from the chief urging action having been read in the council.

Deeming it wise to remain as long as there was any hope of accomplishing the object of our mission, we determined to comply with the chief's request.

On the afternoon of the same day, Thomas Cloud arrived from the council of the Seminoles, giving us the information that a committee had been appointed by the Seminoles, of which committee he was a member, to meet us on the ensuing Saturday, the 1st day of November. He had been sent forward to give us the earliest notice of the doings of the Seminoles in council. We availed ourselves of the presence of said Cloud, and of another very intelligent Seminole named Fusharjo, to learn to what extent the Seminoles were occupying territory lying east of the dividing-line, to obtaining information as to the part of the country they occupied, and to finding out the wishes of the Seminoles as to a removal, and as to their becoming subjects of Creek authority.

On Thursday, the 30th, we were advised that the house of warriors, after a very able and exciting debate, had passed by a strong majority a resolution authorizing the appointment of a committee with full power to negotiate for the cession of the contested lands.

The resolution was sent to the house of kings, where an adjournment was carried before a vote could be taken. This proved unfortunate, as it afforded the demagogues (found here, alas! as well as in the States) an opportunity to canvass their forces, and by appeal to the Indian prejudice against selling land, to organize an opposition, which, upon a final vote, on the next day defeated the resolution, thus putting an end to the negotiation.

Having, therefore, no power to accomplish the object of our mission, and having derived from Thomas Cloud and Fusharjo all the information that we had expected to obtain from an interview with the Seminole chiefs, we determined to take our departure from Okmulkee. As the council had adjourned, and the members were leaving for their homes, there seemed to be no reason why we should remain to meet the Seminole committee, which was expected to arrive on the next day. We addressed to them a letter, stating the adjournment of the council and the uselessness of our longer stay at Okmulkee, and returned our thanks to them for their compliance with our request. We forwarded our letter by Thomas Cloud, one of the members of said committee.

After making the foregoing detailed statement of our proceedings as commissioners with the Creek authorities, it will not be out of place for us to give a brief statement of such facts as come to our knowledge, having immediate connection with the question we had hoped to be able to settle in conformity with the instructions of our Government.

1st. The strip of land in dispute is between eight and nine miles in width, and about thirty miles long, and contains between 155,000 and 170,000 acres.

2. Most of the Seminoles reside east of the established line, there being only two small villages containing between one hundred and sixty and two hundred inhabitants on the west side of said line.

3. A line running east and west, dividing both tracts into two equal parts, would leave nearly all of the Seminoles in the south half.

4. There are not more than from two to four Creek families residing among the Seminoles.

5. The Seminoles are unwilling to surrender their possessions, or under any circumstances to come under Creek authority. We are reliably informed that on these points is entire unanimity of opinion.

6. The Seminoles are desirous of retaining possession of all the lands in question, as well those lying west of the line as those claimed by the Creeks. They were located on the disputed territory by Mr. George Reynolds under the superintendency of Mr. Wortham.

The position and purposes of the Creeks, aside from what is embodied in their official proceedings, are as follows:

1. While insisting that they have been patient and forbearing with the Seminoles, and submissive to the rather hard requirements of the United States authorities, they claim that they own, and are entitled to the possession of, all the land lying east of the established line, and that they have a clear right to exercise exclusive jurisdiction over the same.

2. Heretofore they have not exercised their authority over the lands occupied by the Seminoles lying east of said line. In the future the chief, in answer to an inquiry, told us he would not claim that cases arising between Seminoles shall be subject to Creek authority. Cases arising between Seminoles and Creeks, or between Creeks, he claims shall hereafter be adjudicated under Creek authority.

The Creeks are entirely willing that the Seminoles shall retain their possessions, provided they will acknowledge Creek authority, and live in submission to its requirements.

Notwithstanding our failure to accomplish the object of our mission, we are not without hope that, on the whole, the termination of the negotiation, as above detailed, may in the end prove beneficial. The effect of the discussion has certainly been most favorable. When we arrived at Okmulkee the sentiment in all quarters was unanimously against the cession. When we left, it was with the more intelligent and influential immensely the other way.

If the resolution to authorize the appointment of commissioners had passed, it is probable that, with the pressure recently so strong against the cession, that the commissioners would not have been willing to accept a price that would have been satisfactory to the Government. Time will greatly modify opinions in regard to important questions bearing upon the compensation the United States ought to pay. We think we have convinced the Creeks that the Government did not wish to interfere with their policy in regard to the cession of territory, and that the sales in question being to a branch of their own tribe, now engaged in developing the great agricultural resources of the Indian Territory upon their border, and thereby contributing to their prosperity, the adjustment proposed was not only reasonable in itself, but one that would result in decided advantage and profit to the Creek Nation.

All of which is respectfully submitted.

T. C. JONES,
JOHN M. MILLIKIN,
Commissioners.

NOVEMBER 10, 1873.

F 2.

EXTRACTS FROM THE MESSAGE OF CHIEF CHICOTE TO THE CREEK NATIONAL COUNCIL, HELD IN OCTOBER, 1873.

"In the treaty of 1866, the Muskokee Nation ceded to the United States the western half of their domain for the purpose of settlement thereon, by the United States, of other friendly tribes and freedmen. Before a survey was made setting apart the ceded territory, the Seminoles settled on the Wewoka River and commenced to make their homes, and when the legal survey by the United States was made, as provided for in

the treaty, the Seminoles were found to be occupying and living on Creek soil, and even after the establishment of the boundary line by the United States survey, and according to the express terms of the treaty, and with full knowledge of the facts, the Seminoles continued to make improvements, and the United States Government, with the same knowledge of the facts and treaty stipulations, has caused the new Seminole agency buildings to be erected on Creek soil."

The national council, in October last, instructed the principal chief to communicate with the Seminole authorities and invite them to Okmulkee to negotiate a basis of settlement, in regard to that portion of our domain their people were occupying. The following is a part of the resolution passed by the last national council directly touching the Seminole question:

"*And be it further resolved*, That, in order to arrive at such a basis of settlement, the principal chief of the Creek Nation is hereby instructed and fully empowered to proceed upon negotiations with the United States authorities.

"*And be it further resolved*, That, should the principal chiefs and Seminole authorities arrive at a satisfactory basis of settlement, he is hereby authorized to instruct a delegation to adjust this question with the Government of the United States after the manner agreed upon with the Seminoles."

I appointed the 12th day of November, 1872, as a time for a conference at this place. The Seminole authorities did not see proper to meet us at the time and place proposed; but I received a communication from the chiefs that they declined "because the question at issue was one of such great importance to their people, and involved, as they believed, questions which they had no power to control or determine." Subsequently the Seminoles appointed a delegation to go to Washington City, and make known their wishes to the United States Government. Thus this important matter remains unsettled and in the same position that it did at the last session of the national council.

On the 9th of May last I addressed a communication to Major E. R. Roberts, United States agent for the Creeks, informing him of the preparations being made to erect the agency buildings for the Seminoles, on Creek soil, and requested him, as the agent of the Creeks, to have building of the agency postponed, until the question at issue between the Seminoles and Creeks should be adjusted. In reply Major Roberts states as follows, relative to the occupancy of a portion of the Creek soil by the Seminoles tribe of Indians: "I have the pleasure to state that, under act of Congress approved March 3, the honorable Secretary of the Interior has appointed a commission, consisting of three members, to visit and negotiate with the Creeks for the cession to the United States of such portion of their country as may have been set apart in accordance with treaty stipulation for the use of Seminoles, &c., found to be east of the line separating the lands from the Creek reservation."

I also received a letter from Hon. Enoch Hoag, superintendent of Indian affairs, in which he states that he was in receipt of a letter from one of the commissioners appointed to negotiate with the Creeks for the purchase of a strip cut off from the Seminole reserve by a recent survey. Mr. Hoag states that the commissioners in behalf of the United States were T. C. Jones, of Ohio, John M. Millikin, and himself, and proposed an early day in July last as the time to enter into negotiations. I replied to Hon. E. Hoag, in a communication dated June 16, last, that I could not name a day earlier than the first Tuesday in October, at which time the national council met, and which alone had jurisdiction in the matter of negotiations with the United States commissioners. Now at this time the presence of the United States commissioners is expected for the object as indicated in act of Congress approved 3d March last, and I respectfully recommend that your honorable body take action providing for a special commission to meet and confer with the United States commissioners, giving them full power to negotiate under such instructions as your wisdom and a proper regard for our honor as a nation, and the best interests of our people and their prosperity will suggest.

In connection with this subject it is not inappropriate to remind you that many years ago the Muskokees lived east of the great Mississippi River, the father of waters, and were the undisputed possessors of a vast territory, whose extent, compared with our present limited domain, makes the latter appear insignificant. But our people made treaties with the United States Government, until they became dispossessed of all those grand possessions, and then emigrated to the far West in the hope of securing peaceful and permanent homes; but since coming here they have continued to make treaties with the United States Government, and in 1856 parted with a large portion of their new domain; again, in 1866, they sold to the United States one-half of the then Creek territory, and now the United States again wishes us to sell them a considerable portion of our already too greatly reduced domain.

It is true the Creek domain as it now is may appear a considerable territory on the map, and exhibit an area larger than the needs of our population if closely farmed in cereals and other field crops; but we know a large portion of it is mountainous and swampy, unfit for any valuable purpose except as grazing ground, and for that pur-

pose our entire territory to-day is not too large when the marked increase in stock raising is considered. If the improvement in this industry continues, and there is every reason to believe it will, in a few years our people will find their domain too small, and if we sell the country now occupied by the Seminoles, the young and rising generation of Creeks may find themselves restricted in territory, and debarred from the pursuit of a livelihood in the manner which is most agreeable to their natural instincts and habits of life. Such being my convictions I would respectfully submit that, in the negotiations with the United States commissioners, it would be unwise on our part to relinquish the strip of land sought of us to be ceded. If the Seminoles prefer to remain where they are, rather than there should be a further disintegration of our territory, let them remain in the homes they have made on Creek soil and submit themselves to the jurisdiction of the Creek government. The Creeks and Seminoles are a people of one language and the same blood. There are many Creeks living among the Seminoles, and many Seminoles among the Creeks; and if the proposed arrangement could be perfected it would be hard to discover whereby either would be injured.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington City, April 18, 1872.

SIR: This Office is in receipt of a communication from Agent Breiner, under date of the 2d instant, transmitting one from the chief of the Seminole Indians, setting forth that the Creeks had informed the Seminoles that, according to the recent survey, the latter are upon the lands of the former, and can only remain there by becoming subject to the Creek laws. That No-case-yau-holer Judy, of the Wewoka district, has, in obedience to instructions received from the chiefs of the Creeks, notified them that they must conform to the requirements of the Creek laws, &c., and adding that, in consequence of such interference in their affairs, they are greatly alarmed.

In view of the foregoing you are instructed to inform the Creek authorities that, until the question of the Seminole district shall have been settled by the Department, the Seminoles must not be interfered with.

Very respectfully, your obedient servant,

F. A. WALKER,
Commissioner.

F. S. LYONS, Esq., *United States Indian Agent, present.*

G.

REPORT OF E. P. GOODWIN, J. A. CAMPBELL, AND S. R. HOSMER, SPECIAL COMMISSIONERS TO INVESTIGATE FACTS CONNECTED WITH THE "RAWLINS SPRINGS MASSACRE," IN WYOMING TERRITORY, IN JUNE, 1873.

To the Hon. COMMISSIONER OF INDIAN AFFAIRS:

The special commission appointed to investigate the facts relating to the killing of a number of Indians near Rawlins Springs, Wyoming Territory, on the 28th of June last, have the honor to submit the following report:

In the absence of the Hon. N. J. Turney, and the non-arrival of his successor, Stephen R. Hosmer, esq., in accordance with the instructions of the honorable Secretary of the Interior, Gov. John A. Campbell and Rev. Edward P. Goodwin commenced the investigation at the earliest practicable moment after the notification of their appointment.

It seemed to us of first importance to secure the testimony of the parties at Rawlins as principals in the affair; accordingly we visited that place, and on the 21st and 22d of July took the sworn statements of the persons who seemed to have most connection with, and knowledge of, the matter. Following that, we proceeded to Fort Steele and took the evidence of Lieutenant Rogers, who visited the spot where the fight occurred, under the direction of General de Trobriand, and noted facts of importance connected therewith.

On the 24th of July we met Mr. Littlefield, Indian agent for the Utes, by appointment, at Laramie, and took his sworn statement respecting the non-participation of the Utes in the fight.

Returning to Cheyenne we were joined by Commissioner Hosmer, who had arrived during our absence. In view of certain reports communicated to Governor Campbell

by Dr. Daniels, Indian agent for the Northern Arapahoes, Sioux, and Cheyennes, we arranged for a meeting on the 30th of July at Red Cloud agency with certain Arapahoes, said to have been in the party fired upon, as also with such of their chiefs as could be induced to be present.

On our arrival at the agency we found, much to our disappointment, that Dr. Daniels was absent; that none of the Arapahoes said to be concerned in the affair had been notified, or were within reach. We were compelled accordingly to be content with the second-hand statements made to some of the Arapaho chiefs, more particularly Plenty Bear and Black Bear's son, (known as Black Whiteman,) by members of the party on their return.

The names of the whites engaged in the affray, copies of all the evidence taken, and statements made, are herewith submitted to the Department.

Passing to the results of the investigation, it appears beyond doubt that the Indians concerned were not Utes, as at first supposed, but Arapahoes. The party of whites who did the shooting undoubtedly believed the Indians to be Utes. But the admission of the Arapahoes that they were the party, their grief for the loss of their dead, and their demand for the return of the ponies and guns lost, and for compensation to be made to the relations of the Indians killed, would seem to be decisive.

And with this agrees the statement of Agent Littlefield that the Utes knew nothing definitely of the fight; that none of their number were either killed or missing, and that no feelings of resentment or hostility had been aroused among them.

It is the conviction of the commission that the affair was very nearly what it would appear to have been from the sworn statements of the Rawlins party. The version given by the Arapahoes differs materially from these, as was to be expected. But neither their account of the movements of the Indians prior to the fight nor their explanation of the fighting was satisfactory, while their proverbial disregard for truth even in matters of trifling importance, according to their agent, makes their statements of little worth compared with the sworn and agreeing testimony of the whites.

The truth would seem to be that a party of Arapahoes, made up largely of young braves, eager to win distinction, took the war-path for a raid upon their traditional enemies, the Crows; that, hearing while on their way that there had been a recent fight with the Crows by a party of Arapahoes and Cheyennes, they concluded that it would not be wise to make the attack proposed, and decided to attack the Utes instead; that they turned their course to the south for that purpose, and crossed the railroad ten or twelve miles west of Rawlins; that some of their party captured two horses belonging in Rawlins while out at pasture; that two of their number concealed in the sagebrush near the road, the rest being in advance and on the bluffs or hills to the south, espied a young man coming with a four-mule team; that they concluded suddenly to capture the team, and accordingly fired upon and wounded the boy in the foot; that he returned the fire, and hastening back to Rawlins gave the alarm, whereupon a party of ten, headed by the sheriff of the county, started immediately in pursuit; that they supposed the Indians to be Utes and followed them, not with the intention of making an attack upon them, but of ascertaining who they were, that they might inform the agent and urge upon him the necessity of keeping the Indians in his care upon their reservation; that, on overtaking them, or rather heading them off, the next morning, the Indians claimed to be Utes; that the whites recognized and positively identified two horses as belonging to citizens of Rawlins; that they insisted on the surrender of the horses, and upon the Indians refusing to give them up they insisted upon their return with them to Rawlins to meet the agent of the Utes then expected there; that the Indians declared they would not go; that they denied also the shooting of the boy, charging it upon the Arapahoes; that while the whites were seeking to persuade them to return to Rawlins the Indians suddenly drew their pistols and firing behind them, as they rode, spurred their horses into the bushes; that the whites returned the fire, killed and mortally wounded four of their number, captured eleven horses and one Winchester rifle, and came back to Rawlins; that the Indians buried two of their dead where the fight occurred, and two on their way back; that they abandoned the proposed expedition against the Utes, and immediately returned, not to the agency, but to the Indians farther north, and that they now claim the surrender of the lost horses and gun, and also that presents be given to the relatives of those killed in the fight.

As is shown by the evidence, the investigation sought to ascertain exactly how the trouble originated, and precisely who were the aggressors. The result is, in the judgment of the commission, that the whites do not appear to be blameworthy. Their evidence was positive and agreeing that no old grudges existed which they were anxious to avenge; that there had been no difficulties with either Utes or Arapahoes due to recent gambling or horse-racing; that the members of the party were not intoxicated when the fight occurred, and that there was no liquor with the party; that there was no ill will from any cause felt toward the Indians, but that, on the contrary, a consultation was held before coming up with the Indians, wherein it was agreed that they would not attack them unless themselves attacked; that the Indians fired the first

shots, and they returned the fire in self-defense; and furthermore did not pursue the Indians after they took to flight.

The commission are therefore of the opinion that the trouble was wholly due to a war expedition growing out of an ancient feud between the Arapahoes and the Utes, which expedition was in direct violation of the treaty ratified by the Northern Arapahoes and Cheyennes in 1868, whereby they bound themselves not to cross the Platte nor go beyond the limits of their reservation, hunting excursions alone excepted.

It is therefore the judgment of the commission, that no just claim can be set up on the part of the Indians, either for the return of the captured property or for damages incurred by the fight. And the commission find it difficult to see how such claim can be entertained without putting a virtual premium on the very elements of willful lawlessness which it is the prime object of all Indian treaties to repress.

At the same time the commission readily perceives that, with reference to future dealings, it may be deemed politic by the Department to conciliate the Indians by the restoration of the captured horses. But it is felt that this should only be done coupled with the emphatic declaration by the Department, that the Indians had justly forfeited all claim to the property; and they should further be made to understand, that the Government cannot be expected to keep its pledges while they break theirs; and that, therefore, with every violation of their agreements, they must expect not only the censure of the Government, but the penalty which such violation entails.

As to the best means to prevent such collisions in the future, concerning which it is made the duty of the commission to report, the commission desire to express themselves with great diffidence. They feel that such a question goes to the root of the whole Indian policy, and that to have clear and decisive opinions, and to be sure that these are wisely settled, where so many and so delicate questions are involved as is the case respecting the relations of whites and Indians on our frontiers, is no easy thing.

Nevertheless the investigation made by them has developed and deepened in the minds of the commissioners certain convictions which they venture to express for the consideration of the Department.

First, then, it appears to the commission that it would be a helpful step in the management of Indian affairs to have the various reservations surveyed at the earliest practicable day, and their boundaries and limitations thoroughly and permanently established so far as may be practicable; it is greatly to be desired that such boundaries should be the natural ones of mountains, streams, divides, and the like. The Indian finds great difficulty in getting right notions of imaginary lines of latitude and longitude. The consequence is, that he is easily betrayed into violations of treaty stipulations, both as respects invasion of the territory of the whites and that of other Indians; and naturally out of such disregard of lines and boundaries, sooner or later, trouble comes.

2. Another and fruitful source of "irritation" is the practice of issuing passes or permits whereby Indians, individually or in small parties, are allowed to go beyond the limits of their reservations.

Such permits are always liable to abuse by offering temptations to thievishness, predatory forays among the whites which provoke retaliation and excite bad blood, and similar raids coupled with more hostile intent upon other Indians. And the facts go to show that in many if not in a majority of instances, Indian nature is not proof against the temptation held out, nor white nature proof against the prejudice aroused, and in consequence outbreaks occur.

The general feeling along the frontier is strongly against the system, and your commission feel certain that it is productive of more mischief than good and should be done away.

3. Your commission venture further, and raise the question whether it would not be a great gain to so shape the policy of the Department as to prohibit at an early day all going beyond the bounds of their reservations by the Indians for whatever purpose. This would interfere, we are aware, with the hunting privileges now enjoyed, and would hence be, without doubt, strenuously opposed by the various tribes enjoying such immunities. But there can be little debate as to the value of such a prohibition in preventing the collisions which under the present order of things continually occur.

Through the opening of the Pacific Railroad, with its connections, these hunting-grounds of the Indians have been thrown open to settlers and immigration is rapidly pouring in. The mining-districts also, which border the reservations, are rapidly filling up; the result is that the hunting expeditions of the Indians find, on the one hand, increasing difficulties in their path as respects the securing of game, and on the other increasing temptations to run off stock, pillage, and commit depredations generally; and the likelihood of collisions and troubles with the settlers and other whites is obviously very much enhanced by the multiplied opportunities afforded of procuring liquor, indulging in gambling, horse-racing, and other vices to which the Indian is prone, and out of which almost inevitably mischief and often bloodshed comes.

Furthermore, it is the clear policy of the Government, as witnessed in all treaties with the Indians, to induce them, at the earliest possible day, to give up their roving

and predatory habits, and, instead of relying upon the always uncertain supply of game, to become cultivators of the soil with permanent homes, and thus gradually, under the influence of labor-schools and other appliances of Christianity, cease to be a savage, and become a civilized people.

Obviously, this is the only way in which, apart from utter extermination, a complete end of Indian troubles can ever be hoped for; and this involves the necessity of a surrender, at some time, by the Indians, of the present privilege of hunting beyond the limits of their reservations. It seems therefore to your commission that the true interests of both whites and Indians imperatively demand that the policy of confining the Indians to their reservations be steadily and strenuously urged; and whenever difficulties should occur in the application of such policy, as they doubtless would, especially in its initiation, it would seem to your commission better to secure its establishment by increasing the amount of annuities or of supplies granted than to take the risk of pillage and bloodshed inseparable from the present system. And if the expense of such a policy were deemed by any an objection thereto, it ought to be sufficient answer to say that by the witness of experience, it is vastly cheaper to feed the Indians than to fight them. So the honor of the Government must be maintained and the beneficent ends it proposes, as respects both whites and Indians, be realized. The avoidance of collisions is cheap at any price.

4. But the most prolific cause of trouble remains to be noted. It is the fact, attested by our conferences and witnessed to by both Indian agents and officers of the Army who have had most acquaintance with the tribes, that there is neither any organic unity among them, nor any recognized permanent and responsible headship. The Indian chiefs, certainly among the Sioux, Cheyennes, and Arapahoes, with whom we had more particularly to do, are the braves, who, by their prowess and daring, have won renown and made themselves leaders by a kind of popular acclaim. They are, however, clothed with no authority, have no control over their respective tribes other than their personal influence, and hence can only lead and act for them to the extent of their ability to persuade the Indians to accept their views. At any time a rival may arise, and, either by his eloquence or his deeds, wrest away the chieftainship and become the chosen leader of the people. The consequence is that the tribal headships are incessantly changing, and hence what has been agreed to under one chief is repudiated under another, or sometimes part of a tribe will cling to one chief and abide by his counsel, and part adhere to another, and thus two authorities come to exist, each supreme in its sphere, and yet in direct antagonism as upon such a question as that of peace or war.

Naturally enough the Indian transfers this notion of obligation into his dealings with the Government, and accordingly thinks himself freed from the compacts entered into by his chiefs whenever these change their opinions, as they so often do, or whenever other chiefs with differing views get the people's ear and usurp their place. Further, because of the lack of anything like tribal unity and hence of tribal responsibility, they deem themselves not bound by the engagements of their chiefs unless they personally concur in the desirableness of what is done.

In illustration of such notions, the commission found that the Arapahoes interviewed by them did not consider themselves bound by the treaty of 1863, mostly because they had not personally agreed thereto, and partly because another set of chiefs, who had not been parties to the treaty, had, since its ratification, come into power. And that this is the prevalent Indian notion of obligation, would appear from the fact that no demand for the surrender of Indians known to have committed depredations or outrages upon the whites can be enforced anywhere upon the frontier. Your commission have been repeatedly assured, alike by the officers of the Territory of Wyoming and those of military posts situated therein, that they are powerless to secure the apprehension of such wrong-doers, although their delivery by the Indians upon demand by the proper authorities is one of the first provisions of every treaty.

So long as such ideas obtain, it must be obviously impossible to ratify treaties that will be of any avail. Indeed, it is more than doubtful whether, among all the numerous tribes or bands throughout this region, a single treaty is to-day regarded by the Indians supposed to be obligated thereby as of binding force in all its stipulations: while they insist stoutly upon the full measure of all the pledges entered into by the Government, they seem to think themselves privileged to be their own judges of the good faith to which they are held. And thus it happens that, in the main, the only force of these compacts with the various tribes is with those who are either in sympathy with the objects they propose, or who have discernment enough to see that conformity to the treaty is their only sure means of securing the bestowals of the Government.

In this state of things, something more is needed to insure peace than a reliance on the good faith of the Indians in carrying out the provisions of the treaties made with them. As in the case of the Rawlins fight, or the more recent massacre of two white women in the Sweet Water country, in just so far as they dare, the Indians will follow

their own likings, and in spite of all compacts engage in forays upon each other, or in pillaging and murdering the whites.

The remedy for this unfaith and its consequent disorders, it may not be easy to point out. But after a careful survey of the difficulties involved, and comparison of the views entertained by citizens, Indian agents, and officers of the Army, your commissioners offer a few suggestions.

1'. It is a matter of especial satisfaction that, so far as appears, whatever the difficulties of this vexed question, they are not due to any failure on the part of the Government to perform its part in the compacts made. On the contrary, while hardly an agreement has been fully observed by the Indians, and many clear provisions have been repeatedly disregarded, no invasions of Indian territory by whites have been allowed, no annuities withheld, no supplies cut off. In fact, the Government has acted throughout, not merely with scrupulous fidelity, but with marked forbearance and generosity.

2'. It is clear, however, that, in carrying out the policy of the Department, too much emphasis cannot be laid upon the necessity of having agents of unquestionable ability and integrity. Their position is, in its nature, one wielding a prodigious influence, and capable of being made potential for good or ill, according as those who occupy it are men with or without the true qualifications for the place. The men imperatively needed are those fully in sympathy with the policy of the Government, above all suspicion of dishonesty, and possessed of a good share of discretion, tact, and sound sense. For standing, as they do, close to the Indian, it is clear that, however wise and beneficent the measures proposed by the Department, they may fail utterly of success, through either the cupidity or the stupidity and blunders of the agent.

3'. It may be questioned whether the present rate of compensation is sufficient to insure men of the ability demanded for such an important trust. Too often, it would appear, the scant salary of the agent becomes a temptation to practices which cost the forfeiture of the confidence of both whites and Indians; and when this occurs, as it sometimes does, the very medium through which the Government seeks to dispense benefits becomes a source of continual mischief. One unprincipled agent can counterwork the whole Department, and foment troubles which it will require years of treasure and blood to subdue.

4'. Your commission are further persuaded that the various Indian agencies might be so used as to constitute probably the most effective of all instrumentalities in the realization of those beneficent results which it is the aim of the present Indian policy to secure. Whatever the Indian fails to understand, he understands clearly the argument of supplies. Year by year it is becoming plainer to nearly all the tribes that they are dependent upon the Government for food and clothing. Take away the supplies now furnished, and it hardly admits of doubt that a full half of the Indians of this region would be faced by starvation. They could not dispossess other tribes of their hunting-grounds, and they could not possibly support themselves on their present reservations.

If, now, the various Indian agencies were instructed to make the issue of their supplies and the payment of annuities conditioned upon the Indians keeping strictly within their reservations, and upon their prompt surrender of all perpetrators of wrong, it is evident that a most potent argument for justice and good order would be brought to bear.

So keenly felt already is the dependence upon the Government for material for tepees, for blankets, and clothing; and so urgent, especially, is the demand for food, that it is firmly believed by your commissioners that few tribes or bands can be found in these reservations which a rigid application of such a rule would not ultimately bring to terms.

Of course the enforcement of such a policy would demand the support of the military arm of the Government. But it is idle to think that any policy can be made effective without such support. And it is the opinion of military officers whose long experience among the Indians qualifies them to judge, that only a small force of soldiers would be needed to secure each agency against possible attack. It was, for example, the judgment of officers at Fort Laramie that a single regiment, with two pieces of artillery, would be ample to protect the Red Cloud agency from all uprising among the 12,000 or 14,000 Indians supplied therefrom.

5'. Finally, if, in connection with such a policy, a provision could be made whereby each tribe or each cluster of agreeing tribes could have some thoroughly competent and honest attorney appointed by the Department, whose duty it should be, in all cases of violation of treaties, or of collision or other difficulty with the whites, to conduct the case in behalf of the Indians before the territorial or other courts having jurisdiction, it is the opinion of your commissioners that great good would result.

Such an attorney would serve effectually to protect the Indians against the undue influence of prejudice and animosity so often felt upon the frontier. And, at the same time, he would avail more and more, as he secured the confidence of the Indians, to restrain their propensity to retaliation for supposed wrongs; to cultivate among them true ideas of obligation, and to establish over them the full supremacy of law.

In conclusion, your commissioners desire to express their acknowledgments to Gen-

eral de Trobriand, of Fort Steele; General Bumford, of Fort Russell; and General Smith, of Fort Laramie, with the officers of their respective commands, for valuable assistance rendered, and many courtesies received, while engaged in the investigation.

We have the honor to be, very respectfully,

EDWARD P. GOODWIN,

J. A. CAMPBELL,

S. R. HOSMER,

Special Commissioners.

CHEYENE, WYO., August 9, 1873.

H.

REPORT OF J. P. C. SHANKS, T. W. BENNET, AND H. W. REED, SPECIAL COMMISSIONERS TO INVESTIGATE THE CONDI- TION OF THE INDIANS IN IDAHO AND ADJACENT TER- RITORIES.

SALT LAKE CITY, UTAH,

November 17, 1873.

To the Hon. EDWARD P. SMITH, *Commissioner of Indian Affairs* :

The undersigned, special commission appointed by the inclosed letter of instructions of July 1, 1873, make this their general report touching the condition of Indian affairs in Idaho Territory, and such adjacent territory as is mainly connected therewith in considering the subject.

This general report is in addition to the special report and agreement relative to the Indians interested in and connected with the Fort Hall reservation, and agency in Idaho, of this date; and in addition to the commission's other special report, of even date herewith, touching the tribes known as Okinakanes, Lakes, Colvilles, San Poels, Spokanes, Calispells, Kootenays, Pend d'Oreilles, and Cœur d'Alenes, and their reservations.

Treating upon the general subject of the troubles between whites and Indians, the commission has, by either one or more of its members, visited the Indians at Fort Hall, Camas Prairie, Nez Percé, and the tribes named above, and also the chiefs and headmen of the mixed Shoshones, Bannacks, and Sheep-Eaters, and made diligent inquiry as to the bands under small chiefs roaming through the country.

The Indians complain of the whites because of encroachments on their farming lands, hunting and fishing grounds. Worthless white men associate with bad Indian women, prostituting them, and leaving such women and their children a burden, upon the Indians. However, this is seriously condemned by the white people generally, and is not so much practiced as heretofore. It is a source of great complaint among the Colvilles of Washington Territory, and Nez Percés of Idaho. The sale to and use of intoxicating liquors by the Indians is bitterly complained of by the chiefs, and has received the severest censure from citizens at every point. The courts have, in Idaho, made it especially dangerous to violate the intercourse laws. There are four persons in the penitentiary of Boise, at this time, on sentence for this offense, and others under arrest on several similar charges. The United States courts of Washington Territory have been vigilant in this matter also, and the common practice of giving liquors to Indians to drive bargains, will be prohibited, so far as possible, there hereafter. The agents at Fort Hall, Nez Percés, and Colvilles are also active in preventing this evil. The people are demanding a prohibition of the sale of liquors to Indians.

Some misunderstandings occur between whites and Indians on account of pasturing stock. What is known as ranchmen, object to have the inferior bands of stock owned by Indians to mix with their herds and bands. This is one evidence of the necessity of putting Indians with their stock on reservations and prohibiting white men from interfering with them there. To this the people are favorably inclined.

We must not forget that [in] the political organization into States and Territories of all our western country and its settlement by white people in such numbers as to make Indian wars impossible, has had a salutary effect on Indians and on that class of bad white men who always infest and curse a frontier country, and by their bad conduct embarrass good settlers and excite hostilities among Indians. The people have power to enforce good order now, and are demanding it from all parties; this is the best security for peace, and has done much to call the attention of the Indians to the necessity of abandoning the chase and a resort to permanent homes and to agriculture.

The worst trouble between the whites and Indians in Idaho, and the one that the whites seem most unwilling to overlook, is the annoyance occasioned by roving bands of Indians, generally Shoshones and Bannacks, and who, under the provisions of the treaty of July 3, 1868, belong, and should have permanent homes upon, the Fort Hall reservation, but who go about the country, ostensibly hunting on unoccupied public

lands, under a right to do so secured to them by the fourth article of the treaty referred to. The presence of these Indians near white men's homes causes distrust and fear on the part of women and children, and their universal custom being to carry all their effects with them, their horses turned upon the prairies encroach on the inclosures of the whites. These troubles, however, will be in the power of the Government, when the agreements entered into with these Indians on the seventh instant under your instructions are confirmed, and so soon as the roving bands can be sent to the reservation under orders of the Government. It is absolutely necessary to put the Indians on reservations and protect them there from encroachments, or to put them on farms diversified over the country and attempt to protect them there from a loss of title and possession. The reservation system is, in the opinion of the commission, the better course, until the Indian can be instructed further in agriculture and business life. The commission believe further that these reservations should be large and the Indians concentrated from the country joining on these, so as to relieve as much of the country as possible from their presence, and further and more particularly, [so] that the subject may receive more direct and efficient aid from the Government with less expense than from multiplied agencies. The commission would respectfully recommend the following as necessary to a successful management of the Indian question: by law or executive order directing agents to apportion lands on the reservation among the several Indian heads of families, and such young men as are willing to take homes, and put those families and persons on their respective tracts, and not permit them to remove their tents or houses from the particular grounds allotted to them, but cause them to labor on those grounds, to raise gardens, grain, &c.; and until this is done you will have nationalized pauper-houses, instead of progressive reservations. Unless this course is adopted the Indians will retrograde and will scatter over the country and become vagabonds in society. It would ruin any people to feed and maintain them in idleness at a common crib. Already, [by] the encouragement given by the agent at Fort Hall by hiring Indians to work on the reservation for wages, instead of white men, as is too commonly the case, he has over forty laboring Indians, thirty-nine of whom signed the agreement of the seventh instant as laborers; and this spirit of advancement has been so far instilled into these people by encouragement that at this agency now there are more Indians asking to become laborers than the agency is authorized to employ. This presents an encouraging view of the question on the vital point of difference between civilized and uncivilized men; the one esteeming labor honorable, and the other feeling it to be dishonorable and only to be done by women.

The people of Idaho have the general dislike to Indians that is felt to some extent all over the West, and of which it is not necessary in this report to trace the causes; yet they have punished promptly those who violate the law against them. There is a man in the penitentiary at Boise, under sentence of death, convicted before a jury of white men at Lewiston, for the murder of a Nez Percé woman.

There are some white men residing on the Nez Percé reservation—William Cadwell, who is there under an authority from a former agent, as the ostensible keeper of a stage station; but really is farming largely, cutting hay, timber, &c., on the reservation to sell to other parties. He occupies a place of importance to the Indians, and should be removed. There are some others on the reservation under various pretexts, and are in the way of a proper management of the agency. There is also a man by the name of Finney, who claims to hold [his place] under a treaty provision, made in the interest of his father-in-law, one Craig, long since dead. Congress took action in this case, and the commission recommend the importance of removing this man from the reservation. He, like Cadwell, keeps numbers of men about him, hired hands and others, injurious to the proper management of the interests of the Indians.

One of the most troublesome questions in the way of the Government controlling Indian affairs, is the contest between the Catholic and Protestant churches. The Nez Percé reservation is in the hands of Protestants; and one Catalde, a Catholic priest, who is in charge of the Cœur d'Alene mission, has procured an order from the Office of Commissioner of Indian Affairs, authorizing him to construct a church on the Nez Percé reservation. It is proper to call attention to these matters, and to say this strife between the two religious denominations is a great detriment to the Indians, as they are not well prepared to see that there is no religion in such a contest. If the Catholics are allowed to build a church on the reservation, it will measurably destroy the schools on the reservation, or compel the establishment of other schools than those provided for by treaty, as it is well known that the priests will not permit the children of Catholics to attend Protestant schools. It is well to see whether the Indian Department has authority, to authorize any church to construct its private buildings on Indian reservations, without the consent of the Indians. To further illustrate the evil effects to the Indians of this persistent and injurious contest between religious denominations, among and concerning the Indians, the commission quote the language of Joseph, chief of the non-treaty Nez Percé Indians, now located in the Wallowa Valley, Oregon, but who with his people held a council with the commission at the Nez Percé agency near the Clear Water River, Idaho Territory, on the 2d day of August, 1873:

"By the commission:

"Question. Do you want schools and school-houses on the Wallowa reservation?

"Answer by JOSEPH. No; we do not want schools or school-houses on the Wallowa reservation.

"Question. Why do you not want schools?

"Answer. They will teach us to have churches.

"Question. Do you not want churches?

"Answer. No; we do not want churches.

"Question. Why do you not want churches?

"Answer. They will teach us to quarrel about God, as the Catholics and Protestants do on the Nez Percés reservation, and at other places. We do not want to learn that. We may quarrel with men sometimes about things on this earth, but we never quarrel about God. We do not want to learn that."

One cause of complaint made by the Nez Percé Indians, is what they understand to be a great fraud practiced on them through their former agent, Sells, in the matter of fencing on the reservation. The commission examined the fences put up under the Sells contract, and state that it can only be characterized as a most scandalous fraud. It is a post-and-board fence. The posts are not well set. Much of the lumber is deficient in width and length. The posts are not dressed, the lumber laps at any joint where it may chance to meet, whether on the posts or between them, and the boards are not jointed on the posts where they meet; they are lapped and fastened generally with one nail, so that they are falling down rapidly. The lumber was cut on the reservation; the contract price of the fence was very high, and the fencing done in places of no value to any one, for the reason that water cannot be had for irrigation. The Government cannot be a party to such frauds on the people who intrust it with their property. These people never raised their hands against the Government, but always defended the whites against other Indians.

The commission recommend that the marital relation of Indians and the marriage or cohabitation of white men with Indian women; the liabilities of Indians for debts contracted by them; the descent of property among them; their admission in courts as witnesses, and such other matters as may be necessary to their proper protection and preparation for civilized life, should be the subject for careful legislation by Congress. And the commission especially recommend that criminal law be extended over the Indians, making them liable and punishable as white citizens are for similar offenses. The murders and other crimes and misdemeanors committed by them on their own race are fearfully common, and need prompt punishment from a power that they respect and fear.

And it is further recommended that every white employé on reservations be compelled to have continually in his service one or more Indian apprentices at work in charge on the reservation, to employ only married men upon the reservation as agents, farmers, millers, &c., and to make their employment conditional upon their removing their families to, and remaining with them on the reservation. The presence of white women and white children among the Indians is necessary to the best interests of the whites and Indians. The schools on the reservations to be kept open as continually as possible. The reservation schools should be free to children of agents and their employés.

Every agent should be compelled to report officially the respective violations of the law by Indians under his charge against Indians or whites, and of whites against Indians.

All of which is most respectfully submitted.

JOHN P. C. SHANKS,
T. W. BENNET,
HENRY W. REED,
Commissioners.

J.

REPORT OF J. P. C. SHANKS, T. W. BENNET, AND H. W. REED, SPECIAL COMMISSIONERS TO INVESTIGATE AND REPORT UPON INDIAN AFFAIRS IN THE TERRITORY OF IDAHO, AND TERRITORIES ADJACENT THERETO.

SALT LAKE CITY, UTAH,
November 17, 1873.

To the Hon. COMMISSIONER OF INDIAN AFFAIRS:

The special commission, consisting of J. P. C. Shanks, T. W. Bennet, and H. W. Reed, directed by you under the attached instructions of July 1, 1873, while inspecting matters connected with the Nes Percé reservation at Lapway, on the Clear Water River,

Idaho Territory, received from General Milroy, superintendent of Indian affairs for Washington Territory, the inclosed letter bearing date July 31, 1873; and on the 3d day of August, 1873, General Milroy came in person to Lewiston, Idaho, at the mouth of the Clear Water River, to meet the commission for the purpose of securing its attendance at the Colville agency, Washington Territory. Having been instructed by you to examine the condition of Indian affairs in the Territory of Idaho, and report thereon, and believing that the Calispells, Pend d'Oreilles, Kootenays, and Spokanes, who inhabit the northern portion of Idaho, would be interested in a council to be held at or near Colville, and interested in a reservation that had been set off including the Colville Valley, and which reservation had been changed to the west side of the Columbia River, by the action of interested white men; and, inasmuch as we were instructed to ascertain and report the causes of complaint by the Indians against white people, and of white people against the Indians, the commission deemed it proper to send one of its number with General Milroy to examine and report the facts, so far as he could, touching the matters of complaint, and accordingly sent J. P. C. Shanks of the commission on that duty.

The commission herewith incloses his report made to them, together with a record of the council held with the Indians interested, who were present, and make both the record of the councils and the report of Mr. J. P. C. Shanks part of this report to you, and ask your attention to both, as showing the condition of our Indian affairs along the line of British America, and to the great injustice done to these peaceable Indians by the interested action of white men; and especially to the conduct of their ex-agent, Park Winans, in procuring a change of reservation through selfish motives; and to the more important fact that the reservation, as now located, is in a frigid and high latitude, where farming is impossible, while the lines of the reservation cut the Indians off from the Columbia River, and remove them from the Spokane River, the only source from which they could procure a livelihood by fishing, game being nearly exhausted; so that [they are] without fish or game, and in a locality where farming is impossible, as proven by white men who have settled on the new reservation and abandoned the country on account of frost, &c.

The act of compelling these Indians to go to the reservation west of the Columbia River is either to annihilate them or make them a perpetual tax on the Government; while they are industrious and desire to make their own living by work.

The commission recommends to the Government that these Indians be permitted to remain where now situated, for the reasons set forth in General Shanks' report to the commission, herewith filed as stated; and that the boundaries thereof be as follows: Beginning at a point in the channel of the Columbia River, opposite the mouth of O'Kinakane River; thence up the center of the channel of the Columbia River to a point opposite the mouth of the Spokane River; thence up the center of the channel of the Spokane River to the mouth of Hangman or Lotah Creek; thence up the center of Hangman or Lotah Creek to the line dividing Washington and Idaho Territories, as recently surveyed; thence south on said line to the top of the ridge between Hangman or Lotah Creek and Pine Creek; thence easterly along the summit of said ridge to a point which is five miles in a direct line east of said territorial line; thence in a direct line north to the dividing-line between the United States and British Columbia; thence west along said line to the O'Kinakane River; thence down the center of the channel of said O'Kinakane River to the place of beginning.

That this reservation shall be a permanent reservation—a home for the following tribes and such parts of these tribes as may be proper, namely: Cœur d'Alenes, Upper and Lower Spokanes, Calispells, Pend d'Oreilles, Kootenays, Lakes, Colvilles, San Poels, Methows, and O'Kinakanes; ten in all.

A reference to General Shanks' report to the commission will explain this matter more in detail.

The commission is informed of the following facts: By an order from the Commissioner of Indian Affairs, Odeneal, then superintendent of Indian affairs of Oregon, and J. B. Monteith, Indian agent at the Nez Percé reservation, were directed to negotiate with the Cœur D'Alenes, and to set off a reservation for them.

Odeneal did not go to see these Indians, but it is stated that he made a report to the Department from information received of D. P. Thompson, but without counselling with J. B. Monteith.

Under the instructions to the commission to visit the Indians in Idaho, Shanks and Bennet, in company with J. B. Monteith, agent, met in council the Cœur D'Alenes at Hangman or Lotah Creek, on the 29th day of July, 1873, and entered into a written agreement with the Cœur D'Alenes, for a reservation, conditioned that it should be approved by Congress. This agreement is in the hands of J. B. Monteith, and perhaps has been reported to you.

The commission did not desire to go beyond its authority in this matter, and only joined Mr. Monteith as there seemed to be a necessity for it at the time. But the commission, after an investigation of the whole subject, now recommends that the agree-

ment entered into with the Cœur d'Alenes be not confirmed, but that the reservation recommended by the commission for the nine tribes, including the Cœur d'Alenes, be adopted.

All of which is most respectfully submitted.

JOHN P. C. SHANKS,
T. W. BENNET,
HENRY W. REED,
Commission.

COLVILLE, STEVENS COUNTY, WASH.,
August 14, 1873.

Hon. T. W. BENNET and H. W. REED,
Gentlemen of the Special Commission :

I left Lewiston, Idaho, at the mouth of the Clear Water River, as you are aware, on the 3d day of August, 1873, by steamer down Snake River, accompanied by General Milroy, the superintendent of Indian affairs, for Washington Territory, and landed at the mouth of the Pelluce River, where we met John A. Simms, agent at the Colville agency.

From the mouth of the Pelluce we proceeded by wagon to Fort Colville, in Stevens County, in Colville Valley, Washington Territory, where we arrived on the 7th of August, 1873, and on the following day proceeded to the Kettle Falls, on the Columbia River, and, crossing that river, passed up Kettle River and the Sue-Whook to a point near the line of British Columbia, and returning from this point by the Columbia held a council, August 12, with the following tribes in general council—held at the old British trading post, about one mile above the Kettle Falls: The Colvilles, Lakes, San Poels, O'Kinakane, upper and lower Spokanes, and Calispells. The following are the facts as I found them :

1. All these people are peaceable, quiet, and industrious, and express a loyalty to the United States Government, as simple, confiding, and faithful as children.

2. They are divided into Catholics and Protestants; the majority of the latter being Presbyterians; and are very zealous in their faith respectively. In the aggregate the Catholics largely outnumber the Protestants.

3. Their agent, John A. Simms, is a Catholic, and the Indians, irrespective of faith, have confidence in his integrity, and speak well of him.

4. They all, as irrespective of religious faith, condemn their ex-agent, who immediately preceded Simms, one Park Winans, a merchant of Colville.

5. All these Indians desire a permanent reservation, schools, churches, &c.

6. They generally labor either on farms of their own, of which there are a considerable number, or for others, which is the general rule. Many who had farms before the recent influx of whites have sold their farms to whites, and now work by the day for a living.

7. The whites have encroached on the Indians very much, and are continuing to do so.

8. In these encroachments their late agent, P. Winans, was a principal and participant, and still continues to be their exponent and principal operator. He was a partner in a trading-house dealing with the Indians, while agent, from which whisky was given to secure bargains in furs, which is the principal trade in that locality. And when the reservation was set off east of the Columbia River, he concealed that fact from the Indians, and busied himself to have it changed to the cold, dry highlands west of that river, where white men have abandoned the country after trial, and failed to farm owing to frosts and other difficulties in the way.

9. The reservation has been, by interested, and in many cases unscrupulous men, relocated from east to west of the Columbia River; and from the advantages of the salmon fisheries on the Spokane and Columbia to west of the Columbia, only coming to the west bank of that stream, and that without any privilege of fishing in that river, literally robbing the Indians of their country and their food.

10. There are numbers of white settlers in the Colville Valley, where the Indians now are, the Indians not having been removed west of the Columbia under the late unjust assignment of reservation, and I hope never will.

11. These whites are the same persons who procured the change of reservation, and are not entitled to any sympathy, as they obtained an unjust order against the Indians, knowing that the new reservation was unfit for habitation, and, avoiding it themselves, procured an order that gave them the Indians' homes, and drove the Indians where they would not reside themselves.

12. These Indian tribes are now situated adjacent to each other, and have been so since time immemorial.

13. These tribes speak the same language, the same as spoken by the Flatheads and Cœur d'Alenes.

14. The Kootenays, who were not in the council but who reside in Northeast Washington, North Idaho, and Northwest Montana, speak the same language, and should be included with these tribes.

15. These tribes desire reservations together, beginning as follows: At a point in the channel of the Columbia River opposite the mouth of the O'Kinakane River; thence up the center of the channel of the Columbia River to a point opposite the mouth of the Spokane River; thence up the center of the channel of the Spokane River to the mouth of Hangman or Lotah Creek; thence up center of Hangman or Lotah Creek to the line dividing Washington and Idaho Territories, as recently surveyed; thence south on said line to the top of the ridge between Hangman or Lotah Creek and Pine Creek; thence easterly along the summit of said ridge to a point which is five miles in a direct line east of said territorial line; thence in a direct line north to the dividing line between the United States and British Columbia; thence west along said line to the O'Kinakane River; thence down the centre of the channel of said O'Kinakane River to the place of beginning.

16. These Indian tribes propose surrendering their title to all the country south and east of the country as named. This gives the United States all that beautiful country along Pine Creek, and from the Pelluce to the proposed line which you have seen, and which is more valuable than all they desire to retain.

17. They ask no money or clothing; all they wish is that their homes be secured to them.

18. They say if the United States has money to give let it be given to the whites for their improvements. The Indians will make their living if protected in their homes.

19. The country they wish to retain is, with the exception of the Colville and Hangman's Creek Valleys, mountainous and poor, except small spots, but the fishing is good, and it is their cherished homes and much desired by them.

20. It would be expensive, troublesome, dishonorable, and wicked to drive these people away from their homes, where they have lived from time immemorial, to give place to cunning men who have supplanted them, and procured the action of the Government against them.

21. None of these Indians have been in hostility to the Government at any time, except the Spokanes and Coeur d'Alenes, and they only were when they defeated Steptoe, and were in turn conquered by General Wright.

22. These people generally dress as white people do, and are anxious to improve in agricultural pursuits. They ask for nothing but their homes, and for these they plead as children.

There has been no treaty with these tribes for whom this reservation is proposed, and their title to all the country from Steptoe's Butte to the Flathead country and British line, and to the Sierra Nevada to Snake and Pelluce Rivers is theirs yet. All this is to be relinquished by them, except that included in the proposed reservation.

I left General Milroy, at Colville, on the 14th day of August, 1873, preparing to carefully examine that part of the new reservation lying west of the Kettle River, this part of it, lying between Kettle and Columbia Rivers, having been examined by Mr. Milroy, Simms, and myself, as stated above. General Milroy will make report to the Indian Department of his further investigations, to which I respectfully ask attention.

The Colville agency is one difficult to manage for the reason that it is not on a reservation. The reservation was changed from east to west of the Columbia River by Executive order, but the Indians, and consequently agency, remained east of the Columbia River, at Colville, within the limits of the reservation as just set off. This leaves the agent no controlling power over bad white men, who may wrong or intrigue with the Indians, other than such as the courts can give under the intercourse laws, leaving the agent or court no power to prevent the association of bad white men with the Indians under his charge.

The better class of white people see and feel the effect of this condition of things, and have spoken to me of it quite freely.

At the general council held near Kettle Falls, on August 12, 1873, Antoine, chief of the Colvilles, speaking for his people who reside in the Colville Valley and around Colville, and the old trading post where the council was held, said, (among other things of deep interest,) to General Milroy, Agent Simms, and myself, "We want you to take our part; the liquor is coming up to our knees; we tie our people up for drinking, but the whites do not tie up or punish their people for selling liquor to Indians. I wish you who come from Washington would take our part and stop this selling liquor to us."

Another ground of serious complaint is the prostitution of their women by bad white men under the plea of marriage. These white men take the advantage of the difference between the marriage ceremonies of white people and the simple voluntary association which is the Indian form of marriage, and while the poor Indian woman believes she is married to a white man, he treats it in the light of cohabitation only, and which he breaks off at will, often abandoning both women and children with impunity and with gross indifference. The speeches of the chiefs at the council will ex-

plain fully the condition of things in this regard around Colville during Park Winan's agency. Agent Simms is doing all he can to prevent this evil, and has done much.

Judge Lewis, United States judge of that district, has set his foot in unmistakable earnest on these offenses and those who sell and give liquor to Indians, and the good effect is very perceptible. A number have recently married their squaws (with whom they had families) to avoid prosecution. Antoine, chief of the Colvilles, when speaking at the council in presence of the Indians, and of many whites who had collected there, touching wrongs inflicted on Indian women by white men, said, "I want you to take pity on us and help us; bad white men have taken twenty of our squaws from us, and when they have borne children to them, the white men take all the property and leave the squaws and children. They leave no property or food for the squaw, mother, or children, but leave them on us, so we must maintain the mother and raise the children. When I want to get my daughter or my sister from these white men they will not let me have her, and when I then ask them to marry our women whom they took, they would refuse to marry them, but would keep them in sin; what shall we do? We want your help. I am raising plenty of white men's children, white men whom I am looking in the face now. (Then addressing himself to Winan's former agent; Sherwood, Winan's farmer, while agent, who has a squaw in adultery and two children; and Dr. Perkins, who has a deaf and dumb squaw in adultery and three children; and Smith, who wanted the agency, who has a squaw in adultery and two children, and other squaw men present, Antoine said:) "White men I am talking to you of your actions; I am raising your children on my poor food, my roots and berries and fish and rotten salmon, (rotten salmon being those found dead along the river,) and when I have raised them these white men demand them and take them. I am poor, and this is very hard."

The Indians complained that Winans permitted some bad Indian women to keep places of ill-fame at Colville, near his place of business, and that he did not try to prevent it, but that Agent Simms at once prevented it when he arrived. Numbers of white men stated to me the same facts; and Winans did not deny any of these and other charges made by these Indians, in his presence at the council, against his administration; and, though privilege was given to Winans and other whites, as will appear by the records of the council, to speak in reply to the severe charges made against them by the Indians, (and which charges were confirmed by white citizens,) they all declined. General Milroy said to the whites present, "Inasmuch as the charges are made in your presence, perhaps you should answer in the presence of the Indians;" but they declined, saying they would put any statements they wished to make to the Government in writing. This will prevent the Indians from seeing or confronting them, and that is the desire of these men.

In relation to the removal of the reservation from east to west of the Columbia River, the Indians charged Park Winans—and in this they are sustained by the whites, and by his own confession—that when the order setting off the first reservation reached Winans, their agent then, he concealed the fact from them until he could and did manipulate the change.

Taking Winans's acts, surroundings, and associations, and it proves him to have been an unworthy agent and dishonorable man. He is charged by white people with having sold Indian goods from his store, and by paying his individual debts out of Indian supplies.

Some of those who, with Park Winans, labored to change the reservation, are acting in bad faith to the Government, as well as to the Indians; for instance, a Mrs. Myers wrote to the President, pleading for her home as though she had no protection, and as though she was a sufferer. This letter was referred to Commissioner of Indian Affairs, and answered to her by him. This letter I saw in the hands of her husband, (for she has a husband.) The facts are these: Myers and his wife reside on one hundred and sixty acres of land in what was the reservation, and which they aided to change, (I have been on the place;) while Myers has possession of another 160-acre tract, including the old Hudson Bay mill property; so the wife claims one, and the husband the other. Such are the fraudulent actions of these pursuers of the Indians of Colville Valley. I have seen Myers, his wife and home, and had his own explanation as to the two claims. Mrs. Myers is a white woman, and he a white man.

The records of the councils held at Kettle Falls, Stevens County, Washington Territory, and at the Spokane bridge, July 12, 13, 14, 1873, are herewith presented, and made part of this report.

All of which is respectfully submitted.

JOHN P. C. SHANKS,
Special Commissioner.

NOVEMBER 11, 1872.

NOTE.—My attention was called to the discrepancy between the laws of Great Britain and those of the United States, touching the sale of intoxicating liquors to Indians.

General Milroy, superintendent of Indian affairs for Washington Territory; Judge

Lewis, of Walla-Walla, and whose district includes Stevens County, in which lies Colville Valley; Mr. Simms, Indian agent at Colville, and other white persons, and some Indian also, request the attention of the Government to this subject.

British Indians are British subjects, and it is claimed that our restricted statutes will not reach the sale of liquor to a British subject, and, hence, sales to these have been permitted, which furnishes an excuse for selling to any who claim to be British subjects. The British law prohibits selling or giving liquor to any North American Indian, and our statutes should be made similar to it in this respect.

Respectfully submitted.

JOHN P. C. SHANKS,
Special Commissioner.

NOVEMBER 11, 1873.

K.

REPORT OF J. P. C. SHANKS, B. R. COWAN, AND CHAS. MARSH, SPECIAL COMMISSIONERS TO DETERMINE THE BOUNDARIES OF THE NEW RESERVATION AT ROUND VALLEY, CAL.

WASHINGTON, D. C., November 1, 1873.

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

SIR: The board of commissioners appointed by the honorable Secretary of the Interior in pursuance of an act of Congress entitled "An act to restore a part of the Round Valley Indian reservation, California, to the public lands, and for other purposes," passed March 3, 1873, submit the following report:

By your instructions dated May 6, 1873, we were required—

First. To make examination of the country embraced within and adjacent to the proposed Indian reservation.

Second. To make an appraisalment of all improvements of white persons north of the southern boundary of the reservation.

Third. To make an appraisalment of the improvements of all Indians south of the southern boundary of said reservation.

The commission reached the Round Valley Indian agency on the 2d day of June, 1873, all the members present, and at once entered upon the discharge of their duties. A careful reconnaissance of the entire reservation was made by the members of the commission, and the mountainous country of the northern portion thoroughly explored to ascertain the most practicable northern boundary. That portion of the country being unsurveyed, we were anxious to select natural boundaries that would be so well described as to avoid misunderstanding and prevent encroachment by white settlers and herders.

The boundaries selected are of this character; being cañons and water-courses strongly defined, some of them practically impassable, and well known throughout that entire country. We recommend the following as the boundary of the reservation:

Beginning for the same at a point in section 36 of township 23, range 12 west, Mount Diablo meridian, where the township-line crosses Eel River, being at a point about eighty (80) rods west of the southeast corner of said township and section; thence following the courses of Eel River up said stream in the center thereof to a point where the same is intersected by the stream known as Williams Creek or Bland Mountain Creek; thence following up the center of said creek to its extreme northern source on the ridge dividing the waters of said creek from the waters of Hull's Cañon or Creek, a tributary of the north fork of Eel River at the foot of Bland Mountain, crossing said dividing ridge at a point on a line where a small white oak tree and a cluster of arbovitæ trees are branded with the letters U. S. R.; thence in a direct line to the center of said Hall's Cañon or Creek; thence following down the center of the same to its intersection with the north fork of Eel River; thence down the center of said north fork to its intersection with the main fork; thence following up the main fork of the Eel River in the center thereof, where the township-line between townships 22 and 23 north, range 13 west, would intersect said river, if produced; thence east along said township-line through ranges 13 and 12 to the place of beginning. We would also recommend the reservation to the Indians occupying the Round Valley reservation, of the right to fish in the middle fork of Eel River, and in Eel River up as far as Bland's Cove.

The northern position of the reservation, if our recommendation as to boundary meets the approval of the Department, is very mountainous, the highest elevation being probably five thousand feet. This portion is well timbered with pine timber of

excellent size and quality for manufacturing into lumber. There is also excellent pasturage for horses, cattle, and sheep, which for several years has been used by squatters who have no legal rights thereon.

The Indians there have experience as herders, being employed by the citizens for that purpose, and it would be well to encourage them to engage in sheep and cattle raising.

The area of mountainous country embraced within the proposed boundaries will afford ample range and excellent pasturage during the entire year for at least thirty thousand head of sheep, besides all the cattle and horses which can be properly managed by the agent. If well stocked and cared for the agency could be made self-sustaining in a very few years.

We submit herewith a schedule of appraisement of the improvements owned by citizens and located upon the new reservation, marked A. Some parties have probably acquired rights to lands within the reservation by pre-emption or homestead settlement. If such rights exist, measures should be taken for their extinguishment by payment to the parties of such amounts as their claims may be worth. Still other parties have patents for lands embraced in the reservation, all of whom are willing to sell to the Government.

Our instructions were silent in reference to lands claimed in the new reservation, and also as to the lands south of the southern boundary of the reservation; but we nevertheless respectfully submit some suggestions relative to the latter class, based upon our actual examination of them.

That portion of the lands south of the reservation which lie within the valley, is, for the most part, of the very best quality of farming-lands; upon a great portion of which excellent crops were growing at the time of our visit.

They are fully equal to the average quality of the valley farming-lands of California and are for the most part claimed by settlers. The settlers have not entered upon them upon any pretended homestead or pre-emption claims, but simply have laid claims to all the lands they wanted for farms in the valley.

These claims range in extent from 45 acres up to 880 acres, the last amount being the largest claimed by any single individual. A firm of two brothers, one of whom resides in the State of Nevada, claim 1,680 acres, while a number of persons claim 640 acres each.

The possessory titles to these claims are recognized as property by the State of California, and the same are listed for taxation. We procured from the assessor of Mendocino County the official appraisement of the property in Round Valley, a copy of which is herewith submitted, marked B. It will be observed that the greater portion of these lands are appraised by the county assessor at \$10 per acre, for the possessory title simply. This would not be an excessive appraisement if the parties had the fee-simple of the land, and, in fact, few of the settlers thereon would sell their claim at the price named, some of them asking \$20 per acre, to our personal knowledge. Again, while settlers are restricted to 80 and 160 acres of land under the pre-emption and homestead laws, we found parties there claiming to hold 640 and even 880 acres, and threatening all persons who attempted to settle upon any portion of their claims. The schedule will show the names of all parties whose claims are above the amounts allowed to be entered. In fact this class of settlers have no more legal right to the property they claim, (and even had the valley been open to settlement they would only have been allowed to enter 160 acres each,) than the settlers upon the lands in the present reservation. But under the law the latter class of settlers must leave the lands upon which they have been living, receiving pay only for the improvements, and must remove from the valley entirely, unless some arrangement can be made for them to enter upon the excess of land improperly claimed by the former class. Under the existing law it is not at the discretion of any officer to make any discrimination; but it is respectfully suggested, if practicable, that the attention of Congress be invited to the subject, in order that the settlers who will be ousted from the lands in the reservation may be afforded the opportunity to purchase lands in the valley, without the boundaries of the reservation, before any of said lands are offered for sale to persons who were not actual residents of the valley at the date of the passage of the act of March 3, 1873.

The area of good land in the valley is ample to furnish farms to all the residents, and we deem it but equitable that some arrangement as we suggest be made. As we have before said, the lands are as good as the average of valley farming-lands in the State of California.

The law puts the minimum price for such lands at \$1.25 per acre, below which they cannot be sold. Does that limitation imply the right of the Secretary of the Interior to name a higher price for these lands? We think not. We have shown that they are worth from four to eight times as much, and that they cannot be bought from the present claimants at a much higher figure. Some of this value has been created by the occupants, and consists in improvements of houses, fences, and tilled fields. For this appreciation of the property the Government does not expect to be remunerated.

Deducting, however, the proper percentage, say, from one-half to three-fourths, would reduce the lands to \$5 and \$2.50 per acre.

Upon this basis, and after carefully examining the quality of the land, we take the liberty to submit for your consideration the following appraisement:

Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 29, 30, of township 22 north, range 12 west, 8,960 acres, at \$5	\$44,800 00
East half section 1, section 12, east half section 13, east half section 24, township 23 north, range 13 west, 1,600 acres, at \$5	8,000 00
West half section 13, west half section 24, township 23 north, range 13 west, 640 acres, at \$2.50	1,600 00
Amounting in all to 11,200	\$54,400 00

This makes an aggregate of \$54,400 of the value of the lands in the valley without the reservation, but embraced within the boundary of the old reservation. By reference to the schedule of the appraisement of improvements upon the present reservation, it will be seen that the aggregate value thereof is \$32,669.78. In addition to this, certain claims by pre-emption, homestead, and purchase, will have to be extinguished, which will require at least \$20,000 more, which will absorb the amount realized if the above appraisement should be authorized.

If our scaling of the lands to be sold should be adopted, the amount received from that source will be sufficient to pay for all improvements appraised, and for the claims, heretofore alluded to, of homestead and pre-emption settlers and purchasers, and for the expenses of the commission. Unless authority is given to appraise these lands at something near their true value, the proceeds of their sale will not be sufficient to pay for the improvements we have appraised, and the appropriation of at least thirty thousand dollars will be needed in addition to the proceeds of sales, to carry out the provisions of the present act.

We therefore respectfully suggest that Congress be requested to so amend the act of March 3, 1873, as to authorize the Secretary of the Interior to cause the lands south of the southern boundary of the reservation, as established by said act, to be appraised and offered for sale, giving preference to the settlers thereon at the date of the passage of said act, and allowing them a reasonable time in which to make proof and payment for their lands. With regard to the lands not so taken by present settlers, preference should be given to those who occupy lands within the boundary of the said reservation, who should also be allowed a reasonable time to make entry and payment before the residue of the lands are thrown open to general sale.

We also suggest that all persons, whether settlers or not, purchasing any of said lands, shall be restricted to 160 acres.

We respectfully submit a projet of a law, embodying the suggestions made above.

The State of California has sold a certain portion of the lands within the new reservation as swamp-lands, and the purchasers are claiming under certificates from the State land-offices. Those lands, however, have not been confirmed to the State by the United States Government as swamp-lands, and we respectfully represent that they are not in any sense of the term swamp-lands, and should not therefore be confirmed to the State as such. The references above to claims upon lands in the reservations do not allude to these swamp-lands.

JOHN P. C. SHANKS.
B. R. COWAN.

L.

REPORT OF J. P. WILLIAMSON AND J. W. DANIELS, SPECIAL COMMISSIONERS TO INVESTIGATE THE CONDITION OF THE INDIANS ALONG THE NORTH PACIFIC RAILROAD WITH REFERENCE TO THEIR PROBABLE OPPOSITION TO ITS CONSTRUCTION.

RED CLOUD AGENCY, WYO., May 9, 1873.

SIR: In accordance with instructions contained in your letter of March 27, we respectfully report:

On the receipt of your commission we learned that the Indians you wished us to visit were divided into a number of small camps in the neighborhood of the Black Hills and the head of White River, and that they were generally moving southward on account of the scarcity of food, a number having already reached this agency.

Agent Daniels had previously been using his best endeavors to gain their friendship and bring them under the control of the Government.

On completing our arrangements word was sent to all the camps requesting the chiefs and head-men to meet us in council at this place on the 9th.

On the day appointed we found representatives from about four or five hundred lodges in council. They were informed of the wishes of the Government as contained in your letter of instructions.

They expressed themselves very glad to hear from their Great Father, but they were not prepared to accede fully to his request. Their people did not want the Northern Pacific Railroad built, and they did not want any white men in the country. The trader was the only white man they wanted to see, and they wanted the Great Father to allow him to sell guns and ammunition. They said they would take the words of the Great Father back with them to their people, and talk it over, and when they agree to let the Great Father know.

The principal men in the council were Red Thunder, a chief; Thin Soup, Ashes, Little Chief, and Hump Rib, head soldiers of Onchapas, Minneconjoux, and No Bow bands of Teton Sioux.

Owing to the limited time allowed one of the commissioners, Black Moon, No Neck, and Lame Antelope, chiefs in these bands, had not arrived. In closing the council your commissioners impressed upon the minds of the Indians the importance of stopping the raids of their young men upon our borders, and the great advantages they would secure by remembering the words of their Great Father. With apparent good feeling on the part of all the council then closed.

Your commission does not see the way open to prosecute the work further at present. They feel no hesitancy in assuring the Department that there will be no combined resistance to the construction of the Northern Pacific Railroad. The Indians neither have ammunition nor subsistence to undertake any general war, neither do they manifest any such spirit in council.

Small raiding parties will doubtless visit the Northern Pacific Road, and perhaps the border settlements.

It is probable that a majority of the Indians with whom we counceled will remain in the vicinity of this agency, and in view of the scarcity of buffalo in the Sioux country it is believed that all northern hostile Sioux will ultimately be compelled to come to the different agencies for subsistence.

Very respectfully, your obedient servants,

JOHN P. WILLIAMSON,
J. W. DANIELS,
Commissioners.

Hon. EDWARD P. SMITH,
Commissioner Indian Affairs, Washington, D. C.

M.

REPORT OF T. C. JONES, SPECIAL COMMISSIONER TO APPRAISE LANDS BELONGING TO THE KANSAS OR KAW RESERVATION IN KANSAS.

DELAWARE, OHIO, *September 16, 1873.*

SIR: Having sent a telegram from Emporia, Kans., announcing my purpose to return without proceeding to make the appraisal of the Kaw lands in that State, and mailed from Saint Louis a brief note, stating the reasons, I now submit a more formal report.

On the 25th ultimo, when preparing to leave for Kansas, I received a telegram from the honorable Commissioner of Indian Affairs, from Chicago, directing a stay of all proceedings until I should hear from him at Washington. After a delay of a few days I was notified to see Superintendent Hoag before proceeding with the work, in obedience to which I left on September 1st for the city of Lawrence, where, before seeing Mr. Hoag, I had conversations with several well-informed gentlemen as to the character and location of the Kaw lands, and the price at which similar lands were selling, &c. Construing the dispatches from the Department to mean that the appraisal should not be proceeded with, if I, after consultation with Mr. Hoag, should deem it inexpedient, I had a conference with that gentleman and a Mr. Mullen, who had been connected with Indian work at the Kaw mission. I became satisfied that the only complaint as to the work of the former commission was that the price fixed for the sale of the land was too high. There was, so far as I could learn, no controversy as to

the claims of settlers as finally determined upon [by] the report of Government agent, so that it appeared to me nothing was necessary now to be done but to fix the price at which the land should be sold. After further reflection I became satisfied that even this was not necessary, and so telegraphed the Department, and received, September 8th, a dispatch giving the opinion of the honorable Secretary of the Interior, that as no sales could be made without new appraisement, we should proceed with the work according to instructions, which required us to go over all the work of the former commission *de novo*. This I became satisfied we should not have time to do before we should be stopped by cold weather. But deeming it best to go on the ground and look further into the matter, I wrote my associates, Robley and Campbell, to meet me at Council Grove, sending telegram to the Department as to amount of work required, and asking if we were to investigate all the claims of settlers, and what provision had been made for expenses, the answer to be sent to Council Grove. Arriving at this place, I found Mr. Edwards first named as commissioner, (in whose place Campbell had been subsequently appointed,) ready and anxious to enter upon the work. I received answer to last dispatch that the claims of settlers were to be investigated, and that no funds were available for expenses until lands were sold. The same evening, Mr. Campbell, who had been named as commissioner, arrived in accordance with the notice received from me to enter upon his duties. After examining the maps and plats of the lands, I rode out in different directions so as to get an idea of the character and locations of the lands away from the Neosho Valley, through which we had passed on the Missouri, Kansas, and Texas Railroad from east to west.

The whole tract, including the trust and diminished reserve lands, is nearly 22 miles square, of which a small portion has been deeded, leaving subject to sale, under the act of 1872, about 218,000 acres of the richest and most beautifully located lands in the State of Kansas, the whole being underlaid with an excellent quality of magnesian lime-stone, which crops out on the slopes of the elevations, reminding one strongly of the blue-grass regions of Kentucky.

The bottoms of the Neosho River on this reserve are more extensive than those of any stream I ever saw, and of the richest and best quality, there being scarcely any wet lands there. The uplands, except the small portions on the bluffs where the lime-stone is seen on the surface, are as fertile as the splendid uplands of our Miami Valley, and more uniformly so. I formed the opinion, from the appearance and characteristics of this soil, and from the crops that in some places were growing upon them, that they were equal to any uplands I had ever seen for the production of grass, grain, or fruit.

The supply of timber and water is better than upon any lands I saw in Kansas, and I believe generally admitted to be as good as any to be found there, and the natural drainage furnished by the streams and elevations renders the location not only very beautiful, but I should suppose exceedingly healthy. The village of Council Grove, with a population of over 700, where the best quality of coal is now about being mined, is situated near the center of these lands. The railway and Neosho River pass through the tract from east to west, with numerous smaller streams entering from either side, such as Big John, Rock Creek, Little John, &c. Besides these, springs issuing out of the side-hills and valleys are for this country very common. The thrifty village of America, with a population of about 500, a large cheese-factory, &c., is near the eastern border, while only eight miles further east we have the flourishing town of Emporia, with 2,500 people at last census, now eleven churches, five stores, &c., with a most excellent country population around it. Now what, under these circumstances, should this magnificent tract of land be worth? It is spoken of through the whole State as the best, or among the very best, in Kansas. It is a long way off, it is true, but the railroad facilities are good, and cattle which sell here as high now as \$3.50 per 100 pounds, are shipped to Chicago at \$110 per car.

The commission put the diminished reserve lands at only \$3.88½ per acre, average, and the trust lands at only \$2.28 per acre, making a general average of the whole of less than \$2.28 per acre.

The best of the bottom-lands along the railroad with water and timber are put at \$8 to \$11 per acre, and some few pieces nearly all timber, at \$12 to \$15 per acre, while the uplands are \$1, \$1.10, \$1.50, &c. If these lands are not worth these prices there must be a good deal of land in Kansas that is worth absolutely nothing; and as near as I could learn, all the railway lands of anything like similar quality are held at largely higher figures.

Speculators (in which is included one or more of the railways) are anxious for a lower appraisement, under which they hope, with the system of making bids at Washington, to get control of all these lands, and it is surprising what a pressure they are able to bring to bear in favor of their interests.

It is impossible that any impartial man who is a judge of lands can fail to see, after a full examination of all the facts, that the appraisement of last year is a fair and just one. And I beg that I shall be pardoned for repeating that there is no doubt of the lands being taken up, if an agency is established on the spot for their purchase, the

expense of which the Indians can well afford to pay. This plan, too, with a reasonable credit for two-thirds of the purchase-money, on interest, deeds to be made on full payment, would be exceedingly satisfactory to the people, as it would encourage sales to actual settlers. For these reasons, I was of the opinion that a re-appraisement was not only unnecessary, but would involve a large expense, which ought not, in justice, to be imposed upon these Indians.

But I should have hesitated before interposing my opinions if there had been time to make the appraisement, and we had been furnished with means to complete it. To have made an examination of each 160 of the 218,000 acres and take testimony in regard to the claims and improvements of over 200 claims of settlers, would have taken four or five months' labor, most of the time in the field, under tent at night, with two wagons, chain-carriers, surveyors, &c.

The former commissioners were engaged over four months in this way, and I am satisfied they worked most faithfully and did their work as well as men could. Mr. Edward F. Ellis, who seemed quite anxious to go on, being a member of the senate, said he could not devote so much time to the work. Under the circumstances I thought it best to return without organizing the commission, it being obvious that the work could not be completed this fall.

Of course it is to the interest of all parties to have these lands disposed of as soon as possible, and this, as suggested in my note from Saint Louis, can be best accomplished by an amendment of the law, so as to authorize the Secretary of the Interior to establish an agency for their sale in Kansas, upon the basis of the appraisement already made. This is the opinion of every man with whom I conversed in Kansas, having experience in such matters. In no other way can the Government dispose of these lands so rapidly, at fair prices, and to actual settlers; and it seems to me, an effort ought to be made to save to those who shall become occupiers of these magnificent lands the large profits which the speculators hope to realize from handling them.

All which is respectfully submitted.

T. C. JONES.
Special Commissioner.

Hon. EDWARD P. SMITH,
Commissioner Indian Affairs, Washington, D. C.

N.

REPORT OF H. M. ATKINSON AND T. G. WILLIAMS, SPECIAL COMMISSIONERS TO VISIT THE KICKAPOOS IN MEXICO, WITH THE VIEW OF INDUCING THEM TO COME AND REMAIN IN THE INDIAN TERRITORY.

WASHINGTON, D. C., October 8, 1873.

Hon. E. P. SMITH,
Commissioner of Indian Affairs, Washington, D. C. :

SIR: Pursuant to your instructions of March 31, 1873, we reached Fort Duncan, Tex., on the Rio Grande River, on the 30th of April. From the best information obtainable we expected that the governor of the Mexican State of Coahuila would shortly arrive at Piedras Negras, a Mexican town just opposite Fort Duncan, and as it was essential to secure his advice and co-operation in our work, we awaited his arrival; also, in order to procure and fit out such vehicles and animals as would be needed for traveling in that country, where no public means of transportation could be obtained.

On the 8th of May we crossed the Rio Grande. As the governor had not come to the frontier, we proceeded on to Saltillo, the capital of Coahuila, about three hundred and fifty miles distant. We deemed it useless to go first to where the Kickapoos, Pottawatomes, and other roving bands of Indians, Lipans and Mescaleros, were reported to be encamped, because they were all, by a recent treaty or agreement with Governor Cepeda of Coahuila, under his direct protection and supervision.

On the 15th of May we arrived at Saltillo. The next day, there being no American commercial agent or consul in that city, John C. O'Sullivan, jr., esq., a prominent merchant, kindly accompanied and introduced us to Governor Cepeda.

We presented our credentials and explained our instructions relative to the removal of the Kickapoo and other Indians from the frontier of Mexico back to their proper reservations in the United States. We requested his active co-operation in effecting

the objects of our mission, and also that he would select one or more of his officers to act, on behalf of his State government, as commissioner to accompany and work with us.

In response to our requests, the governor seeming to feel and appreciate how important our mission was, and how upon its success depended the peace and quiet of the frontier, and perhaps the continuance of friendly relations between the United States and Mexico, not only appointed a commissioner, Señor Antonio Montero, but also issued a proclamation to all officials and citizens in the State, requiring them to assist us in our work; and he advised the Indians to accompany us, if they thought that their condition would be improved. Before leaving Saltillo we communicated with our minister at the city of Mexico, asking him to make such efforts as he might see fit to get the general government's indorsement upon Governor Cepeda's action. To this letter we received no reply; but as Señor Montero's commission was never revoked, and as he was permitted to continue working with us, we have inferred that Governor Cepeda's course was approved by the general government. Many influential citizens of Coahuila, and members of the State legislature, strongly opposed the governor's course toward us, and made it one of the grounds of the revolutionary proceedings now transpiring in that State.

On the 20th of May we left Saltillo and went to Monterey, the capital of Nuevo Leon, in which State some of the Indians resided. On the 21st we arrived, and, accompanied by J. Ulrich, esq., our consul, called upon Governor Gonzales, to whom we made known our business. The governor expressed his desire for the success of our mission. At our request he issued a circular-letter to all the alcaldes of the border towns, to place no obstacle in our way, and directing officials and citizens to co-operate with us. The following day, 22d, we set out for Santa Rosa, the town nearest to where the Indians were located. On the way some 30 leagues from Monterey, and before reaching Monclova, we were informed by a courier with a dispatch from Mr. O'Sullivan, of Saltillo, sent via Monterey, that Governor Cepeda had just heard that a party of Americans had crossed into Mexico, and had attacked the Kickapoos near Remolina, had killed several and taken some prisoners. On arriving at Monclova, where Señor Antonio Montero, the Mexican commissioner, joined us, we heard that it was General MacKenzie's raid. Being informed of the disturbed condition of the country, consequent upon the raid, we obtained from the alcalde of Monclova an escort, via Avosata, to Santa Rosa, which place we reached on the 28th of May. On the 29th we sent word to the Indians that we were there for the purpose of inducing them to go with us to the United States. That afternoon a few came in and we made arrangements to collect as many as possible of the chiefs and warriors so that we might have a council. This involved a few days' delay and considerable expense. We found the Indians in a very destitute condition, and, owing to the scarcity of game, much scattered; we had to provide subsistence and money to provide food for those whose families were at a distance while they were assembling to talk with us. Immediately upon our arrival at Santa Rosa, some of the most influential citizens of the town, in violation of Governor Cepeda's instructions and advice, in open disregard of his authority and that of the Mexican commissioner, went to work to prejudice the Indians against us. Through Michael Thomas, our Indian interpreter, who came with us from the Kansas reservation, and who staid at night in the Indian camps, we learned that the Indians were advised by the Mexicans to kill us forthwith, or to capture and hold us as hostages for their women and children captured by General MacKenzie. The Indians were also told by the Mexicans that our object was to poison them, (the Indians,) and advised them not to accept any provisions from us; that we wanted to get all the tribes together and that United States soldiers would be at hand to murder them; that if they went over into Texas they would all be killed. The Mexicans raised a subscription to buy provisions for the Indians and to bribe them to stay in Mexico. Day after day new lies were manufactured and told to the Indians to set them against us. Our assassination was freely advocated. For some days our lives hung by a thread. Besides Señor Montero our party consisted only of ourselves and two teamsters, and the interpreter, too weak, of course, to hope for successful resistance if attacked by the Mexicans and infuriated Indians. But, feeling the important issues involved in our mission, we ignored these personal threats and attempted intimidation and kept steadily at work. Governor Cepeda was notified of the situation and wrote cautioning his commissioner and ourselves to be most watchful and observant. At this time a report of our assassination was sent to Texas. We have also reason to believe that a few citizens of Texas, and some Americans and foreigners in Mexico, were implicated in the opposition to our mission. For all purchases we had to make, exorbitant prices in gold were charged. The Indians were urged to make raids into Texas to capture women and children, to kill male settlers, and steal cattle. These desperate efforts were made chiefly by those Mexicans who had belonged to the revolutionary party of 1872, and who opposed Governor Cepeda's administration.

Notwithstanding these obstacles, on the 1st of June we met the Indians in council and talked with them seven hours. We stated the object of our presence there, explained

our commissions and instructions, and urged the advantages to them of an immediate move to their United States reservation. The Mexican commissioner indorsed our statements, and told them it was the desire of both governments that they should go, that they would be protected, and in all respects better off. The Indians, through their chiefs, said in reply that they had just been attacked by United States troops from Texas; that in passing through that State in 1864 (the party who at that time went from Kansas to Mexico,) they had been attacked undeservedly; that early in May they heard we were coming to induce them to return to the United States, and that then they had held a council, and a large number of them had decided to return with us, if their reasonable demands for supplies were complied with by our Government; but since that council their people had been killed, women and children captured by United States troops; that therefore, until the captives were restored, they would not listen to our offers; but, if they were returned they would forget about those who were killed, and would return with us, as both governments desired it. On the following day we met and again renewed our efforts. We asked the chiefs to go with us to the Texas border where they could be assured of the safety of the captives, and that if they would cross over on their way to their reservation the prisoners would be restored to them. After several talks it was finally agreed that one of the principal chiefs, Che-quan-ka-ko, should accompany us to see about the captives. Upon arriving at San Antonio, Tex., on 13th June, to which place the prisoners had been taken, we had the honor of communicating with you by telegraph, and requested that the Indian captives should be put under our charge. Our intention was not to release them, or to return them to Mexico, but with proper precautions take them back near the border, and holding them on the limits of Texas, induce the Indians to cross over, and proceed at once to their reservation. We felt assured that as soon as the Indians were convinced of the safety of their women and children, and could be made satisfied that we were acting in good faith for their good, they would consent to move. We found it difficult to answer their often repeated question as to how it was that at the very time we, as commissioners of the United States Government, were in Mexico to treat with them, that the United States soldiers should have gone into Mexico to attack, kill, and capture their people. We read to them what General MacKenzie had written to us; that he was following a trail of Lipan Indians, and that it led to the Kickapoo camp, and that they had received a blow intended more particularly for the Lipans, who had just been depredating in Texas.

That attack, so admirably executed by General MacKenzie, evidently somewhat delayed our negotiations, but doubtless its results contributed largely to our final success, by exhibiting the power of the United States even outside of our country, and proving to the Indians that Mexico could no longer afford them a safe harbor after their raids into Texas.

Our request concerning the captives not having been granted, on the 23d June we left San Antonio and returned to Zaragoza, Mexico, about thirty miles from Piedras Negras; arrived there 28th June. From that time up to the 14th July was employed in again getting together the scattered bands of Kickapoos and Pottawatomes, numbering about 800, and also in sending word to the Lipans and Mescaleros, numbering in all about 2,000, to meet us in council at Remolino, some thirty miles northwest from Zaragoza. On the 14th July a council was held. We again set forth the object of our mission, and the reasons why they should move. Only one Mescalero chief was present, and left abruptly before the council was over, and, stealing a Mexican's horse, departed. None of the Lipans or Mescaleros again appeared in council, although they had said that they would like to go with us to the United States. Future efforts with them might be more successful.

In the councils held at Remolino all of the Pottawatomes, and a large part of the Kickapoos, consented to go to their reservation. They required, however, that we should first furnish them with subsistence, clothing, and other supplies, and some pack-mules and horses for transportation on their journey, and that these things should be delivered to them at their camp at Remolino. Their objection to receiving supplies on the Texas side of the Rio Grande was because of their fear of attack from the Texans. They also asked us not to accompany them on their march, saying that their intended route would be west and north of all the settlements in Texas; that they would pass through the Comanche and Kiowa country; that if these Indians saw white men with them they would be unfriendly and might attack; that if anything should happen to us before reaching the reservation, the United States Government would hold them responsible. After careful deliberation upon all the circumstances of the case, we determined to take the risk and responsibility of complying with their conditions. The result to be attained, if they kept faith with us, was fully worth the risk. If our mission failed, feelings of revenge and desire for retaliation, encouraged by bad Mexican citizens, would have led forthwith to the devastation of the whole Texan frontier, and ultimate complications with Mexico; and, again, we had no other alternative but to abruptly break off all negotiations and return home without having accomplished anything or comply with their request, and thereby settle

the question as to whether it was possible to succeed in moving them by peaceable means. Our interpreter assured us that they would act in good faith and return to the United States. We therefore concluded to concede to their demands, fully understanding the possibility of their deceiving us after they had received the supplies.

We accordingly procured the requisite supplies in Mexico and in San Antonio, Tex., and had them delivered at Remolino. We were told by the alcalde at Zaragoza that efforts would probably be made by bands of Mexican robbers to capture the supply-train *en route* for Piedras Negras to Remolino. We therefore made application, by courier and telegraph, to the Mexican government to permit us to take along a United States military escort. This was refused, but permission was given for us to have an armed escort of citizens.

The custom-house officials at Piedras Negras demanded payment of duties on the supplies for the Indians. The amount levied was over \$7,000 in gold. We represented to those officers that our mission was appointed by the United States Government, at the suggestion of the Mexican government, and was one effecting the interests of both republics; that the goods taken in by us were solely for the Indians then about to move; that we felt sure the government of Mexico could not properly, and would not, levy duties upon such supplies as could not be procured in that part of Mexico. The question was referred to the city of Mexico, and a reply received that all supplies intended for consumption of the Indians, during the time occupied in reaching the frontier, and previous to crossing the Rio Grande, should pass free of duty. This reply was interpreted by the Piedras Negras officials to except only a part of what we had to deliver at Remolino, leaving a balance of over \$4,000 gold to be paid by us. We refused to pay this, believing that the case was not fully understood, and again referred the matter to Mexico, and also to our Government, for future adjustment. We also refused to give the bond required, but furnished them with a list of the articles taken into Mexico by us. A permit to pass the goods was then given.

On the 26th August the goods were delivered to the Indians, only to those who had consented to start. The Indians themselves would not permit any who remained to share with them.

On the 28th August the movement was commenced toward the Rio Grande. As near as we could estimate about four hundred, including warriors, women, and children, started, consisting of all the Pottawatomies and a large part of the Kickapoos. We furnished Michael Thomas, our Indian interpreter, who went along with the Indians, with letters showing the character and object of the movement. At our request, General Auger, commanding the department of Texas, issued orders to the troops of his command not to molest the Indians on their march through his department.

At the time we have the honor to submit this report the Indians are *en route* along the eastern border of the Llano Estacado toward the western part of the Indian Territory. One band of Kickapoos, numbering all told about 280, remained in Mexico, and have since gone down near Parras, in the southwestern part of Coahuila. We believe that these, too, will rejoin their tribe as soon as they are assured of the safe arrival of those who have started to the United States. We very respectfully suggest, and request, that we may be allowed to take two or three of the chiefs after their arrival in Kansas back with us to Mexico, and get all the rest to return to their reservation. Three of the warriors accompanied us by railroad from Texas, one we left at Fort Gibson, with the captives, and the other two we took to the Kansas reservation.

Owing to the fact that our operations were in a foreign country, where only coin could be used, and where all supplies are scarce and dear, and that considerable expense had to be incurred in traveling, also in collecting together and subsisting the Indians while in consultation with us, the amount at first placed to our credit was soon exhausted.

In reply to our second requisition for funds, we received notice from you that on 11th August a requisition had been made on the Treasury for amount required; upon this notice, together with the promise contained in our instructions that funds would be promptly furnished to carry out our work, we incurred certain obligations for the supplies given to the Indians, and made promises to them of additional gifts upon their arrival in Kansas.

On the 6th September, two days after reaching San Antonio, your telegram was received informing us that the comptroller had decided not to approve said requisition, and that the unexpended balance of the appropriation for "collecting, subsisting, and removing Kickapoos, and other roving bands of Indians from Mexico," had lapsed, and that a re-appropriation by Congress would be necessary before further funds could be furnished. This information left us in a most embarrassing situation. We had made purchases of supplies and means of transportation, and not being able to meet these obligations, and more particularly the probability of not being able to keep our word to the Indians, was endangering the whole result of our mission. We are now not only in danger of losing the successful fruits of our whole summer's work, but also, what is of even graver importance, incurring the hostility for all time to come of these Kickapoo and Pottawatomie Indians, and, by not being able to keep our promise to them, cause

them forever after to distrust all negotiations with our Government, and perhaps leading to a second Modoc-like war upon the frontier of Texas. These consequences can be best obviated by the prompt and faithful fulfillment of our pledges, and if, in your judgment, no funds can be furnished to us forthwith, we most earnestly request that Congress be urged to appropriate, at an early day, such an amount as you may deem requisite to complete the service we have so far advanced.

From personal observation and reliable information obtained in Mexico and on the Texas frontier, we beg leave to express the opinion that what we have already accomplished has added very largely to the wealth of the country, in the enhanced value of the vast and splendid grazing and agricultural lands of Western Texas, which, owing to the presence of these Indians on the Mexican border, were shunned by settlers and emigrants to Texas. Moreover, removing the Indians takes away the mask or pretext hitherto used by Mexican cattle-thieves and marauders. Now further raids into Texas can be charged directly to the lawless frontier-citizens of Mexico.

We would state that much kind and valuable aid was extended to us in promoting our public duties by Gen. C. C. Augur, commanding Department of Texas, and Gen. R. S. Mackenzie, commanding that district along the Rio Grande, and by Col. W. R. Shafter, commanding Fort Duncan, also by William Schuchardt, esq., United States commercial agent at Piedras Negras. Che-quan-ka-ko, the chief of the Pottawatomies, and Michael Thomas, the Indian interpreter, served most faithfully and contributed largely to our success. During the whole time Governor Victoriano Cepeda, of Coahuila, and the Mexican commissioner, Señor Antonio Montero, were unremitting in their efforts to help us, and by the judicious exercise of their authority gave us most important assistance.

For a detailed statement of all of our expenditures, please see the accompanying vouchers, abstracts, and account-current.

We have the honor to be, very respectfully, your obedient servants,

HENRY M. ATKINSON,
THOMAS G. WILLIAMS,

Special United States Indian Commissioners.

HON. EDW. P. SMITH,
Commissioner of Indian Affairs.

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NEW YORK INDIAN AGENCY,
Forrestville, N. Y., October 25, 1873.

SIR: In submitting my fourth annual report, I have the honor to state the present population of the Indians on the eight reservations in the New York agency at 5,141, being an increase over last year of 71; and their wealth in individual property at \$341,856, not including farms and farm-buildings. Nineteen thousand seven hundred and thirty-seven acres of land are under cultivation by the Indians. There are 1,576 Indian children between the ages of 5 and 21 years residing on these reservations. Of this number 1,221 have attended school some portion of the school-year ending September 30, 1873. Twenty-eight schools have been taught on an average of 32 weeks each, and the school-registers, as kept by the several teachers, show an average daily attendance of 811 Indian children, being an increase of daily attendance over the preceding year of 103, and over the school-year ending September 30, 1871, of 179. Eleven of the teachers employed in these schools some portion of the school-year were Indians, and succeeded well. These schools, except one, are embraced under the free-school system of the State of New York, and have been sustained during the year at an expense of \$8,647.47, of which the Indians have contributed \$611.

I report an increase of population on all the reservations during the year except Tuscarora. On this reservation there is a decrease of thirty-nine, owing to great mortality among children by measles.

I have to report the first murder committed by Indians in this agency for several years. It recently occurred on the Tonawanda reservation, and the persons implicated in the crime were intoxicated. The Indians are quite as free from the violation of the criminal laws as any like portion of the white population of the State.

Generally the year has been a prosperous one among the Indians in this agency. At no former period has the evidence of their advancement in wealth and civilization been more satisfactory, as will appear from the statistical returns of farming and education herewith transmitted.

The Senecas of the Tonawanda band, residing on the Tonawanda reservation, appropriated \$4,500 from their trust fund interest, for the construction and maintenance of a