

# The condition of affairs in Indian Territory and California. A report by Prof. C.C. Painter, agent of the Indian Rights Association

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A REPORT BY PROF. C. C. PAINTER, AGENT OF THE INDIAN RIGHTS ASSOCIATION.

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**STUDYING THE CONDITION OF AFFAIRS IN INDIAN TERRITORY AND CALIFORNIA. A REPORT BY PROF. C. C. PAINTER, AGENT OF THE INDIAN RIGHTS ASSOCIATION.**

At the joint request of the Executive Committee of the Indian Rights Association and of the Mohonk Committee on "Legal Defence of the Mission Indians," as general Agent of the Indian Rights Association, I made a third annual visit to southern California during the spring and summer of 1887, leaving home on the second of May and returning in August, stopping in the Indian Territory on the way out to look into the condition of things at the several Agencies among the Indians west of the five civilized tribes.

Calling on the President and Secretary of the Interior, and informing them of the scope and purpose of my visit, I was requested by them to look into the condition of the schools at the several points

visited, and to give my opinion as to the advisability of removing the Indians west of Oklahoma into that part of the country, with a view to opening up to settlement the lands now occupied by them, as proposed by the Commissioner of Indian Affairs, and urged with great pertinacity by certain Congressmen from Iowa and Illinois. Through General Kelton, Acting Secretary of War, I was kindly furnished with letters to the commandants of the several military posts along my route, which were of the greatest assistance to me, and I take this opportunity to acknowledge the very great courtesy which has been shown me, whenever opportunity has offered, by Army officers, and the valuable aid given me in the prosecution of my work. With few exceptions, the soldiers who have been forced to fight Indians have a very cordial and profound respect for them as a part of the human family, and great sympathy for them under their oppressions and wrongs.

The letters furnished me by the Secretary of War secured from Col. Sumner, of Reno; Col. Pierson, of Ft. Sill; and Gen. Miles, of Los Angeles, all the aid that could be given me in furtherance of the objects of my visit, and the hospitalities of the first two were unstinted and most generous.

A similar letter was given me by the Secretary of the Interior, requiring of the officials of the several Agencies visited by me all the assistance they could give consistent with the discharge of their duties. Excepting at one Agency, this did not secure to me any very special attention, possibly all that could be given consistently with more urgent duties.

Stopping at Arkansas City, in Kansas, to visit the Indian School at Chilocco, near that city, I found the Senate Committee appointed to investigate certain scandals in connection with Indian Traderships, in session at that point.

A large number of traders, ex-traders, Agents, Ex-agents and others acquainted with the condition of things were gathered here, affording unusual opportunities for picking up information such as I was seeking.

I do not know, nor will I attempt to anticipate, what report this Committee will make, but as the witnesses were examined, two facts seemed to come out very prominently: 1st, Old traders, against whom no charge was made of violating the intercourse laws, or rules regulating trade with

Indians, had the option forced upon them of putting in their capital, including buildings, goods, experience, time and labor, as against the license of a new man, who, in some cases, had no capital, and dividing profits; or of losing capital, buildings, outstanding debts, etc., etc.; and 2d, That Deputy Commissioner Upshaw, even while he was only Chief Clerk, seems to have run the Bureau of Indian Affairs independently and, at times, against the will and purpose of the Commissioner. One witness testified that he would have, one 5 day, the permission of Mr. Atkins to open his store and continue the business, and the next he would be ordered by Mr. Upshaw to close it and get off the reservation, and that he was confident, from the promises made him by the Commissioner, he would have been permitted to continue in trade if he had not been over-ruled by his deputy.

Whether abuses are greater under the present administration than under previous ones is not a question that concerns the friends of the Indians so much as the more pertinent and pressing one, whether the abuses of the system itself shall be continued? It is a great outrage that a man who has been encouraged to invest capital in trade which he is licensed and authorized by the Department to carry on under its rules and regulations, and has done this in such manner that no charge can be sustained against him of violating these, is compelled either to share his profits with a favorite of the Commissioner, or of his friends, personal or political, or go out of business, with no opportunity to settle it up or take out of it the capital he has invested. This is an unmitigated outrage; but it is a wrong no greater than the system, as it is administered, inflicts upon the Indian, even when the white man suffers no injustice under it. It is difficult to see reasons why any man, and every man, whose character is such that he ought to be allowed to go on an Indian Reservation as a trader under any circumstances, should not be licensed to do so if he chooses, and there is nothing in the law regulating traderships preventing this. The theory under which the law should be interpreted and administered is this: The law contemplates the best interest of the Indian, and was intended to protect that interest, rather than to give extraordinary advantages to a white trader for enriching himself. The whole management of Indians has been abnormal, with little or absolutely no opportunity for the natural laws regulating social life to operate. Everything is controlled by arbitrary laws and regulations, and not by moral, social, or economic principles. Common sense, educated by long experience, has taught us, long since, that the natural laws of demand and supply

will meet the wants of a community more wisely and economically than can be done under the most careful arbitrary regulations. No commissary department, however wise and able, could supply the daily needs of a great city like New York or Philadelphia as cheaply, safely, regularly, and with so little friction as does this simple law of demand and supply left free to operate upon the myriad agencies which, all over the world, are freely coöperating to this end.

The sooner it is settled that the Indian belongs to the human family, that his needs must be met in the same way and under the same economic laws as in the case of all other human beings, the better it will be for him and for us who are so much perplexed with the difficulties of our problem—difficulties we foolishly create and then by most stupid methods undertake to solve.

If the abuses which Senator Platt's Committee have undertaken to investigate will but call their attention to the fact that they grew up under a system which is of itself an abuse, and shall result in its correction and removal, then will a result be reached which shall compensate for the expense of such a Commission; but if we shall reach the conclusion, satisfactory to one part of the Committee, that this business has been controlled and used by those in charge of it, as never before, to reward political and personal friends—or, with satisfaction to the other part of the Committee, that the present administration has only too closely followed the bad precedents of the past, this would be, in either case, a lame and impotent conclusion, in which few would feel an interest.

Experience in the past does not hold out much hope that anything will come of this investigation. Two reports will be given, each satisfactory to the party to whom it is made, and the nonpartisan citizen, if he reads them, will strike the balance at the zero point midway between, and infer nothing beyond a zeal on the part of each to politically injure the other.

There is this hope, however, which grows stronger under every exercise of the inherent despotism of the Indian Bureau, that as the number of white men increases who are crushed in their fortunes, or hindered and thwarted in their plans, by its arbitrary decisions, the demand will grow louder, stronger, and more emphatic that such an anomalous monstrosity shall cease to exist. Since we

began to deal with the Indians it has crushed them under its irresponsible power, and the American people have been silent; but when it strikes too many free citizens down its days will be numbered.

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To one who has protested against it, and chafed under it as he has seen it dealing with the Indian as with a piece of dead matter, as having no rights to be considered when they were opposed by the interests of white men, it was a great delight to see it strike the Christian Churches of this country a blow square in the face, as it did in the order forbidding them, at their own expense, and in such ways as experience has taught them are wise, to attempt to obey, so far as the Indians are concerned, the command of their Divine Master, and preach to them the gospel of Christ, and then treat with supreme indifference and contempt their humble petitions to have this order modified. So long as no one but the Indian was subjected to such tyranny few have found a voice to complain, but it is an interesting question how long those who have believed in civil and religious liberty will submit to such a petty despotism, when it crushes their own rights and liberties.

THE CHILOCCO SCHOOL. This school is beautifully located, on elevated grounds several miles from Arkansas City, just over the line in the Indian Territory, not so far from the home of the Indians that they cannot run off and go home frequently, but so far that it requires considerable time to hunt them up and bring them back. The school was under the care of a most excellent Christian gentleman who lacks other very necessary qualifications for the highest success as superintendent of such a work. The school was fairly good when it ought to have been first-class. During the year which closed about the time of my visit, there had been five principal teachers for the one position; there had been seven teachers for the two positions, or twelve appointees for three positions, and this in the teaching force of the school. Five men had held the one position of blacksmith; five women the one position of tailoress. These changes would indicate a fatal inability to make good appointments, or an equally unfortunate inability to retain good workers when appointed; in either case a condition of things utterly incompatible with a high degree of success.

The school is badly cramped for room and suitable accommodations. The dining room accommodations are poor in quality 8 and too small for the school. There ought to be a hospital.

When the measles broke out during the past winter, and sixty of the children were down with them at one time, there was no place for them but in the common dormitory. Bath rooms for both sexes are much needed, whether from a sanitary or moral point of view, and a new building large enough for workshops and laundry is a necessity.

The superintendents of this school have made reference in their reports to the small allowance of soap, and the present laundryman makes a pitiful plea for a larger quantity. I would that the cook also had felt the necessity for it, and had joined her voice with that of the laundryman. Certainly there was either an utter deficiency of this most necessary article, or an utter ignorance of its virtues. It is too bad that children should pass the formative period of their lives under influences which minimize the value of cleanliness in persons and surroundings, and should be fed by the exponents of our higher Christian civilization in such manner that they get but faint ideas of anything better than they have known in their old homes.

PONCA, OTOE AND PAWNEE. From Chilocco I went to the Ponca Agency, under the care of Major Osborne of Tennessee. He had just killed one of his farmers at the Otoe sub-Agency, and had gone to Tennessee after his wife. The killing of this man was in defence of others, at whom the man killed, Smith, was shooting. His position, with reference to Smith was such that Osborne could have disarmed him without killing him had he seen fit to do it. There was no necessity for the thing, and it would not have occurred but for the fact that these men all go armed, and belong to a class which ought to have no representatives in the work of Indian civilization. I learned at Arkansas City that when the Agent, and his clerk from Otoe, Mr. Young, and another employé brought Smith's body to that place to ship it home, they were gambling, and acting as fast fellows "on a high old time." I was informed by a gentleman, also of that city, that some time ago the Agent came up into Kansas, to a neighboring town, fell off the train and lay about town until his wife came up and took him home. I had a conference with the Indians at Ponca, and had to listen to a long list of grievances from them, in which complaints they seemed to be entirely harmonious. They said: "These men"—the agency employés, all of whom excepting the Agent were present—"seem to be very tired. They need rest. They are always resting. None of them do anything but rest, except that man (pointing to the clerk). He is always writing. We do not know what he writes about, but he is always at it. He

don't write for us, we have to go up town to get our letters written, but he is always writing—that man is, but the rest of them just rest. We think they ought to go to Mr. Washington for their pay, and not take it out of our money when they don't do us any good.”

I rode all over the cultivated portion of their reservation and found it to be a magnificent body of land. I found the man who was most bitter in his denunciations of the employés roosting upon the top of his house, smoking, and doing but little for his corn, which very much needed attention. But I found also that the most progressive and industrious of the Indians shared very fully the feeling which was expressed at the conference as to the unrelatedness of these employés to their welfare.

There was, especially among the better part of the Indians, a strong feeling that their school was not doing much for their children. This was manifestly a correct estimate of the school. There was and had been much feeling between members of the force of employés, and want of harmony. There had been two superintendents during the year, and five teachers where there should have been but two, and frequent changes throughout the force.

There is great need of additional room, especially of bath rooms, water closets and hospital, but there is more urgent need for a change in the controlling and teaching force before the school can become efficient.

The superintendent is reputed to be an infidel, of the blatant kind. However this may be, he is not, otherwise, fitted for his position, neither is his wife qualified to teach. The school was very poor indeed. In fact, among the whole Agency force the clerk is the only one I found there regularly connected with the work whom I thought qualified for his duties, and he is not the kind of man to entrust with any part in a civilizing work, for he is aggressively out of sympathy with the fundamental principles of a permanent civilization. The most utterly homesick and hopeless person I have ever seen was the lady missionary who was here under the auspices of the Women's Missionary Association of the Methodist Church. She had neither sympathy nor opportunity, except as she found it in the Indians' homes; none whatever from any employé of the government.



Things were much better at Otoe Sub-agency. The clerk who had been in charge, and who was in the recent shooting scrape, and his wife, who had been matron, were just leaving when I got there. Both, from all I could learn, were notoriously unfit for their positions. Mr. Hutchinson, the Superintendent of the school, and his wife, the matron, and Miss DeNight, the teacher, are all first class. The Doctor, who lives there also, I judge to be pretty good; also the cook and laundress.

This is one of the very best schools I have ever found on an Indian Reservation. Unfortunately it is very small, there being room for only twenty-five boarding pupils. The building, as being inadequate and unfortunately located too near the Agency buildings, ought to be turned over to the Agency, being much needed, and a new and complete school for 125 or 150 pupils should be erected about a mile from the present site. If this should be done and the present Superintendent put in charge, and the present superb teacher, Miss DeNight, who was removed from the Chilocco school to make room for the Superintendent's sister-in-law, given charge of the teaching force, a long step would be taken in the direction of civilizing the Indians. In fact, this would be the point at which to build an adequate school of the highest grade for this whole Agency, being central for the Poncas and Pawnees.

At Pawnee I found a bad state of things. The clerk in charge, McKenzie, so far as I could learn, does nothing. His brother, the farmer, clerks for him. Barker, the additional farmer, a tall, gawky boy, knows nothing of farming and does nothing. Prof. Gordon is superintendent of the school, which is detached from Agency control, and, though a very nice man, is wholly unfit for his position. He sent the children home with the measles broken out on them, and many of them, the clerk says 40 out of 85; the doctor says 30; Gordon says 23, died, 11 some of them on their mother's backs before they could be gotten home. Mrs. McKenzie, the clerk's wife, has been forced (as I was informed by one in position to know), upon three successive superintendents, by Mr. Atkins, as teacher, though utterly unqualified for the place. The Agent's sister is matron and fairly good, though she informed me that she came there not for her health, but for what can be made of the business. The school has been detached from Agency control and put under a bonded officer. When its superintendent came to take an inventory of the property, on assuming charge of it, he had to strip the clerk's house

of almost all the furniture it contained, he having appropriated school furniture for his own use. This has caused a bitterness of feeling between the two officials which prevents any very cordial coöperation in the good work, so dear to each, of Indian civilization.

Excepting the dining room, everything about the school premises was in a fearful condition. The privies scented the whole place; the stores and school goods were in bad order, and much of them spoiling, this largely because there was no suitable room in which to store them. The doctor was about the only one connected with the government work that amounted to anything at all. The Indians threatened to gather up the whole force and dump them off the reservation. As at Ponca, so here, the Missionary finds no sympathy, and but little opportunity for her work.

OKLAHOMA. Owing to the impassable condition of the streams, my plan for visiting the Sac and Fox people, and the Shawnees and Pottawatomies, had to be abandoned. From Pawnee I went down through the Oklahoma country to Oklahoma station, (on the A. T. and Sante Fe Branch Road, which now connects through to Galveston, Texas) where stages connect for Darlington and Ft. Reno. This gave opportunity to see the character of this famous, much-coveted country. It is better timbered and watered than any other portion of the Indian Territory I have seen, and grass is abundant; but I do not believe the soil is so good as either east or west of it. It would not better the Wichitas, and the other Indians whom it is proposed to remove into it, so far as the quality of the land is concerned. It is not, as many seem to suppose, the original site of the Garden of Eden, but is far too good a country to be suffered to lie unused when so many of our citizens are seeking homes.

I was asked, both by the President and Mr. Lamar, to give an opinion as to the advisability of removing the Indians west of Oklahoma into this district, so that the reservations now occupied by them might be opened to settlement. After an extended tour and inspection of their reservations, and inquiries into their condition and prospects, I reported that in my estimation it would be unjust, cruel and disastrous to do so.

The theory on which this is proposed is that no treaty stands in the way of their removal, or of the opening of their reservations, since they are on executive order reservations, while there are treaty and other difficulties in the way of throwing open Oklahoma to white settlement.

These reasons are valid in appearance only, but not in reality, while there are very real and urgent reasons why it should not be done. A treaty was made with the Cheyennes and Arapahoes, for instance, giving them a reservation north of the one now occupied, but we had no right to give them this land, it being in part embraced in the Cherokee outlet, and the Indians did not understand that it was the land for which they were treating, but supposed they were getting the land which is now occupied by them. They refused to move upon it, and we had no right to remove them to it. After correspondence, the President set apart, by "Executive order," their present reservation, in lieu of that given them by the treaty. Of course he had no power to annul, by Executive order, their treaty rights, among which was the right of any individual Indian, head of a family, to have allotted to him 320 acres of land to be secured by a patent. If the President could rightfully give them this land in lieu of the other, their possession of it carried with it all the rights they had on the other tract.

The Wichitas are said to be on a reservation by unratified treaty, and since the treaty has never been ratified by the Senate there could be no legal obstacle to their being removed. The fact is, these Indians claim always to have been the owners of this land, not only of what they occupy, but of a large body occupied in part by the Kiowas and Comanches, Delawares and 13 Caddoes, and also that which was procured from the Quapaws for the Chickasaws, we treating with those Kansas Indians for land owned by them. Their title to it has never been extinguished. So there are virtual legal and treaty obligations in the way of this removal, fully as sacred as those which prevent us from opening Oklahoma, and certainly the moral obligations are even greater. These people, especially the Wichitas, have taken deep root in these lands, have built them homes, and opened up farms. This is being done with most encouraging rapidity by the Cheyennes, Arapahoes and Comanches. It would be a cruel outrage to force them to remove; it would be a disastrous step backward to induce them to go. The lands to which they would remove are not so good as those now occupied; they are bitterly opposed to the plan and it ought not to be attempted. Oklahoma

ought to be opened up. It is not needed by the Indians, it cannot be kept empty and ought not to be so kept; but if treaty and moral obligations must be violated, it is better to do so with reference to vacant lands than with reference to established homes. Steps ought to be taken at once to gain the consent of the Seminoles and Creeks to throw this land open to settlement, and it could doubtless be done if a fair price above the thirty cents per acre which we paid for it, for the settlement of Indians upon it, was offered for it.

We know from good authority that an empty house, though swept and furnished, cannot be guarded against demoniacal possession. The only way to keep it clean is to occupy it. But we ought to have learned something from past experience in regard to the removal of Indians from their homes to satisfy the convenience or the greed of the white man. Much and bitter complaint has been made that the President has failed to appoint a Commission, which he was authorized to do, to treat with the Indians of the territory for a surrender of their treaty rights in regard to land. The appointment of such a Commission, simply to treat with them for their consent, is seemingly a very innocent and proper thing to do, but it is very much like the act of March 1st, 1883, empowering the President to consolidate agencies and tribes, at his discretion, “with the consent of the tribes to be affected thereby, expressed in the usual way,” which J. P. Dunn, Jr., interprets to mean “The President is authorized and 14 empowered to drive the Indians from their native homes, and place them on unhealthy and uncongenial reservations, whenever sufficient political influence has been brought to bear upon the Commissioner of Indian Affairs or the Secretary of the Interior, by men who desire the lands of any tribe, to induce a recommendation for their removal. *Provided*, that before any tribe shall be removed the members thereof shall be bullied, cajoled or defrauded into consenting to the removal.” Mr. Dunn reminds us that the Modoc war was caused by attempting to force these Indians to stay on a reservation with the hostile Klamaths, who would give them no peace, nor allow them to raise food. The Sioux war of 1876 resulted from an enforcement of an order for that nation to abandon the Powder River country, which we had guaranteed them as a hunting ground, and to limit them to their reservation, where there was no game.

The Nez Perce war of 1877 was caused by an attempt to force Joseph's band of Lower Nez Perces to abandon their own home, their title to which had never been extinguished, and go upon the Lapwai Reserve.

All our troubles with the Chiracahua Apaches since 1876 have come from our attempts to remove them from their native mountains to an unhealthy and intolerable place for mountain Indians, to live with a band unfriendly to them. The wars with Victorio's Apaches resulted from the discontinuance of their reservation, and an order for their removal to San Carlos. The war with the northern Cheyennes came from an attempt to make them stay in the Indian Territory, which proved unhealthy for them. The shame and disgrace of the Ponca removal is yet fresh in mind, and a war, which would have marked the path hewn by them from the Indian Territory back to their old home in Nebraska, would have been a legitimate outcome of this outrage had Standing Bear's band been stronger.

The Hualapais, removed to the Colorado River, escaped extermination, so unhealthy was the new home, only by fleeing from it in a body. The list might be indefinitely extended, but those who make our laws touching Indian affairs, and those entrusted with their administration, seem incapable of learning anything from the history of the past.

The present Commissioner of Indian Affairs returns, in his last 15 report, to his recommendations in regard to the removal of the Cheyennes and Arapahoes, Wichitas and associated tribes, so that the clamor about Oklahoma may be hushed, and politicians, urged forward by their constituents who want these lands, are unwearied in their efforts to have this outrage committed. The friends of the Indian ought to take tenable ground in their opposition to this, lest in mistaken efforts to maintain, *pro forma*, the exact proportions of the treaty, or other rights of these people, they shall lose all. We may as well settle it first as last, and better now than later, that such an immense territory as now lies vacant and worse than useless under the shadow of old treaties, can never, as a matter of fact, be held for such time as the Indian, left to himself, may be able to utilize it and cause it to contribute what it is capable of doing to meet the world's cry for food. But a successful appeal

may be hopefully made to the American people as against essential and absolute injustice and cruel wrong, and this appeal should be promptly and distinctly made.

It is already apparent that the time of the land-grabber is short, and that what he does to rob the Indian of his land must be done quickly, before the severalty law gives it to him by an inalienable title. Efforts in this direction will be earnest and unremitting; the vigilance and efforts of the Indians' friends must not be less so.

THE CHEYENNE AND ARAPAHOE RESERVATION. My letter from the Secretary of War to Col. Sumner, Commandant at Ft. Reno, was considered by him as an equivalent to an order which he was quite ready to honor to the fullest extent. He insisted on my making his house my headquarters, and was ready to send me anywhere within his bailiwick I chose to go; put his interpreter and guide, Ben. Clarke, at my service, and after carrying me over the Cheyenne and Arapahoe Reservation around Darlington, sent me out in four-mule grandeur to visit the Seger Colony on the Washita, and to the Kiowa and Comanche and Wichita Agency at Anadarko, with an escort, wagon, tents, cook, guide and interpreter, rations, scouts, etc., under command of Lieut. Keene.

I thus had unusual opportunities to learn the condition of things. I sent the outfit back from Anadarko, and spent a week 16 with Capt. Hall, the Agent, who took me to Reno when I had concluded my visit to his reservation.

Now as to the observations at Darlington, and the Cheyenne and Arapahoe Reservation.

The Agent of the Cheyenne and Arapahoe Indians, Mr. Williams, was clerk for Capt. Lee, who was Agent in charge after Dyer was removed, and was his choice for successor to himself. He impressed me as a very pleasant, gentlemanly fellow—a good and accurate clerk; good for indoor, routine work, but with no push or great force. He was said to be fond of his toddy when he was clerk, and perhaps it is true that he has not been a total abstainer since he became Agent, but I could not learn that his habits had interfered with his duties. He has no inclination to drive out and look after his people, and when driving about with me, even in the immediate vicinity of the Agency, had to rely

upon the interpreter to tell who and what Indians were cultivating the various farms. It was evident that he had no personal knowledge of the men and what they were doing. It was also manifest here, as at some other places, under the policy which is in vogue, of sending clerks from Washington, that his duties in the office would not allow him to give attention to outside affairs. His clerk, a very nice, good man, is utterly incompetent to do the work of the office, and the Agent had to be clerk. I think Capt. Lee's assertion in his report that "in two out of three of the appointments made at this Agency the department was evidently misled as to qualifications and fitness," was not far from true, at least it is charitable to believe so.

The largest salaries are usually paid to incompetent favorites, and the work is done by those who have the smallest salaries. This is true of the farmers especially. In the carpenter and blacksmith shops, where there are a number of employés, the Agent remarked, as we went away after visiting them, that the only man who was at work was the one man he had been allowed to appoint.

The Indians are scattered out over a vast territory. Two colonies have gone out; one to the Cantonment, sixty miles away to the north, where the Mennonites have a school, and where there is a good, active farmer in charge, named Potter. Another, under Mr. Seger, has gone some sixty miles west-of-south, on the 17 Washita. These last are chiefly "Coffee Coolers." Mr. Seger is one of the very best men for such work that I have ever seen. I give a fuller report of his work, further on, from himself.

If Mr. Williams will only do what he can for this enterprise, Mr. Seger will make it a great success. He is placing his Indians on superb lands, with reference to allotments of 320 acres, and is now ready to begin this work with his people, under the Severalty bill. The Indians, I think, have been benefited both by the leasing of their lands and also more especially by the abrogation of these leases. They received money from the leases which enabled them to buy unaccustomed luxuries, for which they acquired a taste. They now are learning that they can get more from the cultivation of their own lands than from the cattle-men, and a most encouraging activity has characterized them this season, and they had been favored, up to the time of my visit, by unusually fine weather and good rains, but, unfortunately, a drought during the later season blasted their hopes. With wise and

earnest teachers, the outlook for them, especially the Cheyennes, would be most hopeful. It is a great pity that it cannot be said that the employés are all of this character. They are better on the average than those at Ponca and Pawnee, but not what they ought to be.

A member of the Senate Committee asked me to find out, if I could, whether or not there was gambling at this Agency, among the employés. If common report can be trusted, there is no doubt of it. I did not learn that the Agent is involved in it, but some of the other employés and persons licensed to be there are. The impression is strong among the officers at the post, and in the minds of others whom I am not at liberty to mention, that the store of one of the traders is a gambling place, and that in many ways his presence is not helpful to the Indians.

While there I witnessed a beef issue of ninety-six head. The beef were small; the Lieutenant who officially witnessed the issue says unusually small. A number of the steers were of ancient date, and exceedingly thin and scrawny, quite unlike the beef furnished by the same contractor at Anadarko. The manner of issue is heathenish and cruel, and should be stopped, if not for these reasons, because dangerous. They are issued on foot and 18 chased down by the Indians on their ponies and shot many times, in many cases.

I visited the Cheyenne School at the Caddo Spring, some two or three miles from the Agency. The location is a fine one, near a large and excellent spring. The natural drainage is good, and when the sewer and drainage pipes are put in all refuse water will be thoroughly disposed of. The privies were the cleanest I have ever seen in connection with a public institution.

The Superintendent, R. P. Collins, I believe to be well fitted for his place, and anxious to do his full duty. The school is in pretty good shape—the dormitories clean as could be expected, well ventilated, but too much crowded; the bathing facilities very deficient; no place to care for the sick.

Mr. Collins was drawing stone for the windmill with which to force the water from the spring into the school buildings, which will be a great improvement.



Mrs. Collins and Mrs. Hoag, an excellent Quaker lady, were doing good, conscientious and intelligent work in the school room. The classes are much broken up by details of boys to work the garden and corn, and of girls for the laundry and other work. Mr. and Mrs. Collins were dropped from the roll of employés at the close of the year, and so are lost to the service. This is unfortunate, as they were about the only efficient members of the Agency force at that point.

I visited also the Arapahoe school, under the care of the third Superintendent appointed to it during the year, C. H. Steibolt, and, judging from appearances, it would be charitable to suppose each succeeding appointment had been worse than the preceding, for it would be difficult to believe there could have been a worse than the last. There had been four different industrial teachers during the year, four matrons, four assistant matrons, four seamstresses. Miss Lamond, the only teacher in the school who knew how to teach, had been twice teacher and once matron during the year. The larger children in the principal room were under the charge of Miss Lamond; the room was clean, the children prompt and in good shape, the work done above the average of school work in Indian Reservation schools. The next room, under the care of Miss Penington, was nasty—the children slovenly in manner. She is what would be called in 19 the West a “regular bull-whacker,” with no idea of teaching. She had a long strip of board, or lath, in her hand, with which she whacked the desk, making her visitors jump when she struck it; the children were evidently used to it.

There was another small room with a few desks, in which the Superintendent's wife is supposed to hear classes, but no one was in it.

The dormitories were close, nasty, and unbearable as to smell. I was in time to see the children at dinner. The dining room was under care of Minnie Yellow Bear, just home from Carlisle, who was said to be an excellent Assistant Matron (since made laundress) and Miss Fager, Assistant Matron, and was in good condition. The tables were neat, the food well prepared, the children well behaved. The cook is a part Indian, and her kitchen was up in good shape. I was told that when the present Superintendent took charge of the school there were ten milk cows, and the children had plenty of milk—that now he sends to the Mennonite school to get what he needs for his own family use.

Miss Lamond, Minnie Yellow Bear, and Miss Mudeater, the cook, are about the only redeeming elements in the school; what the others might be under a decent and efficient Superintendent of course I cannot tell, but the school can never be anything under his management.

I also visited the Mennonite Mission School, under charge of Rev. H. R. Voth. I spent a large part of the Sabbath with him, the day before this visit to his school. He has some forty-nine children; all live together as a family, eating at the same table. His school, I think, is doing very good work. The children are taught to do all kinds of household and farming work, under kind supervision and wise instruction. The house was clean, and evidently the work done is honest and sensible.

The Agent seemed very chary of me at first, and reticent, and hard to get at, but gradually became more free and communicative. He had a letter, while I was there, from the second Comptroller of the Treasury, saying that he would commence proceedings against him, civil and criminal, because of the condition of his reports, and failure to comply with the law. I said that I would watch with interest a case brought to trial against 20 an Agent under the policy of the Bureau which takes an Agent's affairs out of his hands and puts them in the hands of a clerk of their own appointment. It was manifest that I had his full sympathy in this view of the case, and that he could be added to the long list of Agents who are writhing under the burden of incompetent clerks.

I think there will be no serious trouble about beginning the work of allotment among the Indians on this reservation; especially if Mr. Seger were empowered to commence among the people of his colony, and the Indians were aided by the Government to the extent they are entitled under their treaty.

It is a question whether or not they are entitled to 320 acres. The treaty which gave them a Reservation farther north, on lands occupied by others, allowed them to take land in severalty—320 acres—and when so selected they were to have \$100 the first year to purchase farming implements, seed, etc., and \$25 per annum after that for three years.

It was found, as I have said, that the land described in their treaty was not the land they supposed they were getting, which was occupied in part by other Indians, and so after correspondence and recommendations by the Secretary and Commissioner, the President, by Executive Order, set apart this reserve in lieu of their treaty reserve. If he had power to do this, it would follow that the provisions of the treaty would attach also to this reservation, and they should have their 320 acres instead of 160, and Mr. Seger is locating the Indians in his colony with reference to this larger amount. This is a matter that may give rise to delicate complications.

THE SEGER COLONY. My visit to the Seger Colony was the most interesting and instructive part of my whole journey, and Mr. Seger impresses me as, on the whole, the most successful man I have ever met in the Indian Service. If such men as he could be put in charge of the Indians it would matter little what the faults of the system under which they work, provided it did not absolutely tie them up and prevent altogether any effort; the work would go forward in spite of obstacles.

Mr. Seger has undoubtedly a genius for inspiring and impelling such men as the Indians are, and has more good, hard common sense as to the means and methods by which they can be moved along the lines we wish them to go than I have found elsewhere in any and all other Agencies.

The statement he gave me, at my request, of the origin and progress of his colony is in itself so admirable, and so full of encouragement, and so illustrative of what might be, and ought to be done, that I give it in full. Mr. Seger is not an educated man: his writing, spelling and grammar are about as poor as I have encountered, and so I have ventured to correct these to some extent, but otherwise his letters are as he wrote them, for it would be impossible, to me, to improve them. His language is that of an educated man, and his style as direct, manly and vigorous as is his method of doing business. He does not give in this history of his enterprise a history of the difficulties which have beset him on every hand. We can infer some of the delays, discouragements and defeats which have hindered his progress, but not one tith of these are even hinted in his story. One who learns something of them and then sees, with his own eyes, what he is really doing in spite of all this, will feel, as I do, a boundless admiration for the man. Many of these difficulties are inevitable under a system of infinite red tape and restriction, and cannot be remedied under the system, however loud

the complaints; some of them come, and most provokingly, from administration, and cannot be complained of without endangering the head of those who make complaints. This and much more should be kept in mind by those who would understand the real value of Mr. Seger's work.

The pluck of these Indians has been put to a very severe test by the unfortunate occurrences of two very dry summers, which have destroyed their crops; and by the delay, and so far complete failure, of the Government to pay them the price promised for breaking land. Up to the latest date, in spite of all these drawbacks, they are able to foot up about \$4120 as the net increased value of their stock and improvements in the way of fencing and plowing.

I give also Mr. Seger's account of a previous experience in dealing with the problem of Indian Education, which ought to throw some light on the question whether the Indian could be made to support himself, and the civilizing influences by which he is to be lifted up. The success of his experiment and the means by which it was brought to disaster might well be pondered by those who are called to solve the problem on which this brief account throws not a little light.

MR. SEGER'S ACCOUNT OF HIS COLONY.

**SEGER COLONY, May 28th, 1887.**

PROF. C. C. PAINTER—

DEAR SIR:—As you wished to know something of the history of this work, in which I am engaged, and how this colony came to be established, I will say:—

In the fall of 1885—Captain J. M. Lee was then acting Indian Agent over the Cheyennes and Arapahoes—I was one of the unlucky number that was living on the Cheyenne and Arapahoe leased lands, and in obedience to the executive order was moving my family and effects off the reservation. As I passed through the Agency I met Captain Lee for the first time, and we discussed the Indian problem sufficiently to find out that our ideas of the way to deal with the Indians were very much alike; and after probably one hour's talk, and before I left the office, the project of

starting this Colony was hatched. This was in October. By hard work and a great deal of writing Captain Lee succeeded in getting the final arrangements made, and permission granted for starting an Indian Colony. Though it was the next June before I was placed on the rolls as a Government employé, I began operations on the 23d of February, and from this time until June, when I was placed on the rolls as a Government employé, I cleared my wages by building wire fences around a pasture that was to be used for the Colony. I used Indians for this work, and in six weeks' time had twelve miles of new fence, and had stretched the wire on twelve miles more, and done \$150 worth of repairing on other fences. From the money I received for this work I kept \$75 per month for myself, and the remainder I paid to the Indians for their work, which placed in the hands of the Indians about \$700 as the result of six weeks' work.

We had then a pasture for the beef cattle and one for stock 23 cattle. In gathering up my Indians for the Colony I was not to take any that had previously begun to improve a farm in any other place. This meant that I should take those that had resisted all the appeals of the Government. For ten years of their lives they had been invited to engage in farming each spring, and had remained idle. No, not that, they had been engaged in gambling, dancing, making medicine, listening for the sound of a coffee mill in a neighboring lodge, studying how to induce the traders to give them a feast—from this class I had to draw largely. The inducements I had to offer them were that where the Colony was to be located there was good land, plenty of water, a fine amount of timber, and I would go with them and live with them, and show them how to cultivate the ground and build houses and raise stock, and if they would pledge themselves to follow my instructions and example they would in a few years be comfortable and prosperous. Among the first that said they would go were a number of my old scholars that had been with me when I had charge of the school. They had grown up, gone to camp, got into bad company and got to be gamblers. Sixteen of these old scholars joined the band, and on the 5th of May I arrived at the present location with 120 persons. We began breaking up ground and planting. In nine days the ground became too dry to plough, and a severe drought set in. The first of June found us without rain and no hope of raising a crop. I succeeded in getting some wire fence to take down for cattle men, and in this way my Indians earned four hundred dollars. We went to the Agency and put in 3500 feet of logs in the mill. In

August the Government issued some stock cattle to the Indians. My Indians received 88 head. There had been additions to the Colony until they numbered 250 persons. In the fall the Indians began house building, making picket houses with dirt roofs. There were fourteen houses begun, and five completed, when the Indians heard there was a quantity of flooring and shingles at the Agency to build houses for Indians, and some of it was already being used for Indian houses. Of course, my Indians wanted shingles and flooring, like others were having. I went to the Agency and found that the portion that could be turned over to this Colony would be shingles for three small houses and floors for probably eight. I could not well decide to 24 whom to give the shingles, as each one had done all he could toward building, and stood ready to do anything I asked him to do toward his own house. Of course, I could not ask some to build with dirt roofs and some with shingles. While I was deciding what to do about it, I had those that had teams and wagons go to the Agency and haul logs to the mill to furnish rafters and sheathing and joists for their houses. Since then I have been unable to get the logs sawed, consequently we have not built any more houses, yet we have not been idle, by any means. I have located to date 60 Indians, heads of families. We have got improvements on 50 houses or farms, have got 350 acres of ground planted to corn and vegetables, have got nearly 400 broken up. All of this was broken up by Indians, except 77 acres. The Indians, since the first of January, have got out the posts and hauled them, and built 33 miles of fence, enclosing 44 different farms. Six farms have the posts set around them but have no wire to put on. Had these Indians had wire furnished them then, in the proper time, and tools to use, they could have had their farms all fenced, which would have enclosed 1000 acres of the choicest land in this country. Then, could they have had the ground broken up for them in season, they could have had to-day, instead of 350 acres of corn, 1000 acres, and this fall, instead of the probable four thousand bushels of corn, they could have had ten thousand bushels. Now why was not this done? The promise made these Indians was that the Government would furnish the wire for the three-strand fence, and break the ground, or pay for having it done, all the Indians would plant and cultivate.

The first of January found us with 60 farms measured off ready to have the posts set around them. There were at least 60 men ready to begin work who applied to me for spades. As I only had four on hand, I went to the Agency and asked for a supply. The Agent informed me that he had none on

hand, but would apply at once for permission to buy some, which he did. I knew this meant that we would not get them in time to use this season, so I stepped in at the trader's and bought four more, which, with the four we had, and one I borrowed, and one post auger I got hold of, I was able to put 10 implements in the hands of the 60 men for them to work with, and as there was no other work for 25 them at this time, they could work only one day out of six. Locations were scattered over a territory 15 miles by 10; it was not convenient to pass the tools from one to the other. The next time I went to the Agency the Agent told me that he had heard from the Commissioner in regard to spades and he had written to the Agent and inquired what he wanted to do with so many spades. I found a letter in the office from a lady in Boston, enclosing five dollars with which to buy spades. As the Indians had got along so well with their work, I only bought three additional spades. I thus found that we had over 600 acres with the posts set around, but no wire. Finally, when it came there was so little that I could only give the Indians two wires, instead of three, as was promised them. They soon had this on the posts, and were ready to plant, if they could get the breaking done. Their own teams were poor, having wintered on grass without corn. When nearly a month of the breaking season had passed, two teams were sent out to break. They broke two weeks and then it became too dry and they went back to the Agency, after breaking 47 acres. I proposed to break 200 acres, with my Indians, and asked that 450 acres might be broke for them, which, with 150 acres broke last year, would make the 800 acres I wished these Indians to cultivate this year. When the two teams went back to the Agency and no more came to break, I made arrangements to break all I could with the Indian teams. As we had only seven breaking ploughs, while we could use twice that number, I sent to Caldwell and bought three ploughs with money sent to me to use as a contingent fund. I also bought two span of mules and one work horse, one set plow harness, with which I fitted up three teams to put on the three ploughs. The Indians have already broke the 200 acres I proposed breaking with them, and we are yet keeping the ploughs all going. We have stopped planting, but shall keep right on breaking ground for next year's crop, as the Government proposes to pay the Indians for breaking up a limited amount of ground. I am getting them to invest the money they earn in this way in better teams, harness and cattle, as far as possible. They are generally willing to do so. As we raised nothing last year, we had to depend on the Government to buy our seed, which came late. The seed potatoes, which should have been here ready to plant the first of March, 26

came the first of May. The 20 bushels of seed potatoes, which, if we had received them in time, might have produced 10,000 lbs. of food, will, as it is, yield scarcely anything. Notwithstanding the many discouragements and drawbacks, these Indians are trying to do what they can. I don't know that there is an Indian out here but what will work enough to support himself if he knew what to do and how to do it. When I started from the Agency one year ago with these Indians, a man said to me: "you have one Indian that is going with you that won't work. I will bet one hundred dollars you don't get him to plant one acre of corn." That Indian to-day has got 20 acres enclosed with fence, has got his corn ploughed in good shape, has got his logs in the mill to furnish the rafters, joists and sheathing for a house, has got stone quarried and hauled for foundation to a house, and I have no doubt but inside of three months he will be living in a house. In one day's ride I can show you many Indians that have borne the name of beats and bummers and coffee coolers for years, that now have their fields and can point with their fingers and truthfully say "There is my farm." One of the old "set fasts," in talking with me not long since, speaking of his improved condition since he came to this Colony, straightened up and said "I don't beg." As I ride around among these people and hear them talk of their prospects of a crop, and where they are going to build their houses, and where is the best place for a stable, do I need to ask "Are these Indians interested in their farms?" "From the abundance of the heart the mouth speaketh." When I was gathering up my band to come out here, one year ago, I talked with Mad Wolf, who had been to Washington, and he said he thought my plan was a good one, that he was satisfied that in course of time the Indians would have to civilize and do as the white man is doing, but he said the time I set to bring this about was altogether too short; that when he was in Washington the chiefs there told him that it would take twenty-five years to bring this about, while I wished to bring it about in five years. Now, he said, while my talk sounded plausible and he believed I meant well, yet it was natural for him to believe that the Washington chiefs knew more about this than I did, and when he was there he promised that he would remember what the Great Father said and follow his counsel; therefore it would not be right for him to 27 advocate civilizing under twenty-five years; and he further said that as he was getting old and would probably not live much over twenty-five years, he did not think it worth while for him to start on this new road. I said to him: "Mad Wolf, since I think more about it, I don't want you to go with me; I want you to remain as you are." He asked, "Why, are we not friends?" I said



“Yes, we are friends, but you can help me and your people more by remaining as you are.” He said “How do you expect me to help you?” I told him in five years, when the most of my people have good houses and good clothes and plenty to eat as the result of their labor, I will say to them “Look at Mad Wolf, with his old dirty blanket and long hair, with the paint smeared on his face, and his hungry looks.” I will say to them “Five years ago you used to look like that.” I left him with a puzzled look on his face. I wonder if he ever regrets that Washington set the time for these Indians to civilize at twenty-five years. We cannot expect these people to work for what they can get given to them; they are too much like white people for that. I have seen white men, who were married to Indian women, bring their Indian families to the Agency to draw their rations and annuities with as much regularity as the most confirmed coffee cooler. I have seen white men using government ploughs and implements instead of buying them. I never saw a white man who was married to an Indian woman proudly spurn the aid from the Government. We therefore cannot expect the Indians to do so. These Indians are poor; they need houses to shelter them, implements to work with, teams to draw the plough, seed to plant. They need to own their land; they need some one to instruct them and encourage them in this new and untried way of living. As farming is rather uncertain in this country, they need a start in stock, so when their crops are short they will have their cattle to fall back on.

If the Government would furnish this aid to the Colony, it need be but a very few years before they could take care of themselves.

Before bringing this letter to a close, I would ask to call your attention to the following facts:—

1st. In a little over one year sixty Indians have chosen the place where they wished to live and own a farm.

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2d. That fifty of these farms have improvements made on them.

3d. Four young Indians bought wire for their fence, and built their fence, last fall, though they understood that if they waited until spring the Government would buy it for them. Doing this saved the Government \$90.

4th. Have built five houses, and got out material for ten more.

5th. They have taken good care of the cattle given them by the Government and bought, from money earned by themselves, five more head, and have pledged themselves to buy four milk cows as soon as we can find them for sale. The increase of the herd is twenty calves.

6th. They have bought eight head of horses and four mules more than they have sold. Bought three wagons, three sets of harness, two cook stoves.

7th. That we are located fifty miles from the base of supply and it takes one-fifth of the time to go after rations. This interferes with farming to some extent.

8th. Have bought no guns, to my knowledge.

9th. The population of this Colony is 305 persons. In the past year we have had no lawlessness of any kind.

If you can gather from this rambling sketch anything, it is at your disposal.

Yours very Respectfully,

J. H. SEGER.

At my request Mr. Seger gave me, for my own information, an account of his experiment, under Agent Miles, in getting Indian school children to support themselves. I publish it, as also the history of his Colony, though it was not written by him with the least expectation that it would be so used. I hope no one who would solve the Indian problem will fail to read these letters 29 MR. SEGER'S

ATTEMPT TO MAKE AN INDIAN SCHOOL SELF-SUPPORTING; HOW IT SUCCEEDED,  
AND WHY IT FAILED.

**SEGER COLONY, May 28th, 1887.**

PROF. C. C. PAINTER—

DEAR SIR:—As you wished to have me make a note of some of the results of my work in trying to civilize these Indians, I will state very briefly some of the methods used:—

In 1874, I was set to work by Agent J. D. Miles to show an Arapahoe how to plough and plant his field and fence it. I succeeded in getting him to do about half the work in ploughing, planting and fencing five acres of ground. At this time the Cheyennes were on the war path, and the Arapahoes were generally very insolent. While we were at work, there would frequently some bands of young Arapahoes ride up to us and try with taunts and jeers to get Curly (for that was the Indian's name) to give up his farming. At one time Curly bared his breast to them and showed a number of ugly scars and dared them to call him a squaw; he told them he was not a man with two hearts. When he was an enemy to the whites he procured his own food and blankets, and now as he was eating their food and receiving kindness from them he was willing to learn to provide for himself by cultivating the earth, as he was convinced that that was the road all the Indians would finally have to travel.

This Indian was the only one that farmed that season. 1875. J. D. Miles placed me in charge of what was then called the Arapahoe Mission School, though it was run by the Government. When the first term closed it was called the Arapahoe Industrial School. With Indian boys belonging to the school we planted and cultivated 50 acres of corn and a garden, and cut the wood for the school.

1876. The school building was enlarged to accommodate one hundred children, and then the Cheyennes put their children in school for the first time. The proceeds of the corn crop raised in 1875 was invested in cattle, paying for thirty-two head. In 1876 the school, under my charge, raised 100 acres of corn and a large garden. One-half of this crop was turned over to the Government, and the other half sold and invested in 100 head of two-year-old and yearling heifers. The cattle were

divided among the boys according to the work they were able to do, and each boy's cattle were pointed out to him and branded, so he would know them. The boys herded the cattle.

I bought forty-two head of cows at eleven and twelve dollars each, and placed them in the herd and sold them to the school children for the same that I paid. As a good deal of the work about the school was done by the children, for which they received small pay, I persuaded them to invest a small portion of their wages in the purchase of cows.

The girls that worked in the laundry, sewing room and kitchen were soon the owners of a cow each. The forty-two head were soon closed out and paid for by the school.

One young Indian woman that worked in the laundry paid for three head. One Cheyenne woman traded buffalo robes for twenty-five two-year-old heifers, and gave them to her daughter, who was in school.

Agent Miles and myself, after considering the matter, concluded that this school herd and farm could, in time, support the school, so that the school would not only become a Manual Labor and boarding school, as we then called it, but it would be a Manual Labor and self-supporting school. With this end in view, with the Indian boys I hauled logs for a house, which, with the help of Agency carpenters, was built at Caddo Springs, three miles north of the Agency. The cattle were moved up to that place, and I detailed three boys to take care of the ranch and cattle. With the Indian boys I put up a stack of hay which was sold out to passing freighters at the rate of one cent per pound, an Indian boy selling the hay kept account of the money and turned it over to me, and it was used for a contingent fund for the school.

The Northern Cheyennes who had been sent down to this Territory were not willing to put their children in the same school with the Arapahoes. Agent J. D. Miles had a temporary building put up at Caddo Springs, near the log house before mentioned, large enough to accommodate fifty children, and I moved into the log house with my family and undertook to run the school of fifty children with one white lady to assist, and the work was done with large scholars from the other school. The baking was done by a Cheyenne boy, and the sewing by an Arapahoe girl, the cooking

by an Arapahoe girl assisted by the 31 baker and his apprentice. The dining room and the chamber work and laundry was done by details from the school.

The school was taught by a Cheyenne girl who had got all her training from the other school. The primary school of fifty children was taught and cared for with only one white person, who went from one department to another and had a general supervision of all the children of this school, started new from camp, except those who were employed to work, and they were taught in the school room by an Indian girl. They left off at the close of a term of about four months with very few that could not read in the First Reader, and they could repeat many passages of scripture and sing hymns. I kept raising corn and paying Indians for work, when they could take the place of white employés, and got as many to invest their earnings in cattle as I possibly could. A few benevolent people donated a small amount toward the herd, and in one way and another we had a herd of 400 head of cattle. Of these, 150 head belonged to the school as an endowment fund; the remaining 250 belonged to the school children individually. About this time an Indian Inspector came and looked over the herd and inquired into the plan and was pleased with the prospect. He recommended that 400 heifers be given to the school by the Government, which was done, and there is where our reverses set in. Before these cattle were given to the school the Government had no claim on the herd, as it had been earned mostly by the Indians themselves, and what little had been given was the property of the Indians as a school, not of the Government. The Agent did not have to account for this herd any more than he did for the Indian ponies and their lodges.

But when the Government gave 400 head of cattle, the Agent had to take them up on his books and had to account for them and become responsible. The Indian boys now had to take care of double the number of cattle, and they did not know to whom half of them belonged. Their own cattle they knew how they came by—they had earned them, one at a time; some of them they had watched grow up from cunning little frisky calves until they had become cows and the mothers of other calves. The boys, when they were detailed on herd, could point out their own cattle to their fathers and mothers and friends and could realize that they were the owners, and were taking care of their own cattle. When the new lot came in, they would naturally ask “To whom do these cattle belong?” The answer would be “They are given to the school.” The next question would be “What

for?” We might answer “To make the school self-supporting,” but—did—it—do—this? Let us see how it turned out.

The boys lost a great deal of interest in taking care of the herd, as there were so many cattle belonging to the Government, and so few belonging to the children. I lost my interest in the scheme, as the Government had jumped my claim, and I gave up the job. The Agent soon found it was necessary to hire a white man to take charge of the herd. This cost, I think, \$75 per month. The herd being larger, it required more horses. The Government must buy horses to herd these cattle. The Agent must take them up on his accounts and be responsible for them. The result was, the Inspector came, recommended that the herd all be issued out to the school children, and their parents should take them to camp and take care of them. This was done, except the taking care of them. The majority of the children do not know what became of their cattle. I know many of them were eaten up the next winter; many sold for half price; some strayed away for want of care; a few of them were kept and the Indians have been content to kill only the increase.

I am fully satisfied that if the Government had let that herd alone, that to-day, with the farming that could have been done by the children, the schools would cost the Government at least \$10,000 less per year than at present, and the school children could mostly have been located near the schools by the Government helping them to improve a small place, and much of this help could have been furnished by the school. Oxen could have been taken from the school herd to break the ground, and as the school boys all knew how to plough, the cost of starting a home for each boy as he grew up would have been trifling.

When I left the Indian work, I did not expect again to engage in it, though I remained in the country, and hired Indians to work for me. I have paid them thousands of dollars: have employed them to carry mail, make brick, put up hay, tend mason, excavate for cellars and cisterns, cut cord wood, herd 33 cattle and horses, chop and haul logs to the mill, and build wire fences. I did this when I was not an employé of Government and it was optional with me whom I hired.

In the above statement I wish to show that Indians can and will work; that if their labor is properly utilized it will support them. The fault is not with the Indians that they are not self-supporting, but with the policy that tries to make men and women of them by feeding them as Indians.

In the case of this school here, there was \$10,000 worth of cattle thrust upon these Indians whether they wanted them or not. They had no corrals, no permanent abiding place: they were here to-day and there to-morrow, and were not ready to take care of cattle except in their way—which was to kill them and to eat them.

In the case of the school herd there was \$5,000 worth of cattle that had cost the Government nothing. They were purchased with the earnings of the school, and the natural increase of the herd: they were accumulated as a white man accumulates stock. The children valued them as a white man values his stock.

With the above account of the school herd before you, need I tell you what the drawback was? If so, I will answer by using an old proverb, which is this—“Too many cooks spoil the broth.”

Yours truly,

J. H. Seger.

There stands a mournful monument, or rather several of them, at this Agency, of the power there is in the hands of the Commissioner of Indian Affairs to wreck the fortunes of those who have invested them in Indian trade. These consist of several buildings — stores, dwelling-house, warerooms, etc., which belonged to the firm of Hemphill and Woy, recent traders at this Agency. These men swear that these buildings cost them \$13,000, and that they had other investments in the way of fences, appliances for drying and baling hides, wagons, unexpired insurance, outstanding accounts, etc., amounting to almost \$15,000; and a stock of goods which inventoried, just before they were forced to leave the reservation, almost \$30,000, making, 34 in all, between \$55,000 and \$60,000 of property. They had no reason to suppose they would not be allowed to continue in business, as no charge had ever been made against them, until after another man had been

licensed to take their place. Mr. Woy, in his testimony before the Senate Committee, thought the Commissioner, when he saw what ruin must come upon them, was disposed to allow them to continue, but the Secretary refused. Mr. Atkins said their time should be extended if it cost him his office, and it was continued for a few months.

They offered to sell their building to Mr. Baker, the new trader, for \$5,000, and the goods in store for 60 per cent. of cost, but were unable to get it. Their buildings are idle and empty, except that the Agent has stored some Agency goods in one of them; their goods they brought away at great expense, but have no sale for them; their outstanding debts are all lost; both partners are bankrupt, and their indebtedness, on closing up, is almost \$21,000.

ANADARKO, KIOWA AND COMANCHE AND WICHITA RESERVATIONS. The first noticeable fact of importance at this point is the need of a bridge across the Wichita River in place of the one condemned and closed to all except footmen. The river at the time of my visit was too high for fording, and but for the fact that the bridge, though unsafe, can still be used, it would be difficult to furnish supplies to the Wichita school, or conduct the affairs of the Agency, which are partly on both sides of the river.

The Agent here is Capt. J. Lee Hall, of Texan Ranger fame. He is a native of North Carolina, but has been in Texas for a number of years, and did that State excellent service as Captain of a company of rangers engaged in the work of clearing it of outlaws. He is a man of nerve and reckless personal daring, and of untiring energy. I was prejudiced against him by reports from Lone Wolf and others, and was prepared to examine most critically both him and his work. On telling him, on my arrival, that I wanted to see all I could in a very short time, so that I could get back with the Post ambulance and outfit, he said I could not get back at the time I had named—that it was the first time any one representing the ideas of our Association had come to see him; that he was rejoiced at my coming, and I must do him and his people the justice to stay long enough to look into the affairs of his Agency. Of course, as this was what I wanted, I sent the ambulance back to Reno, and remained a week with the captain.



He had a council the next morning after I got there, to talk over some matters with the Indians. They were just sending delegates to Muscogee or Talequah, to consult in regard to matters with the other Indians of the Territory. It came out that one object was to talk over the Severalty Law, and no doubt the Indian Defence Association and the delegates of the five civilized tribes will use the occasion to work against the measure.

I had a long talk with them, through three interpreters. A newly returned Carlisle Kiowa interpreted to his people, the Agency interpreter for the Comanches, and an Indian connected with the Wichita school for the Wichitas, Caddos and Delewares. It is very evident that they fear this is a scheme to unsettle their title to their lands. The Kiowas especially, through Sun Boy and Lone Wolf, have been made very much afraid of it by the Indian Defence Association. The Comanches were not represented in the council excepting by a few, and those present shared the feeling of the Kiowas. I explained to them fully the provisions of the Law, showed how it gave lands to those on Executive Order Reservations who have no title of any character which they fully appreciated; explained that it took none of the surplus lands which were protected, as theirs is, by a treaty—which relieved them, to some extent, of their greatest fear; but still it is a new thing which they cannot measure, and they know not what it may drag along behind it. They feel more secure of what they now have than of what this may bring them. Capt. Hall says the Comanches, who are the progressive ones on that side the river, who are near Sill and Mt. Scott, are in favor of the measure, and ready, many of them, for allotment. I went down there to meet them, but found they were south of Red River, having gone down into Texas to trade, as they were in a quarrel with their traders, and so I could not, by personal interview, learn their wishes. Mr. Jones, Post interpreter at Sill, who is a great friend of the Indians and has been among them for 25 or 30 years, also says the Comanches are ready for 36 it, and it would be the best thing for them to begin at once the allotment of their land, especially as this would settle the question of their removal.

The Kiowas and Comanches are very unlike, and it is unfortunate that they are thus associated on the same reservation. The Comanches are intelligent, industrious, virtuous, and ready to go forward, are comparatively free from disease, and are increasing in numbers. They have a contempt for the

Kiowas, and very reluctantly send any of their children—the girls they will not send—to school with the Kiowa children. The Kiowas are just the reverse of what I have said of the Comanches. I have never seen so many buggies and light carriages among Indians as these people have. Their horses are more than mere ponies, and are of good quality, and if furnished with a few blooded stallions, they would soon be well provided with herds of horses fit for market or use. Many of them are getting cattle, and if a wise policy was only adopted and adhered to, they would soon be able to care for themselves. Capt. Hall has now on hand, to their credit, some \$60,000 or \$75,000 lease money, and fines collected for trespass. He advised the Commissioner, so he informed me, that it would be the best possible thing to buy heifers with it. He authorized him to do so, and on reaching home he (the Captain) advertised for the cattle. The traders saw this money was going elsewhere than into their tills, and the cattle men saw that if the Indians became ranchmen and cattle owners, they would want their own land now occupied by them, and would become producers, and not mere consumers of beef. Immediately they made such a vigorous protest that the Commissioner wrote Hall that his proposed purchase was without authority, and he was forbidden to make it. Thirty thousand dollars of the \$90,000 then in hand was paid over to the Indians, and went for things unnecessary, or that had little relation to their permanent improvement.

The Agent is now much discouraged by the action of the Department in the matter of the new contract for beef. In the first place, the amount contracted for the new year is 500,000 lbs. below the issue of last year. Last year the contractor made a weekly delivery, the cattle being weighed at time of delivery. This year they go back to the plan of the previous year, the viciousness of which Hall had fully discussed with the Commissioner, and of which he seemed fully convinced, and the cattle are to be delivered on the 1st of November, for six months' issue. They are to be weighed when they are at the fattest, and must be held by the Agent for his weekly issue. The loss to the Indians by death, straying and loss of weight will vary from 30 to 60 per cent., according to the cattle delivered and according to the weather. The contractor, while I was there, had already purchased in Mexico, a large number of old cows—which he can get for \$6.00. These cannot stand the colder winters of the reservation, and will, in all probability, bring disease among the cattle of the Indians.

The difference between the bid of this contractor and of the old company, who would have furnished a weekly issue of cattle raised in the Territory, is the difference between \$2.39 and 2.44—a small showing to the credit (?) of the Commissioner, but a heavy loss to the poor Indians, out of whose stomachs, or out of whose little herds, which they are beginning to raise, it must be made good. It is already reported, before the winter is more than half gone, that there is a deficiency of beef.

The Agent is making great progress in getting his Indians to raise corn. He estimates that they will have from 40,000 to 50,000 bushels of this cereal to sell next autumn if the season continues favorable; but where can they sell it? No white man would raise that amount of corn in this country unless he had the cattle or the hogs to consume it. It seems that all efforts to push the Indian along must be expended in directions blocked by nature or circumstances. If this effort at corn raising had been expended in cattle raising, it would be more hopeful. To raise a vast crop of corn, more than the Indian needs (having his rations, he needs but little), which he cannot convert profitably into money or its equivalent, is a mistake; for the more he raises, the more discouraged will he be.

There are several hundred acres of wheat also on the reservation, some of it looking very finely, but scattered as it is over this great reservation, it will be difficult to harvest and thresh it with out a large percentage of loss. Whatever may be said about the advantage of a diversified agriculture, of which everything favorable can be said, yet until a market for civilized products is brought nearer than it now is, these people must, if they do anything successfully, raise such things as can be driven to a distant market.

Corn can be safely counted on about once in three years, because of drought, but grass is a constant and almost unvarying quantity. It would certainly seem as if we might take nature into our confidence and have her for an ally in the work of Indian civilization, rather than fight against her and attempt to force her to come to our foolish plans.

I went down to Fort Sill, some 40 miles from the Agency, through a fine country and past some very fine corn and wheat fields. Col. Pierson, of the post, very courteously entertained me,

and furnished an ambulance, interpreter, and Indian scout to go with me. Capt. Hall and I, thus accompanied, drove about the reservation, and selected a site for the new Comanche school, bids for the erection of which will soon be advertised for. We selected the crown of a beautiful hill, about 2 3/4 miles from the post, in case sufficient water can be developed in a spring near it—of which we had no doubt.

Sill is a beautiful post, built mostly of blue limestone, of which there is an abundance near the site selected for the school, with accommodations for quite a number of troops, with stone corrals for horses and necessary stock. This post will undoubtedly be abandoned before many years, and would leave empty buildings for a splendidly equipped industrial training school. We had this possibility in mind when we made selection of the school site, though deeming it the suitable point independently of this possibility.

This school is greatly needed at once, and would be immediately filled by the Comanches, who live mostly in this part of the reserve, and who will not allow their children, especially their girls, to go to the same school with the Kiowas: and there is no room for them in that school, even if they had not this objection.

On Sabbath morning, I officiated on the bridge at a marriage ceremony, the bridal party being unable to ford the river or drive over the bridge; visited the Sabbath School of the Wichita School and spoke to the children. Attended the white Sabbath School at the Agency in the P. M.; baptized a little child and made a small sermon at the close of the school. In the evening 39 held a service for the whites, about 35 or 40 being present, and saw the need of a missionary among these people, white and Indian, for whom nothing is being done in the way of missionary effort.

Next day visited the Kiowa school. The Industrial teacher is doing good work with his Indian boys. His corn was very fine, excepting where he had, unfortunately, planted some worthless seed sent out from the Department.

I was first introduced into the main room of the school, where an Hon. Judge from Texas, who has deserted bench and bar in behalf of these people, teaches the young Indian ideas how to shoot. The

Judge, I was informed, was the most distinguished lawyer in the county from which he hails. It is well that he has attained distinction in some field of labor; he certainly would never achieve it in the field of pedagogy. He is a little mite of a man—sallow, spiritless. He had two boys and a girl droning away at reading. He sat with one hand in the depths of his pocket, and about once a minute he would pronounce the word the pupil had been hung on since he pronounced the last. He never rose to his feet without feeling for his knee-pans by way of his breeches pockets, using the stove for a spittoon. He looked as if he had gotten out of his grave to find “a chaw of terbacker,” and had lost his way and could not find his restingplace. I never have seen such a perfect picture of the old field schoolmaster, and I have seen a number.

He had about 6 or 7 children in his room—all he could do justice to in the practice of expert expectoration.

In another room presided the wife of the Superintendent. I have seen grace, beauty and intelligence in various proportions before, but never so combined as in this case, all of which were devoted to the problem of Indian Education. She is a “fearful and wonderful maid,” as the Psalmist would say. And her teaching was worthy of the teacher. She said, as also did the Hon. Judge, that she had the greatest difficulty in correcting the children in regard to the pronunciation of “*the*,” they having been taught to call it “*the*.” Both she and he had worked at it long, and well, I suppose, but so far had failed in this, as in all else they had attempted in the way of teaching.

From this room I then went into that of Miss Davis, of Texas 40 also. She was better—very much better, indeed. She has conscience and purpose in her work, and was doing the very best she could, and if she only had a little training under some competent Normal teacher, would do good, first-rate work. She *is* doing good work. She was the one partially redeeming feature of that school.

The school was very small, most of the children being out, either in the field or in the laundry on detail; but it *is* small when all are in, not having recovered from the break-up which occurred a few weeks since. After Lone Wolf came back from Washington and his conference with Bland, he set up to be a bigger man than old Hall or any one else; said he had a letter from the Commissioner,

which no white man was to see. The Agent was to do business for his people through him, the sun dance was to be restored, etc., etc. Of course, the Agent had to reduce him to some order, and it made things glum among the Kiowas. The medicine man came to the front, said it was time to kill the white man, break up the schools, restore the old ways, and so the buffalo would come back. Runners were sent down to the Cheyennes and Arapahoes, to join them. The Kiowas gathered about the school house, some distance away; the squaws came down near the house and told the children to get out, for the house would be burned that evening; the children made a break (the Comanche boys did not go), the girls ran for their shawls, and the matron locked most of them in. The Superintendent took his wife and fled to the Agency. Some soldiers were sent up to protect the building, and after a time the Indians went away; the medicine man's medicine did not work. The school is just beginning to pick up again, but is still small.

In going about the building, I noticed that the floors and stairways seemed clean, and I was anxious to see the matron, Mrs. Loper. Whatever else she may or may not be, there are things said about her. She, Miss Davis, Miss Murphy, the seamstress, and Miss Gee, a Cherokee half-breed, her assistant, are the grains of salt which save this school from absolute stench. The Superintendent himself is a nice, well-meaning man; industrious, honest, and all that, and would make a good farmer, but has no faculty for managing a school. The building is in 41 fearful repair, the cistern accessible to all the dirt the children may choose to throw into it or the wind may blow into it, and the water can be drawn out only as you let a bucket down by a rope lowered and raised by hand. The well is near by and in such situation it must be fouled from the building. The boys have a tub, which stands under the front piazza, in which they perform their ablutions, so far as they do *ablute*. The girls' bedroom is small, crowded, non-ventilated, and almost surrounded by the boys' rooms. In the store-room I saw great quantities of baby hose, too small for any but babies of a year old, part of which has been issued to children almost grown. The building is badly constructed, badly arranged, and fearfully out of repair. It needs to be *cleaned out*, beginning with and including most of the teaching force, and all the rubbish of the school-stores, for which there is no room. The bread—better, I was told, than it had been—is of very black flour and is not well made.

The Wichita School, on the other side of the river, where the old Agency stood before it was combined with the Kiowa and Comanche, moved up from Fort Sill, under Carl Schurz's administration—a thing that ought never to have been done—is in better hands and is doing better work. The Superintendent, Mr. H., is from one of the Carolinas, is a Christian man, and has some Christian desire to benefit the children. He is a Christian—a tobacco-chewing, nicotine-spitting one indeed—who throws his feet over the desk in front of him, and squirts away with the grace and precision which long practice can give alone to a true son of the South; but still, a wide-awake, earnest man is Mr. Haddon!

Miss Collins, of Illinois or Indiana, is a clean-cut, level-headed, Christian lady of culture and refinement; Miss Thompson, of Texas, is a Catholic girl of good sense and considerable vim, perhaps a better teacher even than Miss Collins, who is good. The second assistant teacher, wife of one of the farmers, is one of the better class of no-accounts. Her husband when he came on, a brother-in-law of one of the traders, informed the Agent that Commissioner Atkins was a very near and dear friend of his father. He had the idea that there was considerable pay and no work and his duties consisted chiefly in taking up the quarrel of the traders, and the situation generally, and giving his friend Mr. Atkins the exact facts of the case. He was but a boy, though married. The Agent had a very plain talk with him; told him if he attended to his duties he would have no time for taking up such matters as seemed to interest him, and that if he ever heard of his meddling where he was not concerned he would fire him out of the Agency. The young man meditated with profit to himself, came and thanked the Agent for his talk, took up his work, and bids fair when he has learned how to farm, to become a fairly good man for his place.

The school house is a miserable, thin, brick shell, which threatens perpetual collapse. There is not a closet in it. It needs to be torn down and a much larger one built in its place.

The Agent has for clerk a Mr. Campbell, of Texas, if I remember rightly. He can talk to you by the day, embellishing the talk with all varieties of expletives, of the Jeffersonian Democracy of his boyhood. He can use up in various ways as much tobacco as most men; but to keep the books, make up the returns, do the work of a clerk, this he can no more do than he can fly. His record as

collector in kind of taxes in the days of the Confederacy, and as prison inspector in post-bellum days, as given and supported by affidavits, does not show him to be the kind of man into whose hands should be put the property interests of an Agency. The Agent does not say he is dishonest, but says he has such a fatal faculty for confounding meum and tuum, that it takes time to unravel and find the line of right cleavage. Until the issue clerk and Agent can make out the first copy of their returns, so that he can make the duplicate and triplicate copies, he has nothing to do whatever.

When I first saw the doctor, I was struck with him. I took him to be a wood sawyer out of a job. He is one of the roughest-looking customers you will find in a month's search; but on better acquaintance, judged him to be a kind-hearted man, and he was said to be a skillful physician; that never refuses the dirtiest squaw whatever attention she needs, and is ready to go night or day when called to go. His name is Graves, from Texas. Before coming here he was at the Ute Agency, at \$1,200 per annum. The doctor who was here got into a scrape, and had to marry a girl out in Kentucky on short notice or short shrift. He did not want to come back here, under the circumstances. An exchange was proposed and agreed upon between him and Graves. Commissioner Atkins approved, and promised Graves' salary here should be the same as at the Ute Reservation. He was to resign and be appointed here; the other man should also resign and be appointed there. Graves came on, in answer to a telegram from the man here, who wanted to go on after his wife. When Graves got here the fellow refused to resign, got leave of absence for 30 days, while his salary ran on as usual. This was finally adjusted by the Agent, who gave the fellow a few hours in which to resign, divide his two months' salary with Graves, and get out, or take the consequences of an exposé of his character. He divided and resigned. Graves was appointed and the salary was put at \$1,000. His commission was signed by Deputy Commissioner Upshaw. Graves wrote back, calling attention to an inadvertent mistake made by Mr. Upshaw. He received a most insulting letter from Mr. U., and his salary is still \$1,000. This is the story as told me by the doctor, who is very strong and emphatic in his denunciations of the Bureau and its treatment of those holding positions under it.

In coming back from Anadarko to Darlington, we came through the Wichita, Caddo and Delaware Country. I have never seen so good fences in any farming country as these Wichitas have; their



corn is splendid, and free from weeds or grass. Some of them have large herds of cattle and horses. They build grass houses, the first I have seen; these are large, ingeniously made, warm, dry, neat. These people are very religious, have a church of their own building, have a minister, and are great shouters. All who join the church take part in praying and exhorting. They are, as they claim, the original owners of the land they occupy and of much other. Their title has never been extinguished. When the Chickasaws were brought west, we went up to Kansas and treated with the Quaw-paws for this land, which they never owned. We say they (the Wichitas) have no title except an unratified treaty. The Secretary and President wanted me to consider the propriety of moving them over into Oklahoma, and so stop the clamor for that land, while this 44 should be opened up. This would be to commit as great an outrage as if they should remove the farmers of my town from their homes by violence; a greater, more infernal outrage could scarce be committed. They have splendid lands, well watered, well timbered—though the military are robbing it of timber and paying no stumpage.

The President had better violate treaty obligations touching *empty territory* than to violate all principles of right and justice as touching living men, in order that he may silence a clamor for land. There should be no removals into this country from that west of it, but let an agreement be reached with the Seminoles and Creeks and then open that vacant land.

I found in Capt. Hall the best Agent in this part of the Indian field, so far as his work among and for the Indians is concerned. He is not a class leader nor is he a teetotaler. I suspect he quietly sips his strong tea oftener than is good for him, but do not think he gets drunk. I never heard him swear, but am confident that he is an expert in that line. He came here, as he told me, not for his salary, but to get rich. He would not be mean enough to rob the Indian, but hoped to be on hand to get a big grab when these Indians were either bounced, or the country opened in some way. He fought the unruly elements among them at the imminent peril of his life. He has disarmed their hatred of him, except in a few cases. He has heartily espoused their cause, as against cattle men. He fights their battles for them on every hand: perhaps obeys orders in regard to keeping cattle off more perfectly than is desired by the Bureau—he sometimes thinks so. He has driven out some of the most worthless appointees, and will keep it up until he or they go.

I am satisfied that either this Agent will have to go, or the Department will have to reform its management of affairs; for he is too independent to submit to the conditions imposed, and, as I believe, too earnest in his efforts to advance his Indians, not to protest most vigorously against the character of the employés sent out to him. He says they are taken largely from a class of people in the South who know nothing either of teaching or of business, and are too lazy to do anything, even if they knew how to do it. The difficulties under which all Agents of 45 the Bureau labor are almost fatal to any successful efforts on their part, even when the Bureau will give them all the help and encouragement it can; but when it is quite otherwise, when, seemingly, all obstacles are thrown in their way, when incompetent, insubordinate, hostile and obstructive favorites of the appointing powers are sent out, who feel they have the support of the office as against the Agent, and when protests against either appointees or methods are met with insulting letters or orders from the office, it is difficult for any man to hold the position with comfort to himself or profit to the service.

After visiting a number of Agencies, proof, both positive and negative, forces the conviction that there is a system of terrorism operated by the Department, which seeks to enforce absolute approval of all its men and methods as the price to be paid for continuance in office, and that dissent will be regarded and treated as proof of insubordination and unfitness for the service.

Gen. Phifer, who was in the Wichita School, a drunken and profane fellow, who abused the children, insulted the teachers, and over whom the Indians held a council, some of them imitating him by crowding their hands in their pockets, spitting profusely and swearing most fearful oaths; this Phifer, the Agent fired out. He was ordered to find some place for him, if he would not do for the school; but Hall would not have him. The General was ordered to Washington to have the matter investigated, got into the calaboose for drunkenness, and then Mr. Lamar's confidence in him was shaken and he was dropped.

I was not able to get down to the Osage Reserve, but hear from many and reliable sources the condition of things. They have just had a new Agent sent them, an army officer. They have had two Agents, then an Inspector in charge for some time, and now this army officer. The changes there

have been frequent and without improvement to the service. A special Agent from the Department of Justice, who has been down there, says the whole management has been most disgraceful.

I was unable to accompany Mr. Platt's Committee to this Agency, though invited to do so. They went down on Saturday, and there went out an associated press despatch immediately after their visit, that these Senators and the Deputy Commissioner witnessed a dance on Sunday, which was led by some of 46 the graduates of Hampton or Carlisle, much to the discredit of these schools and of Eastern education. I happen to know that the Special Agent in charge, and the Deputy Commissioner of Indian Affairs were arranging for such a dance before the Committee left Arkansas City, and was told that if I went down, I could see it.

From independent but concurrent witnesses I heard that the Superintendent of the Kaw School is a profane and vulgar fellow, and that his wife is more fit for a companion to him than for a teacher and example for the children.

There will be many changes, it is to be hoped, after the first of July, and a report made on the condition of things as they are would not have the same value as if made late in the autumn.

It is of great importance that we shall give particular attention to many things down here. This Territory has been made the especial harvest field for the Tennessee and Mississippi cormorants, and it must be cleaned out before we can hope for any improvement in the service. The battle for and against severalty will have to be fought here chiefly. The head men and chiefs of the civilized tribes, in league with Washington obstructionists, will do all they can here to defeat the measure, and prevent those in the Territory who are not excepted from its operation from accepting it.

Two illustrative facts showing the calibre of the men employed to teach the Indians our Christian civilization, came to my attention. The Superintendent of the Kaw School allowed the cook and laundress to continue on for a full month after the school year 1886, under the impression that they were still in the service of the Government, doing the work for his family, and then refused them compensation.

Mr. Young, the clerk in charge at Otoe, employed the woman who was cook at the time of my visit, and insisted that she must be on hand July 1st, which she was, at some considerable inconvenience, but though she did the work, she was allowed no compensation for it for the months of July and August: her wages commenced with the opening of the school in September. As the school reports show that salaries for these employés run for the whole year, and not for the ten months of the school 47 year, it is an interesting question whether these gentlemen exacted this service for their own advantage, and also pocketed the compensation, or simply saved it to the Government.

One comes back from an inspection of these various Agencies and an estimate of the men engaged in the work of civilizing the Indians with the conviction that there is a deterioration in the personnel of the force, and a retrogression in the work. This strong conviction is fully borne out by the report of the Secretary of the Interior for the year ending June 30th, 1887, compared with the report for the year ending June 30th, 1884, as in the following figures, which do not embrace the five civilized tribes of the Indian Territory:—

1884. 1887. Acres of Land under cultivation, 229,768 238,000 Bushels Wheat raised, 823,299 750,000 Bushels Corn, 984,318 950,000 Bushels Oats and Rye, 455,526 470,000 Bushels Vegetables, 497,597 514,000 Feet Lumber Sawed, 4,416,935 1,552,079 Horses owned by Indians, 235,534 392,000 Mules, 3,405 3,000 Cattle, 103,324 113,000 Swine, 67,834 46,000 Sheep, 1,029,869 1,120,000 Tons of hay cut, 71,828 102,000 Indians who wear citizens' clothing, 82,642 58,000 Speak English for ordinary purposes, 25,794 25,000 Families engaged in industrial pursuits, 31,191 31,000

Assuming that the Agents are equally trustworthy in their estimates—it is evident that those for 1887 are given simply in round numbers—the showing is not creditable to the present administration, but more favorable than one acquainted with the condition of things on many of the reservations would anticipate. Entire candor will force the confession that all such figures and estimates might be classed as “fictitious literature,” but there is no reason to suppose the present

Agents will average more accurate or moderate in their guesses than those who guessed three years ago.

If we turn to the Hon. Secretary's report of schools for the past year, and compare this with the report for 1884, we shall find facts which militate somewhat against the claim made for greater economy, as the figures above do against the claim for 48 greater efficiency in school work. The Secretary reports 227 schools in all, with an average attendance of 10,520 pupils, and a total expenditure on these schools of \$1,170,000. This is an average cost of \$5,154 for each school, and \$111 per capita for average attendance. In 1884 there were 162 schools, with an average attendance of 6,100, for which \$650,000 was expended, which is an average cost of \$4,012 for each school, and an average cost per capita for average attendance, of \$106. I have not run the figures out into the fractions of dollars. From this it appears that a school costs \$1,142 more than it did three years since, and a pupil costs \$5.00 per capita more, and yet there has been a decrease of 794 in the number able to use the English language, and of 191 in number of families engaged in agricultural pursuits, notwithstanding the appropriation for additional farmers has been increased, I think, from \$10,000 to \$50,000.

That these schools cost so much more is a matter of surprise; that they are doing less is not, to one who has visited a large number of them, and need not be to one who, though he has no chance to see the quality of the average teacher employed, learns that twenty-five of the seventy reservation boarding-schools had two or more, seven of them three, and the seventy had in all one hundred and two superintendents during the past year. In these 70 schools there are, in all, 560 positions to be filled, and they had appointed to them, in all, 1182 incumbents. One school in the Indian Territory was blessed with fifty appointees to the 14 positions to be filled, and several of these were vacant when the year closed. It had 3 superintendents, 6 teachers, 4 industrial teachers, 4 matrons, 4 assistant matrons, 4 seamstresses, 4 laundresses, 6 shoemakers and the position vacant when the year closed, 3 cooks, etc., etc. If every change had been for the better, the changes, of themselves, would prevent any other result than that shown by a comparison of the figures given by the Hon. Secretary. It seems strange it did not occur to him to make the comparison I have made; perhaps he assigns the reason for not doing so when he says, "I have no pleasure in

contemplating or stating any unpromising features of our work among the Indians,” though this was said in view of the fact that perhaps we may not always be able to depend upon the attractions of our civilization to win these people from a 49 savage life—a suggestion which the most ardent advocate of Indian Rights may, at no remote day, be compelled to ponder. That these civilizing agencies which the Government is liberally supplying, and which will be furnished to whatever extent they may be demanded, shall be honestly applied and used by such Agents and employés as are capable of benefiting the Indian, is our first duty; that all honorable efforts shall be exhausted to persuade the Indian to break up his treaty-guarded conditions, which so hinder as effectually to prevent his progress; this they ought to insist shall be done; but the gentle hint of Mr. Lamar, in the sentence from which I have quoted, is one which we may have to enunciate as a definite proposition, and declare that pauperism and savagery have no rights, treaty or other, that we can recognize as standing as a perpetual guarantee of their continued existence. But before we violate such obligations as we are under to have the Indians consent to become civilized, we must exhaust legitimate efforts, put forth by able and competent Agents, for the work we are professedly attempting. This we cannot plead we are doing so long as the whole Indian Service is so largely subordinated to other and quite incongruous purposes.

MISSION INDIANS. I reached Deming Friday, June 10th, from Albuquerque, via San Miguel, where we breakfasted, and Rincon, where we dined, at 3.45 P. M. It was exactly two years ago that I breakfasted here, on my first trip to the Mission Indians. At that time Gen. Crook was here, dispatching troops in all directions to intercept the hostile Apaches. It was my plan then to visit the San Carlos Reservation, but I was advised not to attempt it without a sufficient escort. Reaching here, after two years, with the same purpose, I was quite disconcerted when met with the same report. A number of young men—how many no one seemed to know—were on the war path again, and said to be operating directly along the road over which I was to pass. This fact had its influence upon my decision not to go to the reservation, which, however, turned chiefly on the fact that my trunk, with necessary papers, had gone astray, and the time set for me to meet a member of the Mohonk Committee on Legal Defence of 50 Mission Indians at Los Angeles, had come. I therefore went on the next day to Colton, where I stopped to see the Agent for the Mission Indians, by whom

I was introduced to Major Jno. T. Wallace, Special Inspector from the Department of Justice, who had been sent out to investigate reports and charges that men were selling liquor to the Indians and that the Agent was not prosecuting them as vigorously as he should. Mr. Wallace was a great help to me in my subsequent journey and investigations.

Immediately after my return from California, just at the opening of the last session of Congress, I called the attention of the President to the three classes of these Mission Indians—those whose condition required Congressional action, those whose rights must be protected in the courts, and lastly, those who had been driven from the reservations set apart for them by the President, and urged that it was wholly within his power to remedy the wrongs under which the last class is suffering. The President gave interested attention to the history of these cases, and said the remedy, so far as these were concerned, should be applied, and an order was issued for the removal of intruders from the Capitan Grande Reservation, which was to be enforced by the military, if necessary; and from the Reservation at Banning, on the 1st of September. The purpose of my present visit was to learn to what extent the order had been carried out; to learn, by personal inspection, what the capacity of the several reservations to support the Indians already upon them, or who must be brought to them in case the courts should decide they had no right to a home on the grants on which some of them are living; to explain to the Indians the provisions of the Severalty bill, through which those on these reservations might now secure a permanent home; to see what the character of the lands on the old grants, from which the effort is making to eject the Indians living on them—whether sufficient in quantity and quality to justify the effort to defend the Indians' title; to see what nooks and corners of public land are still unoccupied, on which individual Indians might still find homes, under the homestead laws; and to learn, generally, the whole situation, so that whatever action may be taken by the friends of these people shall be taken intelligently.

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With Agent Ward, I went out to see the situation on the Maronge Reservation, at Banning. When cleared of the fifty-seven intruders on it, and some \$50,000 or \$75,000 has been expended to develop the water, there could be put upon it nearly 200 families, with abundant land for their support. There are now on it some ten or twelve Indian families, who have land and water, so

that without the use of the above-named sum, some seventy or eighty families could be located in good shape, if the intruders are removed and the lands occupied by them given to those for whose use they have been set apart. In company with Mr. John T. Wallace, Special Examiner from the Department of Justice, who was looking after violators of law in regard to selling liquors to Indians—the first one who has ever been sent out to these people—I made an extended trip among the Indians of San Barnadino and San Diego counties.

Mr. Ward, the Agent, who had planned to go with us, changed his mind and did not accompany us. On the day we were to start he telegraphed the Department his resignation of his office, asking that he be relieved at the end of the month. He did this in answer to a telegram which, under all circumstances, he regarded as insulting; he said this action was forced upon him by letters, telegrams, and a varied treatment of which no official could, under a decent administration, be made the subject.

Into this history I will not go now; but am fully satisfied that his removal was determined upon immediately after I reported, on his authority, the utter incompetence of a teacher sent out to have charge of the school at San Barnadino. A war was begun at that time and never ceased until he has been forced, as he says, in self-respect, to resign his position.

COHUILLA. Leaving Colton on the 21st of June, by the Cal. Southern Railroad, a Mr. Bergmann met us at Temecula, with a fine span of horses, and drove that P. M. some twenty miles to Radec, to Bergmann's house, on our way to Cohuilla. Next morning we drove fifteen or twenty miles to this reservation. It is pretty well up on the mountains and contains some 17,420 acres of 52 good grass land, 640 of which has been added during the past winter, by executive order.

This addition I secured, through Mr. Lamar, from the S. P. R. R., but was not aware how good a thing I had done, until my visit. The old reservation line ran through the hot spring, and near the school house. A squatter had built a house on this unsurveyed R. R. section and was giving the Indians trouble, and ground for considerable anxiety. The addition of this section settles all dispute as to the spring and pushes the squatter off the premises.



It is most excellent grass land, has always been used by the Indians as pasture, and is of itself, aside from the results above mentioned, a valuable acquisition, in fact, was vital to the Indians, who are very happy over it.

A Mrs. Parks and her two sons have built a number of houses along the western end of the reserve, hoping to secure all the land adjacent to that end of it, while they can also have free use of the reservation itself for pasture. They have not cultivated the land, but keep several hundred head of cattle, which give the Indians much trouble and consume much of their grass. They have put their best house so near the line that it is believed the porch is on the reservation.

The spring they use, and which they have fenced in, is on the reserve, as is also a very good barn. There are on this reservation about sixty men, and in all—many of them off at Riverside and other places, at work—about 340 Indians, who claim this as their home. They have some crops of barley and corn which are doing well this year, but the elevation is high and cold, and frosts are apt to catch their crops. Cattle raising must be their chief dependence, and it can be made a source of ample competency, if not of wealth.

It will be seen that there is land to give nearly fifty-one acres to each man, woman and child, or more than 250 acres to a family of five, which is a large farm in California, but it is grazing and not farming land.

The school here has been taught since it was started, some five or six years ago, by a Mrs. Ticknor. The school house is about 24x14 feet. Mrs. T. has curtained off the rear end, a 53 space some 5x14 feet, in which she lives. It sometimes grows very cold here, and there is more or less snow every winter. The walls of the school house are made of one thickness of board, sun-cracked and wind-warped, with openings through which the rats can escape. When it rains the teacher sits with an umbrella over her, and protected by gossamer cloak and rubber shoes. Some winters ago, one fearful night, the snow drifted in until it covered the tops of the desks, despite the desperate effort of Mrs. Ticknor and her daughter to carry it out in a blanket, in which they spent the night. There are about forty pupils for this school, twenty-four being present the day I was there. Several of these

were men. One of them, Leonilia Lugo, deserves special mention. He is twenty-seven years old; is married and has two children. He supports his aged parents, a widowed sister and her daughter, and in part his wife's mother and her children. He has twenty-two head of cattle, and with his cousin, Roman Lugo, a young man near his own age, an almost inseparable companion, who was also in school with him, he has fenced in and commenced to cultivate a field of some five acres, to which he has brought water by a long ditch. Their corn was late and small, but our driver said it would make a fair crop. This field is near Mrs. Parks' house and the boys are much annoyed by her cattle.

There has recently been a change of Captains in this village. Pablo has been elected in place of Juan Lugo, who kept whiskey in his house, and when drunk, came into the school house threatening the teacher with his pistol.

The present Captain is a bright, intelligent man, who has great interest in his people and in the school. The Captain, if he does the work expected of him, ought certainly to have a ration issued to him by the Government. His duties are more clearly defined than is his authority, which is sometimes exercised with more pomposity and arbitrariness than wisdom.

These Indians, so far as I saw them and could learn their wishes, are very anxious to have their lands allotted to them.

I called on *Ramona* at her little hut, and gave Alessandro some coin in memory of that morning when his mother fled down the trail, which I could trace a part of the way over the 54 mountain, to her home, with him in her arms, leaving the body of her murdered husband where it lay after Temple's deadly shot.

This Temple, called Farrar by Mrs. Jackson in her story of *Ramona*, came from Tenn., and has been associated with a man, another scoundrel, named Fain (Mrs. Jackson spelled it Fane), also from Tenn., who murdered an uncle for his money, but was acquitted for lack of proof, one witness being his confederate, and an Indian, whose testimony would probably have convicted him, was

found dead, hung up in his room, before the trial came on. Both these men belong to most excellent families in East Tennessee.

It must be confessed that Ramona impresses one more favorably, as to beauty and intelligence, as she is described in the book than as seen standing by her hut. She is full-blooded, very homely, and uninteresting.

AQUA CALIENTE. We took an early start the next morning, and made the twenty-five miles to Warner's Ranch—Aqua Caliente—by eleven o'clock, stopping at Puerta De La Cruz, one of the five Indian villages on Warner's Ranch. Our driver and the Indians told me that twenty-five or thirty years ago there were about eight hundred Indians in this village. The ruins of one house, once lived in by Valentine Mechuc, a very old, blind Indian whom I saw, is all that is left of quite a long street, once lined on both sides with houses. The graveyard near by, filled to overflowing with graves, contains “the great majority.” Four families, occupying as many houses up on the hillside, overlooking the site of the old village, and with but *one child* in the four, is all that now remains of this once thriving village. A negro, named Oliver, had just proved up on a section of Government land on which the Indians had a corral for the pasture of their cows. They admitted that they had let the fence go down, and had no improvements on it, and did not so occupy it that they could claim it.

After our long dusty ride a bath in the waters of the hot spring at Aqua Caliente was most refreshing. Miss Golsh has been teaching here since the school was first established, and was spoken of by Mrs. Jackson, with great enthusiasm, in her report. 55 She had never seen this report until I showed it to her, and was pleased with the compliments paid herself; but quite displeased with what was said of her brother, saying that she did him an injustice. What this was I did not learn, as Golsh's case, whether right or wrong, is one of those which are determined and settled, and it would avail nothing, so far as the Indian is concerned, to open it.

There are some 175 Indians here, and about twenty-two children in school. The hot spring is a valuable property, or would be in the hands of men who could develop it—worth, perhaps, hundreds of thousands of dollars. The flow of water is very large. It is almost boiling hot, and

affords relief to all but the most stubborn cases of rheumatism. It is a source of income to the Indians; it is also a source of great corruption to the people, as it draws many corrupt men here who hire Indian houses and debauch the women.

Miss Golsh is a very remarkable woman, the daughter of an Austrian nobleman, I hear; very earnest in her efforts for the people. She lives in the school house, and spends most of her salary in her efforts to relieve and help. If it were not for the springs, this village would be very poor indeed.

The grant belongs to Ex-Gov. Downey, who, I believe, is under a guardian, and no movement is now making to eject the Indians. There are yet doubts as to the title, and from what I hear, a white man might squat on it with impunity, as the claimant would be loth to bring the title to the test of a trial. How long this quiet may last no one knows.

The man Helm, spoken of by Mrs. Jackson as annoying the Indians at the San Ysidro Cañon, is still fighting for his land, his case being now in court. Further up the cañon, where Jim Fain, when Mrs. J. was here, was attempting to get a foothold, a Mrs. Ayers has also filed on another section of land, but has not been able to prove up; and between Helm and Fain, a Miss Ayers has had the same want of success, but all are holding on, hoping in time to establish their claim.

Along the foot of the mountain on the road to San Ysabel I counted some sixteen or eighteen Indian houses, with little fields in the cañons. I doubt whether any Agent or Commissioner 56 ever visited them. They belong to the village of San Jose, one of the Warner Ranch villages.

In the afternoon I visited the school, and after school had a long conference with the men of Aqua Caliente. I explained to them at length the Severalty bill, how it opened up a chance for them to go to the Banning Reservation and find good land, and make a home of their own. Explained how we were trying to defend the Saboba Indians' claims to the San Jacinto Ranch, but had fears that we might not succeed; that their title was in the same doubt; that it was a title, at best, only to occupancy and use; that they could, at best, only make a poor living on it, and hold it by a tribal patent, etc., etc. To all this they only said, this had always been their home, and they wanted to stay here. Mr. Wallace gave them a strong lecture on the liquor traffic, which is destroying so many of

them, and tried to get the Captain and others to furnish proof against men who were selling; but they were all “know nothings.”

The school house here is adobe, and the most comfortable one we found in our whole trip, excepting the one at San Jacinto, but sadly in need of repair. Mr. Wallace slept on the blackboard, I on a sort of box-bed, and our driver on the floor. Miss Golsh did the best possible for us, and we came away with a very high opinion of her character and ability as a teacher and woman.

SAN YSABEL. The next morning we went over to San Ysabel Ranch, which has recently been sold by Mrs. Willcox to three men who have opened up three dairies on it. The Agent had authority from the Department to build a school house here, and hauled his lumber for it, but was forbidden by these men to erect it. He kept a guard over the lumber for some time, and then hauled it away to Mesa Grande. Whether he applied for instructions to the Bureau, and got no answer, and was unwilling to enter upon what seemed to him a personal combat, as one of Mr. Ward's sons, who hauled the lumber, says, or whether he was ordered by the Department to take it away and avoid the contest I cannot say, but this is certain, the point was surrendered, the house not built, and the claimants scored a victory. Mr. Ward then hired from an Indian an old adobe house for a school, and put in a 57 teacher, who, after a short time, got married. He then employed the daughter of a man with whom I spent the night, living six miles from the school. This man is charged by his neighbors with making a poor liquor of his grapes and selling it to the Indians. This charge is made by a woman who wanted the school, either for herself or daughter; was mad because she could not get it, and wrote to Mr. Atkins that Ward was favoring the liquor sellers, as against honest, law-abiding citizens. This letter called forth from the Commissioner the telegram which caused Ward to resign.

When I was there the teacher had the measles and the school was not in session. The school house was not fit to be used for such a purpose. These Indians live in a rincon, or round valley, and have had some six hundred acres under cultivation. Their houses were all on one side of the valley, near the foot of the mountain, and their fields in the centre and on the other side of the valley, extending up into the little cañons that open up from it. A fire broke out some months since and burned their

fences down, and they were forbidden to rebuild them. A wire fence was then run between their houses and their fields, and they have not a foot of their land for crops, excepting one man, who is outside of this fence, and he pays half his crop for rent. These men even built their fence across the county highway, and had a gate on it, which was locked, so that we were compelled to make a long detour to get around their fields.

Shirley Ward reasserts what he said last autumn, that it was understood between him and counsel for these parties, that the situation was not to be disturbed by them until a decision was reached in the Saboba case, which should be regarded as a test case, and was entirely ignorant of the fact that every foot, or any part of their lands, had been thus taken.

The Indian title is good, if at all, only during their occupancy and use of their land, but as they have *vacated* these lands and the white man is in possession, it will require aggressive action to restore the status. Ward, the Agent, either under instructions from Washington or by his own pusillanimity, yielded the contest in regard to the school building, and Ward, the counsel for the Indians, has allowed himself to be deceived by the counsel for these parties. Immediate steps must be taken 58 to put them back in possession, until the question of their rights shall be passed upon by the courts. If these were white men I would advise them to tear this fence down at once and hold their land *vi et armis*, until the courts decided what their rights are; but I hesitate to do so unless I was in a position to stand by and protect them.

There are here about 150 Indians, and twenty-two children of school age. Up on the mountain, near by, lies the San Ysabel Reservation, containing 14,705 acres of land, set apart for these Indians, by executive order, in 1875, and all they have to do is to take themselves up there and hunt up such places as the squatters on it have left them, and make new homes. The foolish sentiment that this valley has always been their home, that it contains the bones of their fathers, that they have cultivated these fields, and all that sort of sickly sentiment, having only Indians for its object, deserves, at least receives, no consideration whatever. The fact, also, that these 14,705 acres are, almost every foot of it, steep mountain, is one of no moment whatever. Two squatters on the reservation having appropriated about all the available land on it.

I have no doubt there are nooks and corners on this reservation where many of these Indians could find a better place than the small patch of land they claim on the grant, but the general said: "I will sooner lie down here and die than go from it," and this expresses the general feeling.

MESA GRANDE. From here we climbed six miles up to Mesa Grande, a small reservation of 120 acres. All the way up we passed old fields which had once been cultivated by the Indians, but, having been left by them, have passed, beyond recovery, out of their hands. The land is mostly very good and well watered; and is really a part of the San Ysabel Reserve, but cut off from it by interjected ranches. There are on it some fifteen or eighteen families and 142 Indians, under Captain Narcisse, a rather important fellow. They have three plows and one wagon. The seed furnished last spring was very poor, and consequently their crops are bad this year. They make their living chiefly by sheep-shearing and working for the whites.

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Agent Ward built them a school house last summer, using the lumber which had been hauled to San Ysabel. A Miss Hord, of Mississippi, was teaching two pupils, the others being out sick with the measles, and one of the two present was sick. She has twenty on her roll. She seemed a very bright, nice young woman, and I think a good teacher. She has done good service as doctor among the people, showing them how to care for the sick. The Indians were in trouble, the progressive ones, with their captain, and are glad of the prospect that they may get out from under his control through the Severalty bill. Juaquin, a sensible middle-aged man, wanted the Indians to take a herd of cattle, and have half the increase for taking care of it. The captain would not assent. He then went off by himself and took a small herd of goats, which his boy was herding for half the increase, while he worked out for a white man. The captain, seeing Juaquin was doing a good thing for himself, thought he would take some cattle on the same terms, and demanded that Juaquin should put off the goats, and would have had him flogged when he refused but for the man for whom he was working. He came to see me, and when I explained the Severalty bill to him, he went away full of hope that there would be a chance for him some time.

Certain facts which should be pondered very seriously have forced themselves upon my attention. Suppose the cases against the Indians, commenced by the owners of these old grants, are decided in favor of the Indians, and the courts maintain their right to occupy the lands on which they are now living, just what will have been secured? In the first place, the amount of land is small; secondly, it is for the most part well worn; thirdly, it is hemmed in by the grant, within whose exterior bounds it lies; fourthly, it is only a title of occupancy, which will inevitably lapse through removals and deaths; fifthly, it is a tribal title so far as it is a title, and perpetuates the tribal relations so long as it is maintained.

These several propositions are worthy very serious consideration on the part of those who are fighting the cause of these people, and desire their best interests.

The school house is new, and if it was not paralleled by some others to be seen out here, I would also say unique. It stands on a steep hillside; one side of the roof is much longer than the other, 60 in deference to the incline of the hill; the seats for the children are two long benches extending along the wall at one side and one end of the room, without back or desk. The school supplies, in the way of books, maps, pencils, etc., are equal to these accommodations. It makes one ashamed of the Government when he sees such an outfit for the educational work it has undertaken for these people.

One of our horses had the misfortune to break his shoe and so injure his hoof that we were forced to give up our proposed thirty-mile ride to San Felipe, where there is an Indian village. This is on a confirmed grant, our Government having issued a patent covering the grant. Of course this has not settled anything, for the patent only confirms whatever right the grantee had, and is conclusive only as between the Government and patentee, leaving untouched the question of the Indians' rights of occupancy. There are here some sixty Indians. The grant has just been sold for a large price, and, though I have not positive information on this point, it is said, with the understanding that the title is to be cleared of the Indians' right of occupancy. The grant is to be sold in small lots, and the Indians will have to go, unless steps are successfully taken to defend them.



Our driver, Mr. Bergman, who has lived on his place for twenty-five years, and knows everybody and every foot of land along our route, was constantly pointing out places on which Indians once lived, from which they were either driven outright or bought off for a sack of flour or a bottle of whiskey, or some such consideration. He took me out of my way to show me a little valley in which five families are now living on Government land—an aggregate of fifteen people. The old man, father or father-in-law and grandfather of most of them, has quite a little vineyard and orchard, with irrigating ditch and sufficient land for their support if it is secured to them. I took the names of the men and the numbers of the sections on which they are located, and hope the steps I took will be followed up and the land secured to them.

I believe that if some one could be employed to go about and hunt up the land, little farms of ten, fifteen and twenty acres could be found, scattered here and there, for a very large number of Indians, and that it would be a practical and good thing to do in the settlement of these people.

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PACHANGO, PALA, PAUMA. The next points visited were Pachango, Pala Pauma, La Peche, La Jolla and Rincon. A new and threatening danger hangs over all these excepting Pachango, which, so far as I know, does not come under its darkening shadow. This is giving great anxiety both to whites and Indians, and all alike are uncertain as to what may come of it.

The Ocean-Side Land and Water Company is purchasing and claiming water rights all the way from Ocean Side, at the mouth of the San Louis Rey River, up to its head. It has bought Golsh's land, just back of Veal's place, beyond the old Mission house at Pala, and has forbidden Veal to open up an old ditch of his, through which he used to irrigate. It has bought, for \$60,000, the Major Utt place, which lies up on the high Mesa, under the mountain. The company commenced to dig for a dam near the mill, under the high bluffs, between Pala and Pauma; it is also digging in the cañons above the Pauma village, and over at La Jolla and La Peche, and clear up to the very head of the river, posting notices of a claim to 10,000 inches of water.

Of course this is causing great alarm among the whites, and Indians too.

Mr. Coronel, of Los Angeles, a friend of Mrs. Jackson's, and regarded by the Indians as a father, had called a meeting of the Indians at Pala. He and his wife, Mr. Rust and his daughter, sundry photographers and newspaper men from Los Angeles and San Francisco were on hand. About one hundred Indians came, from all the principal villages and reservations in San Barnadino and San Diego Counties. I got back from Rincon, La Jolla, etc., Monday night, and from then until Wednesday morning I had a busy time.

I explained the Severalty bill and urged its provisions. Also, what we were doing with reference to the protection of those who are on grants, and assured them that they should have the utmost defence that could be made; but made no promise, and held out no misleading hopes as to the issue. I asked them not to be too badly frightened as to the water company. It might be their purpose only to develop and store the water, so as to make the most of it, with no intention of cutting off any one 62 from the rights they had to it. So long as they simply went about digging here and there off the lands claimed by them, to let them alone; if they, or any one else, undertook to turn off their water from them, to notify the lawyer whom we would employ to protect them, and also to turn the water on again, so that their crops should not suffer. That before any one had a legal right to take their water, they must have gained that right in the courts, and of course the Indians would know of it. I said that we would take whatever steps were necessary to prevent their losing any rights they had in the premises, by the digging of these men, and the notices given, etc., etc.

I also explained their rights to enter public land, and said I would see any present who wanted to enter such land, and do what I could to help them. Quite a number came to me after the meeting for further explanation. I also said that on two of the reservations there would be more land than the Indians living on them would need, and they must be prepared to give up the idea of living where they had always lived, and take land where they could get it, if the case now in court should be decided adversely to the Indians.

I also said that while we were trying to fight their battles for them, they were protecting and supporting the most destructive enemies they had. That the Government had sent out a man to discover and punish the men who were debauching their women and robbing them of everything

they had by means of whiskey and gambling, and, instead of helping him fight their enemies, they were concealing and protecting them. That I could not do much for them with my friends in the East, if they should be told that these Indians were a miserable, whiskey-drinking, debauched people. We could not lead men to victory who fell out by the wayside drunk, or who took to the bushes to gamble: that Col. Wallace was here to help them drive out their enemies, and I wanted them to help him do it. The Colonel then explained what he had come to do, and what steps must be taken by them, and would see any who would undertake to furnish proof against liquor sellers. A number came to the Colonel, and said they would do all they could, now that they knew how to stop this traffic.

Don Antonio Coronel, who is recognized by the Indians as a 63 staunch friend, talked to them in a most fatherly way, and some who had before said they would die rather than leave their old homes, expressed themselves as willing, if necessary, to go to such place as they could be assured of.

The day was a very laborious one, and I believe valuable in every way.

It is said that Bishop Mora has sold his ranch at Pauma to a Boston syndicate. He either owned or did not own the lands on which the Indians lived; if he did not, of course he could not sell it; if he did, then he can scarce pose as the special friend of these poor people, if he did not except from the sale their homes.

Mrs. Coronel was told by an Indian woman that the Indians whipped him out of their church at Pala not long since.

At Rincon, La Peche, and La Jolla the situation is unchanged. The school at La Peche, taught by a lady from Georgia, does not amount to much. The house is full, but the teaching poor. The house itself is a disgrace to any grade of civilization. It is a new house, built by Agent Ward, two years since. It would be as easy, almost, to warn the country about it as the inside of it. The water question gives great anxiety to the Indians here and at La Jolla.

Mrs. Colonel Coutts has, as yet, taken no steps, I believe, to make good her claim to 8,848 acres of La Jolla, based upon a grant made in 1845 to Jose and Pablo Apis, and purchased from them by Col. Cave Coutts. This claim was not presented to the Land Commission appointed March 3d, 1851, to investigate titles under old Mexican grants. It is reasonable to suppose that if she thought it good she would urge it; but it lies back of the order creating this reservation in 1875 and 1877, and may yet be brought forward and give trouble.

The school at Rincon is taught by Miss Alexander, of Atlanta, Georgia. We reached there at 3 P. M., but the school was already dismissed, and I had no chance to judge of her work. She appeared to be a pleasant, sensible sort of a woman. She and the other teacher, the one at La Peche, board together at the old Andrew Scott house, under the hill on the road from La Peche to Rincon, and have bought the place, as if it was their expectation to hold their positions permanently.

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Feles Calac, the first Indian in California who has been allowed to purchase State land as a citizen, whose right to do so was recently affirmed by the Superior Court, was complained of to me by some of the Indians, as having a piece of land under cultivation on the reservation, while he was living on his own land off the reserve. I found it was a piece he had himself cleared up, and on which he made his money with which he purchased the school land, on which he lives, and that he wants to have some of his own family have it when the lands are allotted. I said to the complainants that if he had stayed among them, and spent his money for whiskey, they would not complain of his holding it, and I did not think it just to punish him for saving his money and going ahead—that when the reservation land should be allotted, the Commissioner would settle the question, but he ought to have his field which he had cleared, and give the use of it to some one of his own family, rather than to some one of them who had no claim to it.

There is another Indian who had built a house on the school land which Calac has bought, and made improvements on it before he bought it. I asked Calac what he intended to do with his claim for improvements, and for him. He said he would pay him for his improvements, and that he was still

living on it, and he charged him no rent. I advised him to pay him, and also to charge him a small rent, so as to raise no question in the future as to ownership.

The Indians said Calac bought the land as their captain, and the land ought to be theirs as a tribe; but, instead of that, he had left them, become a citizen and taken the land as his own. They admitted that he had paid for it with his own money, and I explained that it was only as a citizen that he could purchase it.

It was easy to see, from the experiences of a day, that I could spend the next ten years as Lord Chief Justice, settling petty cases.

At Pala an Indian had built a house and cultivated some fields on Government land. Two years ago a Mexican named Pico, who has an Indian wife, begged the privilege of spending the winter in it, as he had no home. It was granted. The fellow is still in possession; he filed upon the land as unoccupied, but was defeated in his effort to prove upon it, by our counsel, 65 Shirley Ward. Two other Indians have been cultivating a part of the 1/4 section on which the house stands; one of these, a woman, Marie, has grit, and has "stood" the Mexican and every one else "off," and holds on to her part, five acres of it.

I tried to get it settled by having the Indian file on it and save it to himself and then adjust the claims and rights of Marie and the other Indian, but they move so slowly it will require the presence for a long time of some one who will show them how to do it.

There are only 160 acres on the Pala Reserve; and only about 55 acres of this is fit for anything; this is less than two acres to each of the thirty Indians on it. There are several little nooks of public land that can be filed upon, near, and in some cases, adjoining it. It needs very greatly a man of sense and honesty to go in, hand-picking, to settle these people.

A large and fine reservation was set apart for them, but the whites got it restored to the public domain, and not only the Indians, but some whites who had settled on it, lost their homes.

The agent here has received notification that all the schools among this people, excepting four, not counting Father Ubach's boarding-school at San Diego, must be closed at the end of this year. The four to be maintained are: San Jacinto, Coahuila, Rincon and La Peche or La Jolla (these are the same). The reason assigned is the small attendance. The order does not specify the schools by name, but if executed will close all whose average attendance has not been as high as twenty. Only four have maintained that average. All the schools have been depleted by the measles, and it would be an outrage to enforce the order, and doom to perpetual ignorance the children of those who have suffered so many wrongs at our hands. If, perchance, there were only 19 children who could be kept in school in one of these isolated villages, it would be advisable, even under an economical administration of Indian affairs, to give those a chance to fit themselves for citizenship, and, imitating Abraham the father of the faithful, in his plea for Sodom, we might urge the school even for "ten's sake."

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CAPTAIN GRANDE. I went also to the Capitan Grande Reservation, which the President ordered to have cleared of intruders the middle of last winter, which order had been suspended and repeated once or twice. The order was renewed in the spring, and the military were to remove them if they did not go. The agent told me that the order had been carried out and the intruders were gone. I went there to see about it. I found that one man, who had taken possession of an Indian's house some years ago, and had been running a liquor saloon in it, had taken his liquors out and moved about a quarter of a mile, while he still retained possession of the Indian's land and had men in charge there. This was the only change that had been made. I also found that a San Diego water company was building a flume across the reservation almost its entire length—a fact never reported to the Government by the Agent—and was posting claims to the water, very much to the disturbance of the Indians. I found five liquor saloons in full blast on the reservation. On coming out I met a representative of the Department of Justice, who had been sent out to make some inquiries into the liquor traffic, at Los Angeles, to whom I made known the situation. The United States Marshal and troops sent in by General Miles, under charge of John T. Wallace, the special inspector above mentioned, went in and brought out seven men, destroyed their beers and ales, and

captured a wagon load of whiskies and wines, and when I came away the seven men were in jail at Los Angeles awaiting their trial. I should add that Mr. Wallace did not deem it prudent to say anything to the district attorney who had been appointed in that district, although it belonged to him, as a part of his duty, to arrest these men.

The Department, since my report of the doings of this water company, has, through its new agent, made a contract with the company, by which it agrees to furnish these Indians with all the water needed by them for irrigation and domestic purposes, and to pay \$100 per mile for the right of way through the reservation. I think the latter is more than justice to the Indian. We could not ask for land damages when they are amply supplied with water.

It is a commentary on the way the good intentions of the 67 Department fail oftentimes of execution—this fact that the operations of this water company on the reservation, though in progress for many months, had not been reported by the Agent in charge; that this order for the removal of intruders had utterly failed of execution, though entrusted to the Agent, with the authorized aid of the military, and that these several saloons were in full blast, undisturbed either by the Agent or the military, and would not have been discovered by the special inspector sent out from the Department of Justice, but for my visit.

In the whole management of Indian affairs there is a very great distance between the responsible head and the executing hand; there are many chances that good intentions shall go astray before they can be put in operation; that beneficent orders shall get lost in the pigeon holes of careless clerks, or shall get hung up and lost before they are executed.

It is much pleasanter for Special Inspectors to stop at comfortable hotels in the neighboring cities, than to endure the discomforts of long rides to the reservation, and reports can more easily be written while waiting there, than while hunting for truthful facts of which to make them. Unless they are belied by men who profess to know about it, few of the inspectors who have reported on this reservation ever went nearer to it than did the man who set it apart for the Indians, and have uniformly, almost, taken their information from the very men who are crowding and robbing them.

The President cannot, of course, come out here to see what orders should be issued, or that they have been executed, but, seeing he must trust men to deal honestly by him, it becomes imperative that he shall know that the men he must trust are worthy of his confidence.

This reservation lies almost 35 miles east from San Diego, and, as originally set apart, contained none of the homes of the Indians for whose benefit it was set apart. The lines were so run that these were left out, and only inaccessible mountain elevations were included in it. The whites at once began to file upon the homes of the Indians. Pres. Grant, by a subsequent order, included these homes, and ordered the filings made to be cancelled and the whites removed. The latter was never done, and the Indians have been forced up into the foot hills or have gone away entirely. If the order of Pres. Cleveland, which so far has miscarried, shall be fully carried out, there will be homes here for all who formerly called it their home, and if the contract with the San Diego Water Company is ratified by Congress, as it must be, before it will be legal, these people will have sufficient of land and water for their use.

SAN JACINTO. At San Jacinto are found the Saboba Indians, whose battle we are fighting in the court and for whom we have won a victory at last.

This valley lies under the grand old mountains whose name it bears, and is now attracting much attention. There is a scheme to build an immense reservoir in the mountains, sufficient to store water for the irrigation of what lands cannot be reached by ditches from the river. "The bloom is on the boom" just now, and expectations are extravagant as to the future. It is, much of it, laid out in town lots, and real estate men, in connection with the hotels at the two rival villages, are running free coaches from Perris, and were ready to give the new comer free rides all over the valley. I found a strong sentiment, strongly expressed by some, in favor of the rights of these Indians as against Byrnes. It must be remembered that here, as at San Ysabel, there are Indians on an old grant, on which they claim a right to homes, also a reservation set apart for them by the Government. I found those who live on the grant, on fine land, with abundant water. Their crops were good, and notwithstanding the dark cloud which has so long hung over them, and which they were expecting, when I was there, would burst and sweep them away, they have maintained



themselves and kept up their farms. They have a good school house—the best I saw at any of the villages—which the Captain and Mrs. Fowler (*née* Miss Sheriff), the former teacher, built for themselves after the Agent, McCullom, refused to ask the Department to build it. Mrs. F., who had always taught the school, and had the confidence of the Indians to an unusual, I may say, unlimited extent, was removed by Agent Ward, and Miss Noble, a Catholic girl, put in her place, on the pretext that it is the policy of the Department to employ only single ladies. I saw a letter from Commissioner Atkins to Ward (a copy of it was sent to Mrs. F., which I saw), in which he says, that he knows of no such policy, in fact, thinks it very desirable that women in such isolated places shall have husbands, and orders Ward to nominate Mrs. F. for the position. I do not know how it came about that he did not do so, or that, failing to do it, the Commissioner did not himself appoint her. The school was closed and the teacher gone, and so I could not see her. These poor Indians are full of apprehensions as to what may be before them, and some of the young men talk as if they will die fighting for their homes, if they are to be ejected. I told them I deeply sympathized with the feeling, and could not say that I would not do so under the same circumstances, but urged that they must not do it as it would result only in disaster to them. I comforted them as best I could with the assurance that we would do all we can do to get homes for them elsewhere, if we do not succeed in defending the ones they now have.

I also visited the Indians living on the reservation. There are some six or seven families of these up in the cañons, embracing some 200 acres of the only available land of the 3,100 acres contained in the San Jacinto Reservation. A woman and her son have attempted to homestead 160 acres each in one of these. The old grandfather, who recently died, at the age, it is said, of 135, had long lived on this land, and there is an old vineyard fifty years or more old. It would hardly be just for these two families to take all the good land there is in this cañon, as there are not 320 acres of good land in it.

It is a practical suggestion which I make, and is indorsed by Miss Hiles, that we employ a man to do the work an Agent ought to do, but which no Agent employed by the Government will ever do, and have him hunt up the Indians and such land as can yet be found for quite a number of homes, and enter the lands for the Indians. As it is, the Indians, through ignorance, and because of the hostile attitude of men who want all the land there is, and through the indifference, if not worse, of the

officers in charge of public lands, these poor people will utterly fail to improve such chances to secure small but sufficient homesteads as are still open to them.

I had a little experience which justifies and emphasizes what I say on this point. I went to the land office to see whether the filing of certain men on lands occupied by Indians had been allowed, and whether he had raised the question as to whether there were Indians on it. The Register said he had no time to make inquiries as to whether Indians were on such lands or not. I asked if he did not have time to discharge the duties of his office. He wanted to know who I was that I assumed to put such questions; then said it was not his duty to do so, and that he had no such instructions. I showed him the very explicit instructions of Commissioner Macfarland. After reading them, he said it was not his duty to make such inquiries unless the man attempting to file should deny there were Indians on it when he had reason to suspect that there were. I asked what would call forth such denial, except his questions. He said it was the duty of the Indian Agent to look after the Indians and challenge the parties. My reply was, that the Agent had a duty with reference to Indians on reservations; Indians living on lands under discussion were not on the reserve; that he had the public lands of his district under his care, and the order of May 30th, 1884, made it his duty to know, "by all means at his command" whether Indians were on any of it, and not allow filings on such lands.

It is very evident that the Indians will find no protection from him unless some one shall be present to challenge those who attempt to oust them. If this is done, a friend of the Indian, outside the land officials, must be on hand to do it.

A SUPERINTENDENT OF SCHOOLS FOR MISSION INDIANS. I met at San Diego the Superintendent of Schools for these Indians, Professor Janus, of Washington, who had come to inspect schools just when they had all closed for the season. He was an old and feeble man, who has since died, utterly unfit, physically, for the hardships of his position. The schools are widely scattered and many of them difficult of access, and the old man could not, or ought not, feeble as he was, endure the necessary travel to look after them. One could not but believe that the position had been given him as a *sinecure* which would give him support while he sought health; a pleasant

arrangement, considered as a charity, but one that did not contemplate primarily the efficiency of the school service.

As these Indians are mostly Catholics, it seemed more appropriate that the Superintendent should belong to that Church, 71 than that one of like faith should be sent to have control of schools where only Protestant Missions and Protestant Schools have been sustained, as has been done in some cases.

The complaint has been made, and grows stronger, and will eventually become outspoken, that this Church is securing an undue amount of patronage from the Government in the matter of schools, and is gradually getting control of the educational work among Indians. I have compiled the following figures from the last Report of the Superintendent of Indian Schools, which seem to confirm the asserted fact, so far as contract schools are concerned. Further investigations are needed to establish or disprove the suspicion that the same discrimination in favor of this Church is shown in the purely Government Boarding and Day Schools.

There are fifty-two Contract Boarding Schools for Indians, with the following denominations or churches:—

There are other contract boarding schools than those given in this list, as at Hampton and Philadelphia, which are not denominational schools.

There are twenty-one Contract Day Schools in all:—

There are reported seventeen Mission Schools supported by Churches without Government aid:—

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AGENT WARD'S RESIGNATION AND REPORT. It seemed unfortunate that one acquainted with the situation, as an Agent who has held the office for two years ought to be, should be forced to resign, as Mr. Ward asserts he was, out of respect for himself, just at the present crisis of affairs among these people, and a man new to the country and ignorant of Indians should come in to take

charge. A full history of this case, and of the causes leading to this issue, would not give one an exalted idea of the management of the Bureau. On the other hand, one who makes himself acquainted with the facts on these various reservations, will not shed many tears over the change, if the new man shall deal less with rhetorical flourishes in reports and correspondence, and more with the actual condition and needs of his Indians.

Mr. Ward evidently intended to go out in a blaze of glory, in the estimation of the people of California among whom he lives. To do this he took the unusual method of giving to the public press of Los Angeles his last report to the Commissioner of Indian Affairs, in which he seeks to ingratiate himself with his public by belittling the Indians, making contemptuous flings at every one else, and showing how easily the whole problem would be solved if his practical common sense could only be utilized. He says: "This has been a year of expectancy on the part of the Indians. Government officials and outside enthusiasts have bespangled the Indians' sky with cabalistic signs of the coming jubilee, and the consummation of the 'Land in Severalty Bill' has been promised as the keynote in the grand chorus of emancipation from the thralldom of the white man."

He says of the nearly 200,000 acres of land on their 19 reservations, there are not more than 500 acres on which white men would undertake to live, unless they could be irrigated. But adds, further on, that no Indian who wished to cultivate land has been prevented from doing so for lack of land. This would give one-quarter of an acre of land to each Indian.

He says, again: "The annuities of money, clothing and agricultural supplies furnished by the Government to the Indians have smothered out nearly every particle of native self reliance among them."

"They are content to lie in the shade and wait for the annual 73 appropriation. Pensions and annuities will never develop a high order of manhood in any race of people. If the rain of manna and quail had continued, no Hebrew would have ever owned a poultry or grain farm."

He tells me that the amount appropriated for these Indians amounted to some \$400 for the whole 2000.

I heard of one man at one place who had received a hoe. At Mesa Grande they had accumulated one plow, I think, and three hoes. I saw at Capitan Grande a large six-horse Nashville wagon which had been issued to Ignacio for his people, which after a protracted effort, by the combined labors of all the Indians and ponies, they had succeeded in getting to the reservation, but which they could put to no use whatever. Ignacio had hired it out to the San Diego Water Co., which was building a flume across that reservation, thinking he could get something out of the noble but demoralizing gift, but this was forbidden by the Agent as soon as he heard of it. In the meantime, the man who had driven Ignacio from his home, and was keeping a liquor saloon in his house, whom the Agent had been instructed to put off the reservation, was still in possession.

He says again: "There are, on the Banning Reservation, thirty or forty trespassers, who have established good homes, with vineyards and orchards. These homes will have to be given up by the white man. The Indian now sits in the shade of the trees, meditating on which particular well-improved home he is to get."

In passing over this reservation with Agent Ward, he pointed out to me where the Indians had attempted to plow for crops, but the white men ran their furrows clear around and enclosed the patches the Indians were breaking up, and then drove the Indians off and would not suffer them to plant.

Knowing well the wonderful attachment of these people for their homes, also the feuds which exist among them, and the hostility of some bands for others, he proposes, as a cure-all for the difficulties of the situation, that they be gathered on two reservations, and forced to farm and put their children in school.

The new Agent, Mr. J. W. Preston, had not arrived when I left, but has taken hold of his work strongly since his arrival, if judgment can be based upon the very business-like and manly reports

he has made as to his action in ejecting the squatters 74 from the Banning Reservation, and his arrangement with the San Diego Water Company for supplying the Capitan Grande Indians with water, as a condition of crossing their lands.

Immediate action should be taken to settle the Indians on these lands, and then to allot them in severalty, and secure them by patent. Not until this is done can their rights be protected.

THE SAN FERNANDO CASE. As I was closing up my work, and was about to return to the East, a telegram came from Mr. J. W. Davis, of Boston, of the Mohonk Committee on Legal Defence of Mission Indians, asking me to await a letter which required attention. This, when it came, proved to be a complaint from Hon. R. M. Widney, of Los Angeles, that the Mohonk Legal Defence Committee had done Hon. Charles Maclay and himself a grievous wrong in a statement made in a circular letter issued by them, in an appeal to the public for funds. The circular, in order to show the need of these funds for the defence of the Mission Indians, gave a brief account of the facts, as understood by the Committee in the case of the Indians ejected from the San Fernando Mission, as follows:—

THE SAN FERNANDO INDIANS. “A few years since, Mr. E. F. DeCeles, of Los Angeles, sold to two prominent citizens of California the San Fernando grant, inherited by him from his father, to whom it was granted by the Mexican Government, which grant contained a clause excepting the land occupied by the Indians.”

“An old Indian named Rogerio occupied ten acres, the bounds of which were clearly defined, and upon which he has for a number of years paid taxes.”

“When the deed was made out, the clause in the old grant excepting this land of the Indian was not incorporated in it. Mr. DeCeles refused to sign it unless that clause was inserted, until assured by his attorney that it was not necessary for the protection of the Indian, inasmuch as the land was not his, and he could convey by deed only what he owned.”

“This, with the assurance of the purchasers that the Indians would never be disturbed, induced him to sign the deed without the excepting clause. Notwithstanding this assurance, the 75 purchasers soon brought an action for the ejectment of Rogerio and his family. Judgment was based wholly on a technical mistake of his attorney, and not on the equitable or legal rights of the plaintiffs, and a writ of ejectment was issued last winter.”

“The manner of ejectment was as cruel as the fact was outrageous. Rogerio was over eighty years old, and his wife and another woman, nearly of equal age, with five or six other persons, constituted his household. The sheriff removed them by force in the midst of the winter, tumbled the two aged women, with all their effects, including Rogerio's blacksmith tools, fuel, chickens, etc., into a wagon, and dropped them by the roadside, where they lay without the slightest protection, and without food, excepting parched corn, for eight days, when the rainy season was at its worst, while the old man went to Los Angeles to get permission from the priest to occupy an old dilapidated shed connected with the old mission church.”

“His tools, fuel, baskets and other possessions were pilfered; and it being thought by many that the old man must have money burried under his house, as he had for many years done the blacksmith work for that part of the country, diligent search was made for that. The old wife died of pneumonia, brought on by the exposure, and the old man is a homeless wanderer.”

“A fine spring of water on this land was one main object of this dispossession, and it may interest some to know that these plaintiffs purpose *erecting a Theological Seminary* on this property.”

There were a few circulars printed which gave the names of these prominent citizens of California, Judge R. M. Widney and Hon. Charles Maclay, but the Committee had no controversy with these men, and no purpose to subserve by putting them in the pillory of the public press, though as a matter of fact they had been thus pilloried in the press of their own city by Mr. E. F. DeCeles, and they at once suppressed the circular containing their names and substituted for it one which did not give them. A few, however, contrary to their wish, escaped destruction, and some one sent a copy to these gentlemen.

This called forth the letter and affidavit inclosed with it, which Mr. Davis sent me, with the request that I diligently inquire as to the facts, that proper correction and apologies might be made to them, to the satisfaction of the complainants.

It is due to them that their denial and the correction of misstatements, so far as there were such, should be made even more widely than the misstatements were circulated, and as I was responsible for the statement as originally made, and was called upon to investigate the facts anew, and the doing of this occupied my time for the last two weeks of my stay in California, and, because it is due to these gentlemen that their denials and corrections shall be given, and also due to myself that the facts of statement as corrected shall be given, but more than all, that the friends of the Indians shall understand how great the difficulties in the way of learning the facts of any given case, and the methods by which even reputable men get the advantage of the Indian, and would mislead the public with reference to the facts, I give the case as now made out.

The letter and affidavit are as follows:—

**LOS ANGELES, CAL., June 30th, 1887.**

HON. JOSHUA W. DAVIS:—

*Dear Sir:*—Recently some one sent to me a circular to which your name with others was attached, in which an attack was made on Ex-Senator Maclay and myself. I have prepared the accompanying affidavit, showing how grossly you have been deceived. I presume the falsehoods started from local parties here, and did not originate with you or with any responsible parties. I am surprised, however, that any person of the standing which I presume you and others signing the circular have would try, convict, condemn, sentence and execute the sentence upon American citizens without any opportunity given for a hearing or a defence. Any agent here investigating the matter should at least have called upon the accused and heard both sides of the case. You will at once recognize that the proceeding has been *ex parte* and *star chamber* in its nature. I can only account for it upon the supposition that your name was obtained without your knowing the contents of the circular. A



damage has been done us that never can be repaired. The circulars can never be followed to each place where they have gone, and in the minds of many the false accusations can never receive any refutation. 77 I have forwarded to each member of the committee one of the affidavits and this letter, for the purpose of correcting the facts in your mind. My object does not end in producing in your mind a correct belief as to the facts. It reaches to the end that the correction before the public be as ample as the injury. A simple correction to us is of no public benefit to us. We certainly are entitled to as widespread correction as the original injury. If you are not satisfied of the correctness of the facts set out in the affidavits, I would suggest that you send some reliable person here to get at the facts. Do not understand that I am making any threats, but we certainly cannot be expected to quietly submit to the present status of the matter.

An early answer is desired to this communication.

Respectfully,

R. M. WIDNEY,

*For self and as Attorney for C. Maclay.*

STATE OF CALIFORNIA, LOS ANGELES COUNTY, *ss.*

Hon. Charles Maclay, being duly sworn, deposes and says he has read the accompanying circular.

That affiant is the person referred to in said circular.

That the statements in said circular reflecting on affiant and Judge Widney are grossly and maliciously false.

The statements are specifically false, as follows, to wit:—

E. F. DeCeles never sold any land to Hon. Charles Maclay and Judge Widney, or to either of them. The land referred to as the “San Fernando Grant” was sold by order of the Probate Court of Los

Angeles County, of date June 12, 1874. At such sale it was sold to the highest and best bidder, without reserve.

Affiant, C. Maclay, was the highest and best bidder, in the sum of \$117,500.

That said sale was duly confirmed by the Probate Court on the 10th day of August, 1874, and said E. F. DeCeles, as adminrator of the estate, was directed by the court to make the conveyance. That as such administrator, and not otherwise, said E. F. DeCeles executed the deed conveying said lands to said C. Maclay.

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That during the next ten years the rancho title changed hands once or twice.

That Mr. DeCeles never refused to sign the deed, as stated in the circular; that, as administrator, he had no authority to refuse to obey the order of the Probate Court.

That nothing about the said Indians was said in the matter. The statement of the circular that “with the assurance of Messrs. Maclay and Widney that the Indians would never be disturbed,” ect., is too false to justify words in condemning it and its authors. Maclay and Widney never had such a conversation, or ever heard of the matter until it appeared in said circular; and said Widney never bought any lands of DeCeles, and did not buy of Maclay until in 1885, over ten years after said sale by said estate of DeCeles. Maclay and Widney never brought suit against said Indian Rogerio and family. The suit against Rogerio was begun in 1878 by G. K. Porter and C. Maclay, and the judgment entered accoeding to the requirements of the law years before said Widney had purchased in the rancho.

The statement in the circular that “the manner of ejection was as cruel as the fact was outrageous,” etc., is most conwardly and most villanously false. The facts are as follows:—

The Sheriff was instructed by Judge Widney to notify the Indians to remove, and, if compelled to remove them, to pay them all that their improvements were worth, and then, in addition, to let

them take off all the said improvements they might wish to take. Also that if the Indians wanted to come to Los Angeles City, the Sheriff should rent a suitable dwelling at Maclay's expense, and at Maclay's expense move the Indians to it. Or, if they wanted to remain at San Fernando, to rent a house there and move the Indians into it. Further, that if the Indians needed provisions the Sheriff should buy all they needed and furnish it to them at Maclay's cost, and also to give them some money for other expenses, if they needed it.

That the Indians, acting under bad advice of certain persons, refused all of these offers, and compelled the Sheriff to unload them and their effects at the place where he did, the Indians designating the place, as affiant is informed.

That the Indians lay by the road sick "eight days without food, except parched corn," is wholly false, as the Indian 79 Rogerio came to said Maclay, said he had been deceived by others, and wanted to receive the provisions before offered by Maclay. Thereupon Maclay took the Indian Rogerio to the store and told the proprietor to give him what he wanted. This was done, to the Indian's satisfaction, and Maclay paid the bill, which included a number of sacks of flour, groceries, etc.

The statement that the Indian's tools, fuel, etc., were pilfered, is a libel on the sheriff and his deputies, as being thieves, and in the opinion of affiant is false.

That diligent search was made in "hopes of finding money" buried, is as false as the rest of the circular.

The statement in the circular that these plaintiffs propose "erecting a Theological Seminary on this property," is also grossly false, as the College, which is partly erected, is over a mile distant from said land.

The United States patent for said rancho, under which Maclay bought, in no wise reserves any lands for Indians, and is a grant in fee simple to the DeCeles estate, and was issued January 3, 1873, over a year before Maclay purchased.

Affiant calls attention to the fact that the first of said circulars issued contained the words “sold to the Hon. Chas. Maclay and Judge Widney,” etc., while the second set of circulars changed the words to “sold to two prominent citizens of California,” etc.

At the time of the eviction outside parties tried to make money out of the matter, offering for \$10,000 to remove the Indians; such persons affiant believes to be the author of said false statements in said circulars.

Affiant states that his own good name and reputation is as sacred as that of any of the parties signing said circular, and so far as they continue to spread said circulars and said reports, and do not recall said statements, affiant charges them with a degree of baseness unworthy respectable citizens of this Republic.

Copies of these affidavits will be forwarded to each of said committee signing said circular, to the Department of the Interior, for the use of the Department and of Congressional Committee.

CHAS. MACLAY. Subscribed and sworn to before me, this 29th day of June, 1887. T. S. SMITH, *Justice of the Peace of San Fernando*, Los Angeles County, California.

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R. M. Widney, being duly sworn, says that he is the person referred to in said circular as Judge Widney. That the foregoing affidavit of C. Maclay correctly sets out the facts on the points relating to R. M. Widney.

Subscribed and sworn to before me, this 30th day of June, 1887.

R. M. WIDNEY.

GEO. J. CLARKE, *Notary Public*, Los Angeles County, California.

One of the first facts discovered as bearing upon the case was found as follows (Cal. Reports, vol. 53, pages 372, 373):—

In an action brought by Eulogio DeCeles, as administratrix of her deceased husband, against A. Brunson, for breach of trust, as attorney of her predecessor, E. F. DeCeles, in the sale of certain property belonging to the estate, the plaintiff read in evidence the deposition of the defendant given in an action brought by one Alvarado against Eulogio for commissions claimed for selling the interest of the estate in the Rancho San Fernonde. The deposition contained the following passages:

—

“He (Maclay) asked me if I was not attorney for the defendant (Eulogio). I told him I was. Next he stated that he was acting for himself and others, and desired to purchase the ranch, and they would make it an object to me to effect a sale. He said he was authorized to pay \$125,000 for the Ranch, or DeCeles' interest in it, and that he would pay me one-half of all that I could get the ranch less that that sum. I immediately went to the office and met Mr. DeCeles. I told Mr. DeCeles that I could get \$115,000 for their interest in the ranch. He replied that he had made up his mind to sell for \$120,000. We talked the matter over for a short time, as to what would be for the best interests of the estate, and he then concluded, and so informed me, that he would sell the interest of the estate for \$117,500.

“I received from Maclay \$3750 for my services in the matter. The defendant also agreed to pay me \$2500, of which I have already received \$1750.”

The Court found no fraud on the part of the defendant (Brunson). Judgment given for defendant, and plaintiff appealed.

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The Supreme Court held that Brunson held such relations to Eulogio F. DeCeles as prohibited his receiving \$3750 from Maclay. Judgment and order reversed, and cause remanded for new trial.

(Copy).

This establishes the fact that Mr. Maclay bribed the attorney for DeCeles in the sale of this very property to betray the interest of his client, and paid him \$3750 for effecting a sale of his client's property for \$7500 less than he said he was willing to pay for it. And yet this sale, Mr. Maclay swears, was at public auction, to "the highest and best bidder," under an order from the court, in such manner as to give no option to Mr. DeCeles to accept or refuse his bid, or to sign the deed of transfer.

Next follows the affidavit of Mr. DeCeles, and it may be said that he has given the facts of this case over his own name in the public press of Los Angeles. It will be remembered that Mr. Maclay swears he never heard of the Indians' right to a home on the ranch not being protected by the deed given, nor of a promise that the Indians should not be disturbed, until he saw it in the circular complained of.

LOS ANGELES, CAL., August 31, 1887. I, the undersigned, E. F. DeCeles, was the administrator of the estate of my father, E. DeCeles.

The Rancho Ex-Mission of San Fernando (or rather one-half of it) was part of my father's estate.

Ex-Senator Maclay came to see me about purchasing the San Fernando Rancho, which I wished to sell in order to pay off some debts of the estate. The Probate Court had granted power to sell at either public or private sale, subject to its approval; the latter was preferred.

Pending negotiations as to terms, price, etc., Mr. Maclay, by the aid of Governor Stanford, assumed or otherwise settled the amount of a mortgage which had been foreclosed on the property.

The price was finally agreed upon at \$80,000 cash and \$37,500 in a mortgage on the property, the purchasers being C. Maclay and Geo. K. Porter.

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When the papers were already made out, I objected to them because they did not contain the clause in my father's deed by which the old Indians were to be kept in possession of the lands they occupied for the length of their lives.

In an interview at the office of Gen. M. G. Cobb, Nevada Block, San Francisco, my attorney, the matter was discussed. Hon. Anson Brunson, also attorney for the estate, and Gen. Cobb both represented to me that the insertion of the clause was not necessary, as the purchasers under my father's deed would be bound by any and all conditions imposed upon him.

In the course of the discussion Mr. Maclay asked how much land the Indians occupied. I told him that Rogerio occupied about twenty, and those at the Escorpion (on the northwest side of the Rancho) about fifty. He said then that it was a very small matter, and they never would be disturbed, even if no such clause existed.

The sale was finally made by me, as Administrator, to C. Maclay and George K. Porter, and the Probate Court duly confirmed it. Mr. Widney at the time had nothing to do with me about the sale of the Rancho, nor has he at any time before or since, except as attorney for Maclay, when he asked me for some information about the line of partition with the San Fernando Farm Homestead Association.

I do not know that the Rancho has changed hands since I sold it, except to subdivide between C. Maclay, George K. Porter, and Ben. F. Porter, until this year, when each one of these parties has made a sale, the two former still retaining an interest in their respective portions.

The Indian Rogerio came to me for protection at the time Maclay *et al* were trying to eject him. After hearing his statement, I took him to Col. G. Wiley Wells, who investigated the state of affairs, and found that, unfortunately, Maclay *et al* had the law technically on their side, through an oversight of the attorney whom Mr. Romulo Pico entrusted with the care of Rogerio's case, whereby Maclay's attorney (Mr. R. M. Widney, I believe) obtained judgment by default.

Under instructions of Col. G. Wiley Wells, I told Rogerio to proceed to his home, and when the officers should come, to offer no resistance, but *allow himself to be put out*. Rogerio afterward 83 reported to me that he had strictly obeyed instructions; that the Sheriff's officers had *taken him* from his house and packed him and his things into a wagon and dumped him and them on the county road. Next day it rained; his wife took cold, and shortly died of pneumonia, at an old ruined house at the old mission buildings, property of the church, which they occupied by kindness of Rev. Bishop Mora. I do not know anything being offered or given to them by Maclay *et al*. I think Mr. Pico offered to give them, or did give them, some provisions, on his own account. I was, unfortunately, unable financially to help them. Rogerio is now living in the San Franciscuito Cañon, on land loaned to him by a Mexican. He is a thoroughly honest man, a hard worker, and would never think of robbing a fellow-being of his rights.

Subscribed and sworn to before me, this 1st day of September, 1887. E. F. DECELES.

T. E. ROMAN, [SEAL] *Notary Public*. [Copy.]

Unless Mr. Maclay failed to receive a letter from G. Wiley Wells, Esq., dated November 12th, 1875, he certainly had heard of this matter before the circular brought it to his attention; for in that letter Mr. Wells speaks of DeCeles' declaration to him (Wells), that the matter was fully discussed and understood at the time of the sale. Mr. Wells uses this language in this letter:—

“When Mr. DeCeles called on me with this Indian, and informed us that in the grant from the Government to his father there was a provision made that these Indians were to be maintained in possession of the lands which they occupied during their lifetime, I asked him whether this clause had been continued in the deed between the administrator and those purchasing. He informed me, that while it might not be in the deed, yet there was a distinct understanding and pledge between the parties purchasing and the parties selling.\*\*\*Mr. DeCeles informs me that at the time the ranch was sold you and the other purchasers distinctly understood the matter. If that is so, while it may not be a legal obligation, yet the matter rests with you as to whether they are to remain.”



As to the liberal and kindly manner in which this writ was 84 served under instruction from Messrs. Maclay and Widney, I have the affidavits of the Sheriff and two deputies, whose painful duty it was to execute the order. It should be remembered that if Rogerio had consented to vacate his house and land, he would have surrendered all his rights, and there would have been no opportunity to recover possession. The offer made to him should be interpreted by this fact.

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES. SS. George E. Gard, being first duly sworn, deposes and says: That at the time Rogerio—and other Indians were ejected from that portion of the San Fernando Ranch owned by Charles Maclay and others, I was acting as and in the capacity of Sheriff of Los Angeles County. The first time that the attempt was made to eject said Indians, I went in person to their place of residence to carry out the order of ejectment. At that time I received instructions from R. M. Widney and Charles Maclay, the reputed owners of said lands, as follows, to wit: That if said Indians would leave said premises quietly and “peacefully,” that upon said condition I was to inform them that they could move into some house they might find on the outskirts of the ranch or in the surrounding cañons, and that I, upon their authority, could furnish said Indians, from the store of Maclay and Griswold, at San Fernando, a sack of flour and other provisions to a small amount, and five dollars in money. Pending the attempt to peacefully eject the Indians, I received an order from the court countermanding the order of the ejectment. Some time thereafter I was again ordered to eject said Indians, when I was again instructed by said R. M. Widney to offer them about the same inducements as before, to leave, coupled with the order, if they did not accept said proposals, to pull down their building and put them out in the road. They were eventually ejected by my deputies, Martin Agiurre and W. A. Hammel. I have seen and read the affidavit made by the Hon. Charles Maclay relative to the ejectment of the Indians above referred to, in which statement appears the following language: “The Sheriff was instructed by Judge Widney to notify the Indians to remove, and if compelled to remove them, *to pay them all that their 85 improvements were worth, and then, in addition, to let them take off all the said improvements they might wish to take*, also that if the Indians wanted to come to Los Angeles City, the Sheriff should rent a house at Maclay's expense, and at Maclay's expense move the Indians into it; or, if they wanted to remain at San Fernando, to rent a house there and move the Indians into it.

Further, that if the Indians needed provisions, the Sheriff should buy all they needed and furnish it to them at Maclay's cost, and also to give them some money for other expenses, if they needed it." *All of which I pronounce to be absolutely false, except so far as I hereinbefore stated.* GEO. E. GARD.

Subscribed and sworn to before me, this 17th day of September.

[SEAL] FRANCIS J. THOMAS, (Copy.) *Notary Public.*

The writ was finally served and executed by the two deputies whose affidavit is here given. These men belong to a class from which you would not expect an undue amount of gush or sentiment, but they could not rehearse the facts after the lapse of many months without deep emotion, and a most earnest and manly denunciation of its cruelty. Judge Widney has procured an affidavit from them denying what had never been charged—that they treated the Indians cruelly in their ejection of them, or that they had stolen and carried off their property.

LOS ANGELES, CAL., July 30th, 1887.

The persons whose names are appended to this statement were the Deputy Sheriffs of Los Angeles County, who were charged with the duty of ejecting the Indians, Rogerio and others, from the part of the San Fernando Ranch claimed by Messrs. Maclay and Widney. We found them occupying one main adobe building, two or three tule buildings, and two frame buildings—the lands which they occupied and cultivated were enclosed by fences, and amounted, we judge, to some 15 acres more or less. It was our duty to execute the order of the court, and as there was no place provided for them to which we could remove them, we were forced to dump them with all their belongings by the 86 side of the road, without protection from the rain, it being the rainy season of the year. We were so touched by their pitiable condition, that we offered to take them to any place within reasonable distance if they could tell us of any such place to which they could go, but as they had none in view, we were forced to leave them in the road.

We had our instructions from the office, as in case of any other duty, but Mr. Widney asked us to hasten our work, and he would give us \$5.00 extra if we should get them off that afternoon.

We had no instruction to hire at the expense of Maclay or Widney a house for them, either in Los Angeles or San Fernando. We had no instruction to pay them for their improvements, we had no instruction to allow them to remove any of their fixed improvements, and we know that their wish to take down and remove a porch from one of their houses was refused. We had no instructions to purchase anything for them, nor were we furnished with any money with which to do this, but were told by Maclay and Widney that the Indians could get needed provisions at their expense if they left peacefully; we were also told that if they wished to come into Los Angeles they could do so.

Though forced to do this disagreeable duty, we regarded it as a hard and cruel thing to take those old people from their homes and throw them into the street, unprotected, in the midst of the winter season. WILL A. HAMMEL, M. AGIURRE, *Ex-Deputy Sheriffs*.

Subscribed and sworn to before me, this 30th day of July, 1887.

B. E. TANEY, (Copy). *Justice of the Peace*.

I give also the affidavit of a Mexican gentleman living at San Fernando, who witnessed the ejection and knows all the facts;—

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STATE OF CALIFORNIA, COUNTY OF LOS ANGELES. *ss.*

SAN FERNANDO, Sept. 9th, 1887.

I, the undersigned, Romulo Pico, was present when the Sheriff's Deputies came to eject the Indian Rogerio and his family, and know it to be a fact that neither ex-Senator Maclay nor any one offered money or provisions to said Rogerio nor a house to move into; they were simply taken to the county road and left there. ROMULO PICO.

Subscribed and sworn to before me, this 12th day of September, 1887, A. D.

GEO. BUTLER GRIFFIN, [SEAL]. *Notary Public*. [Copy].

And lastly, the affidavit of the old man, Rogerio, himself:— STATE OF CALIFORNIA, CITY OF LOS ANGELES. *ss.*

I, Rogerio Roch, native of the mission of San Fernando, Indian of the said mission, of the age of seventy-six years, more or less, by trade a blacksmith. With respect to the way in which they despoiled the land where I had lived all my life and my antecedents from time immemorial. Senor Don Andres Rico and Don Elugio DeCelis, owners of the said mission in the year 1871, advised me to have the land I considered mine measured by a surveyor, which I did; the map I still have in my possession, and it is registered in the archives of the city, and I have paid all the respective taxes.

In the year 1885 Charles Maclay, by the interpreter Romulo Pico, told me that the ground which I occupied in the mission of San Fernando was his, that he had bought it from DeCelis, and for that reason I must leave the place. I answered that “I would not leave, as it was my property, and that DeCelis told me it was not true, for how could he sell what was not his.” A short time after came a sheriff and Maclay, and, as far as I could understand, wanted me to sign a paper. I answered, “I sign nothing.” On the first of November of the said year two deputy sheriffs, one a Spaniard named Martin Agiurre, notified me that they had orders to deprive me of the place, and I answered them 88 to do as the law commanded them. The officers were provided with a cart, which they loaded with furniture, seeds and a set of tools belonging to my trade, and at the distance of two miles, more or less, in the public road, threw these things out; in this way they made two or three trips. My wife and three other women followed the cart on foot. I remained in my house watching the saddest event of my life. The officers then asked me whether I would not leave the place. I answered to act according to their duty; then four persons took hold of me, put me in the wagon, and placed me with my family and goods. In that sad situation we remained eight days and nights, not knowing what to do, for we had not the means of moving and did not know where to go; for all that vast country for many miles belonged to the man who had despoiled me of my property. I came to Los Angeles,

and the Bishop promised to harbor me in one of the ruins of the mission while I considered what I should do. I could not move then because it began to rain, and the rain lasted four days. That rain weakened our bodies, as we had not the slightest shelter nor way in which to cook anything; for the little flour, sugar and other things the rain had spoiled.

The women were rendered helpless; my wife fell ill, and died in consequence of this. When the rain ceased, I moved to the mission with the little I had left, which was nothing.

My property on the land consisted of two adobe houses (made of sun-baked bricks), two of wood, about forty chickens, a black-smith's forge, with all my iron and utensils by which means I supported myself; everything disappeared and the most cherished of my life, my dear companion. Now, incapable of hard work, I am the charity of persons who assign me a corner where to pass the night. All that they say that they offered me—means, house, money to pay and to better me—is absolutely false. There are several persons who know about the negotiation.

ROGERIO F. ROCH (mark X). [Copy.]

It is due Judge Widney to say that he was not associated with Messrs. Maclay and Porter in the original purchase of the ranch, and so far as the circular conveys that impression it was incorrect. He was associated with Maclay as his attorney at an early 89 day in the history of the case—specifically, when advantage was taken of the ignorance of the Indians and a verdict was given against them on a technical mistake; and was, morally, partner in all the honor due the plaintiff in the victory gained, and financial partner in the spoils gathered. The circular was also incorrect in so far as the impression was conveyed that the theological seminary, or “College,” as Mr. Maclay calls it, is located on the exact spot on which Rogerio's house stood. This is not true. The land was not suitable for such a purpose.

That the valuable spring of water on this land, the thing for which the fight was really made, did give value to the land out of which the money given for this school was realized, and really

constitutes the foundation of this school, so far as these gentlemen have laid that foundation, this is not denied, and perhaps will not be.

These corrections are made in deference to these gentlemen, who say that their good name is dear to them, and should be made as widely as the original “infamously false” statements were circulated, and this I hope to do in the report herewith made.

Bishop Fowler was also much grieved because of the attack which the *Christian Union*, in printing this circular, had made upon his church. He thought that if I had known from what those Indians were taken, and to what, I would not have made complaint of hardship or cruelty. In answer to my questions, he said they had no enclosed land from which they were removed; no fields, and their houses were nothing but brushes thrown up on some poles. These were pointed out to him by Judge Widney. I told him that what he saw was quite other than the sheriffs who ejected them described to me. When I asked to what they had been taken, he could make no answer, and so I had to supply the answer from the sworn statement of the sheriffs, that it was to the county road. He thought if I had lived “West,” in contact with these people, I would not have the feeling for them which I had manifested; to which I could only say: “I still cling to an old-fashioned idea that the principles of our Declaration of Independence and of the Golden Rule and of the Sermon on the Mount have their application to all God's children, of whatever race, color or condition. It throws some light on 90 the dark history of the wrongs inflicted upon the Indians of this country when we find that a good Bishop of the church, under the guidance of an Honorable Judge, could see nothing but brush thrown upon poles, and no cultivated fields, when other men swear there were enclosed fields and good adobe and frame houses, and can urge that it was alone because I was a “tender-foot,” I could make objection to the treatment Rogerio had received.

Now that the Supreme Court of California has reversed the decision of the lower court in the case of the Saboba Indians, and affirmed their right to a home on these grants under the Mexican laws and the treaty of Hidalgo Guadalupe, it is to be hoped that some remedy may be found for the wrongs inflicted upon these Fernando Indians; but if their case cannot be opened again in Court, at least, that these gentlemen, whose good names are very dear to them, and whose contributions to the

cause of Christ and his kingdom have been so large, now that the Supreme Court of the State has decided the question, which they took advantage of a technicality to prevent coming to an issue in the court, and has affirmed the right of the Indians to the land and water and homes which they took from them, they will, in vindication of their good name, and as an illustration of the spirit of the gospel of Christ, come forward and restore what they have taken away under the forms of law, but in violation both of law, as now enunciated by the Supreme Court of the State, and of justice. The dear companion of his life they cannot give back to Rogerio. Over her dead body the desolate old man has repeated the burial service of his church in Latin, and hid her forever from sight, but the old man might be taken from the corner which charity assigns him for the passing night, and given a home reëstablished on the site of the old one destroyed, thus, at last, making true their assertion, which has been so flatly contradicted, that they have made provision for his wants.

The promise made to Mrs. Helen Hunt Jackson, that the cause of her Mission Indians should be taken up and carried forward, has been, partially at least, fulfilled. The case of the Saboba Indians was restored to the calendar at my request, after it had been decided against them by default, the attorney not responding when it was called in court. Counsel was appointed by the 91 Government, at my earnest solicitation, to defend them, and when it appeared that this Counsel was expected and required to serve without compensation, which he refused to do, the case was stated to the Indian Rights Association, and my promise that he should have compensation was assumed by its Executive Committee. When the case went against the Indians in the lower court, and the Government, though urged to do it, failed to give the security required by the court for costs and indemnity before an appeal would be allowed, the Corresponding Secretary of the Association deposited with the court his check for \$3300, and the case went up to the Supreme Court, when, after a hearing, first, before three of the judges, and then a rehearing having been ordered before the full bench, and at last the case is decided in favor of the Indians, so broadly that the decision would have given the many Indians driven from their homes at Temecula and other points the lands which have been torn from them, and makes sure that nearly five hundred who have been threatened with ejectment at Pauma, San Ysabel, Aqua Caliente, San Felipe and other points, can successfully resist the effort.

That the legal as well as essential outrage which has been perpetrated in the past may stand out in bold relief, I give in full this decision. The culpable stupidity and ignorance of our National Legislature will also be seen when it made the following report of a Senate Committee, to which the question of the title of Mission Indians to these lands was referred, the basis of its action.

“The United States acquiring possession of the territory from Mexico, succeeded to its right in the soil; and since 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 obligation to treat with the Indians occupying the same, for the extinguishment of their titles.”

Guided, it would seem, by this report, which the judges of the Supreme Court now hold to be so utterly false as to the facts, we have regarded the presence of even civilized Indians on a piece of land as no more a bar to the settlement of whites on it than would the presence of a cow or wolf.

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It is also with the hope that the American people, seeing in the light of this decision the history of legalized wrong which has been enacted, will rise up in their might and in supreme indignation, and insist that a remedy shall be applied, not alone in cases now pending, but also in those which have passed into the dark and shameful history of the past, that the earnest attention of the reader is asked to this decision of the Supreme Court of California, with which I close this report, believing that through the persistent efforts of the Indian Rights Association in this case, we turn down the last page of the history of our shame, and are about to enter upon a brighter and more creditable chapter, in which is to be recorded our atonement for these wrongs.—

THE CASE OF BYRNES VS. ALAS, ET AL. IN BANC. [Filed January 31st, 1888.] BYRNE vs. ALAS, *et al.* No. 11,855.

The complaint in this action is in the usual form in ejectment. The defendants—over twenty in number—are Mission or Pueblo Indians, claiming the land by virtue of their possession and the



continuous, open and exclusive use and occupancy by their predecessors and ancestors ever since the year 1815.

The plaintiff had judgment in the court below upon the following agreed statement of facts: “First. That the premises here in controversy are included in the exterior boundaries of the Mexican grant of the San Jacinto ranche, made December 31st, 1842. That said grant was duly confirmed by the United States courts, and that a United States patent issued therefor January 17th, 1880. That at the time of the commencement of this action plaintiff held legal title to the premises in controversy as the legal successor of the patentee from the Government. Second. That the defendants here are Mission or Pueblo Indians; that their ancestors and predecessors have been in the continuous, open and notorious, peaceable and exclusive possession, occupancy and use of the premises in controversy, claiming adversely to all the world ever since, and for a long time prior 93 to the establishment of the Mexican Republic, to wit, ever since the year A. D. 1815. That the defendants never presented their claim to the land in controversy to the Board of Land Commissioners appointed by the Act of Congress, passed March 3d, 1851, and entitled ‘An Act to ascertain and settle the private land claims in the State of California.’ It is further agreed that all defence of the statute of limitations is hereby waived on the parts of the defendants herein.”

1. The questions presented for our consideration upon these facts are difficult and important. The civilized and Christianized Indians of the Californias, and, indeed, of all the Spanish colonies, seem to have been treated as the special and favorite wards of the Spanish sovereigns. Their moral and spiritual welfare and improvement were regarded as matters of great interest to the country, and their personal security, peace, prosperity and rights of property were most jealously guarded through legislation and by those in authority. In these respects the contrast between the policy of the Spanish and Mexican Governments toward their aborigines and that manifested in some of the English colonies during contemporaneous reigns is quite marked. Early in the sixteenth century King Philip commanded that settlements on and appointments of the new Territories should be without damage to the Indians, and “that the farms and lands which shall be given to the Spaniards shall be without prejudice to the Indians, and that those which have been given to their prejudice and damage shall be returned to whom by law they may belong.” (2 White's “New Recopilacion,”

51.) It was made the special duty of local judges to visit the farms of the Indians, without previous request so to do, and ascertain whether the Indians had suffered any injury in person or in property; and if deemed best, after due notice, to remove them to some other place. It was provided that “the Indians shall be left in possession of their lands hereditaments and pastures in such manner as that they shall not stand in need of the necessaries of life.” No compositions were admitted of lands which Spaniards had acquired from Indians illegally; and the protectors were commanded to procure all illegal contracts to be annulled.

“The broad field of Spanish jurisprudence bristled all over 94 with fortifications for the protection of the Indians. The Government of Spain, while careful of their proprietary rights, expended much for their conversion to Christianity.

“As soon as the Indians became sufficiently pacified, the governors (adelantados), were to distribute them among the colonists, who were to take charge of them and watch over their welfare, as provided in Book 6 of the “Recopilacion de las Indias.”

“Laws were provided for the founding of Indian pueblos, or towns.

“It is clear, from the whole tenor of the Spanish and Mexican laws, whether in the form of pueblos or ranchos, that the Indians are entitled to equity and in good conscience, and even according to the strict rigor of the laws, to all the lands they have, or have had, in actual possession for cultivation, pasture or habitation, when such domain can be ascertained to have had any tolerably well-defined boundaries. Both Spain and Mexico have acknowledged this principle to be a just one.” (Hall's “Mexican Law,” Secs. 38, 40, 151, 3, 4, 5, 9, 160, 161; also, 1 “White's New Recop.,” 411; 2 *Id.*, 24, 34, 48, 53, 54, 59, 703).

At first the Indians were permitted, in the presence of the judge, to sell their real and personal property at public auction, but in 1781 a decree was published prohibiting the Indians from selling their real estate without license from the proper authority. This remained in force until the independence of Mexico, which made all inhabitants of the Mexican nation equal before the law. The plan of Iguala, adopted in February, 1821 (when the relation between Mexico and Spain ceased

and the sovereignty became vested in the Mexican nation), declared that “all the inhabitants of New Spain, Africans or Indians, are citizens of this monarchy, \* \* \* and that the person and property of every citizen shall be respected and protected by the Government.” These principles were reaffirmed by the treaty of August 24th, 1821, between the Spanish Viceroy and the Revolutionary party; and the Declaration of Independence, issued on the 28th of September, 1821, reaffirmed the principles of said plan.

After the acquisition of California from Mexico, the United States was bound, under the treaty of Guadalupe Hidalgo, to respect and protect all titles, both legal and equitable, acquired previous to the cession; and it devolved upon Congress to prescribe methods and steps necessary to a just, speedy and effective determination of the rights of claimants. Much perplexity existed as to how this was to be accomplished, owing to ignorance as to the condition of land titles here at that time. In July, 1849, William Carey Jones was appointed a “confidential agent of the Government to proceed to Mexico and California for the purpose of procuring information as to the condition of land titles in California,” to aid, no doubt, in securing intelligent legislation upon the subject. His report was made in March, 1850, to the Secretary of the Interior, who laid the same before Congress. After an extended consideration of this report in Congress, the Act of March 3d, 1851, entitled “An Act to ascertain and settle private land claims in the State of California” was passed. In this report Mr. Jones thus speaks of the rights of the Indians: “I am also instructed to make an inquiry into the nature of Indian rights (to the soil) under the Spanish and Mexican Governments. It is a principle constantly laid down in the Spanish and Colonial laws that the Indians shall have a *right* to such lands as they need for their habitations, for tillage and for pasturage. \* \* \* Special directions were given for the selection of lands for the Indian villages in places suitable for agriculture, and having the necessary wood and water. \* \* \* Agreeably to the theory and spirit of these laws the Indians in California were always supposed to have a certain property or interest in the missions. \* \* \* We may say, therefore, that, however maladministration of the law may have destroyed its interest, the law itself has constantly asserted the rights of the Indians to habitations and sufficient fields for their support. The law always intended the Indians of the missions—all of them who remained there—to have homes upon the mission grounds. The same, I think, may be

said of the large ranchos—most or all of which were formerly mission ranchos—and of the Indian settlements or rancherias upon them. I understand the law to be, that whenever Indian settlements are established and the Indians till the ground, they have a right of occupancy in the land they need and use, and whenever a grant is made which includes such settlements the grant is subject to such occupancy. This right of occupancy, however, at least when on 96 private estates, is not transferable, but whenever the Indians abandon it the title of the owner becomes perfect. Where there is no private ownership over the settlement, as where the lands it occupies have been assigned it by a functionary of the country thereto authorized, there is a process, as before shown, by which the natives may alien their title. I believe these remarks cover the principles of the Spanish law in regard to Indian settlements, as far as they have been applied in California, and are conformable to the customary law that has prevailed there. The continued observance of this law, and the exercise of the public authority to protect the Indians in their rights under it cannot, I think, produce any great inconvenience, while a proper regard for long-recognized rights and a proper sympathy for an unfortunate and unhappy race would seem to forbid that it should be abrogated unless for a better. \* \* \* In the wild or wandering tribes the Spanish law does not recognize any title whatever to the soil.”

It was held in *Leese vs. Clarke* (3 Cal., 17) that every Mexican grant must be determined and its validity established by the fundamental law of the Mexican Congress, passed in 1824, the regulations of 1828, and the ordinances of the Departmental Legislature consistent therewith. Under these laws and regulations the Territorial Governors were authorized to grant—with certain specified exceptions—vacant lands. (Hall's “Mexican Laws,” 504; *Ferris vs. Coover*, 10 Cal., 590—note.)

If it be true that under the laws of Mexico only vacant lands could be granted, and that grants were to be without prejudice to Indians, it would seem that the lands in controversy, having been in the undisturbed possession of defendants and their ancestors ever since 1815, were not subject to grant so as to cut off the right of occupancy; and as it is expressly provided in the grant before us that “he (Estudillo) shall in no way disturb nor molest the Indians who are established or living thereon at the present time,” the patentee and his grantee under the law and the terms of the grant, took the fee,

subject, at least, to the right of occupancy by the Indians; and those rights are still preserved, unless the Indians forfeited them by failure to present their claims to the Board of Land Commissioners, appointed by the Act of March 3d, 1851.

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The nations of Europe, in whose behalf discoveries and settlements were made on this continent, established among themselves, by common consent, the principle that discovery gave title to the Government by whose subject or authority it was made. The relations between the discovering nations and the natives were matters of regulation, but it became the universal rule that where the lands were in the actual possession of Indians, the ultimate fee (incumbered with the Indian right of occupancy) should be considered to be in the discovering sovereign and its successors, with the condition attached that the political power alone—the Legislative or Executive Department—might extinguish the Indian right of occupancy and leave the fee unincumbered to pass to the grantee or patentee of the Government. (*Clark vs. Smith*, 13 Peters, 195; *Johnson vs. Mackintosh*, 8 Wheaton, 575.) With the question of extinguishment the courts have nothing whatever to do except to inquire whether the right of occupancy has been extinguished by the Legislative or Executive Department. Of course the dominant powers were not *required* to recognize any right in the natives to the soil which the former had acquired by conquest. But while “claiming the right to acquire and dispose of the soil, the discoverers recognized the right of occupancy—a usufructuary right—in the natives. They accordingly made grants of land occupied by Indians, and these grants were held to convey a title to the grantees, subject only to the Indian right of occupancy. (*Butts vs. N. P. R. R. Co.*, 7 Supreme Court, 100; *Butcher vs. Witherly*, 95 U. S., 517.)

Among all the sovereigns who established a foothold on this continent none manifested so great an interest in the Indians— so great a solicitude for their welfare and happiness—as the Spaniards. The Kings of Spain recognized in the Indian an inferior man committed by Divine Providence to their benevolent charge, and to be elevated by their kindness and instruction to the dignity and condition of a Christian. (White's “New Recop.”, 40-48.) Pueblos or settlements were established for them. They were given the right of possession within them. Full provision for this was made prior to 1815, when the ancestors of these defendants took possession—and, of course, prior to the

adoption of the plan of Iguala. Not only is the law for the establishment of the pueblo older than the title of Mexico, 98 but the actual establishment of the Indians in pueblos, and the settlement of the ancestors of the defendants thereon, antedated the succession of Mexico. The Mexican nation was bound to respect the rights of the Indians, for under the plan of Iguala “the person and property of every citizen (African or Indian) shall be respected and protected by the Government.” And that these rights were respected is apparent from the terms of the grant to Estudillo. In the petition of Estudillo to the governor, he promises not to molest the Indian inhabitants; the petition was referred to the prefect for proceedings to be had, inquiring, especially, as to the wish or desires of the Indians; a return was made that the Indians were “willing that the applicant should settle upon the place, the mentioned Indians offering, furthermore, that as soon as the land will be occupied, those of them who are moving about will get together and live contented; that the land, formerly a part of the Mission of San Luis Rey, is now vacant,” and in the grant the first condition imposed is, that he shall in no way disturb or molest the Indians who are established or living thereon. It is provided: “Fifth—If he contravene these conditions he will forfeit his right to the land, and it shall be open to denouncement by another party.”

It must be presumed that all these inquiries and conditions were made in accordance with the principles of existing law, and that the grant in pursuance thereof protected the possession of the Indians as against the proprietary ownership of the grantee. There is nothing in the colonization laws of 1824 or the regulations of 1828 indicative of a purpose by Mexico to depart from the traditional policy of the Spanish Government. This grant shows that the same old rights were recognized and adhered to—the right of Indians to occupy lands upon which they had been placed, and that the fee should be granted, if at all, subject to such right of occupancy. The grant did not annul the rights of the Indians, or estop them from claiming the same; on the contrary, it by its terms expressly preserves those rights. From the examination we have been able to give the Spanish and Mexican laws, we think that the statement of William Carey Jones, which we have quoted above, is fully sustained by the authorities. If there has been any Act of the Legislative or Executive Department of either the Spanish or Mexican Government, for 99 the extinguishment of the unfructuary interest of the defendants or their ancestors, we have been unable to find any

record of it. The grant, being a part of the Mexican archives, is a public document. (2 How., 405; 1 Wall., 742.)

Second. It becomes necessary to inquire to what extent, if at all, the confirmation of the Estudillo grant and the United States patent affected the claim of these defendants. The fifteenth section of the Act of March 3d, 1851, provides that the decrees, or any patent issued under the Act, “shall be conclusive between the United States and claimants only, and shall not affect the interests of third persons.” Under this clause the rights of the Indians were preserved without presenting their claims. The patentee took the title in fee, subject to the Indian right of occupancy. The rights of the defendants and their ancestors, existing before the change of sovereignty, were preserved to them. The confirmation of the grant to Estudillo was also a confirmation of defendants' rights. Estudillo took all he was entitled to and no more—the legal title. That was all the United States could give him. The right which the defendants and their ancestors held, and could have enforced at the time of the Treaty of Guadalupe Hidalgo as against a Mexican grantee, passed to Estudillo in trust for them by the decree of confirmation and the patent. The patent was based upon a Mexican grant. The land never was any part of the public domain of the United States, although held subject to the trust of protecting the interests of claimants under the former sovereign. The patent, therefore, passed the legal title to the patentee burdened with whatever equities existed at the time of the cession of California in favor of third persons. Under the treaty the Government of the United States stood in the place of the Mexican Government. Its patent confirmed the grant, proclaimed it to be good—neither added to nor detracted from it in any way. It left the title of Estudillo just as it was at the time of the treaty, so far as the Indians were concerned, and it remained thereafter as to them just as it would have remained if the treaty had not been made. If the Indians were entitled to possession before the date of the patent they were entitled to it afterward, so long as any of the community remained in actual possession. So far as we have been able to learn, nothing remained for them to do under the 100 laws of Spain or Mexico to complete their right of possession. Neither was there any act or writing required on the part of the Government. Their right was, therefore, complete. (*Leese vs. Clark*, 3 Cal., 24; *Teschmaker vs. Thompson*, 18 *Id.*, II; *Boggs vs. Merced Mining Co.*, 14 *Id.*, 297; *Waterman vs. Smith*, 13 *Id.*, 415; *Beard vs. Federy*, 3 Wall., 489).

Furthermore, Section 16 of the Act of March 3d, 1851, provides “that it shall be the duty of the Commissioners herein provided for to ascertain and report to the Secretary of the Interior the tenure by which the Mission lands are held; and those held by civilized Indians, and those who are engaged in agriculture or labor of any kind; also, those which are occupied and cultivated by pueblo or rancheros Indians.” This language indicates that Congress did not intend that the rights of the Indians should be cut off by a failure on their part to present their claims, but that it should be the duty of the Commissioners to ascertain and report the tenure by which they held their lands; and this is in harmony with the suggestions made in that behalf by Mr. Jones.

Inasmuch as the rights of the Indians were valid rights, existing at the date of the Treaty of Guadalupe Hidalgo—rights which came to them by virtue of the laws of Mexico and of Spain—the patent was conclusive only as between the United States and the grantee; and in view of the nature of their claim and the time when their rights attached, we think they are third persons within the meaning of Section 15 of the Act. (*Teschmaker vs. Thompson*, *Beard vs. Federy*, *supra*; *United States vs. White*, 23 Howard United States, 253; *Adams vs. Norris*, 103 U. S., 593; *Miller vs. Dale*, 92 *Id.*, 473.)

The legal title secured to Estudillo and his grantees must be held by them charged with the right of occupancy by the defendants. Where a claim was held subject to any trust before presentation to the Board, the trust was not discharged by a confirmation and subsequent patent. The confirmation inured to the benefit of the confirnee only so far as the legal title was concerned. The confirmation established the legal title in Estudillo, but did not determine the relation between him and third persons. The trust was not stated, but the legal title was none the less subject to the same trust in the hands of the 101 claimant. (*Townsend vs. Greeley*, 5 Wall., 335; *Hart vs. Burnett*, 15 Cal., 530.)

The defendants, under our system of pleadings and practice, are permitted to show in ejectment that the plaintiff holds the legal title, burdened with the Indian right of occupancy. (*Fulton vs. Hanlon*, 20 Cal., 480.)



Third. Respondent relies upon the case of *Thompson vs. Doaksum* (68 Cal., 504.) That case differs from the one at bar in several respects. No claim whatever was ever presented to the Board of Land Commissioners for confirmation. Section 13 of the Act of March 3d provided that “all lands the claims to which shall not have been presented to the Commissioners within two years after the date of the Act shall be deemed, held, and considered as part of the public domain of the United States.” The lands claimed by these defendants are within the boundaries of a Mexican grant confirmed by the Board of Land Commissioners to Estudillo, it is true; but, as we have seen, this confirmation relieved the defendants of the necessity of presenting their claims, and conclusively adjudicated the fact that the lands were private property, and no portion of the public domain. The Indians interested in that case were not pueblo or rancheros Indians, and no duty of ascertaining their rights devolved upon the Land Commission. The Indians therein mentioned were never wards of the Government. Furthermore, there was, in that case, a preëmption claim filed under the land laws of the United States, and the patent purported to convey both the legal and the equitable title against the Government and against all the world; and, of course, could not be attacked in a collateral proceeding. The title to the lands in controversy was never in the United States. The patent determined the rights of the Government and the patentee, but not the rights of third persons. If there was anything in the nature of a trust before the claim was presented to the Board, that trust was not discharged by the action of the Land Commissioners, or the officers of the Land Department. There is nothing to show that the Indians referred to in the case of *Thompson vs. Doaksum* were civilized or Christianized. Under the authorities quoted above, to be sure, they had the right of occupancy, but that right 102 continued only so long as it was recognized by the political power—the Executive or Legislative Departments of the Government.

Of course the possession when abandoned by the Indians attaches itself to the fee without further grant; and this is true whether there be any record evidence in favor of the Indians or not. Their right exists only so long as they actually occupy the land. So long as the defendants and their ancestors were in possession of the lands in controversy there remained nothing to be done by them under the laws of Mexico in order to confirm their right, nor was there anything to be done by the Mexican Government, or the officers thereof. The rights of the Indians had been completely

established. We think that upon the facts agreed to in this case, the defendants are entitled to judgment for their costs.

Judgment reversed and cause remanded, with directions to enter judgment in favor of defendants for their costs.

PATERSON, J.

We concur: MCFARLAND, J., SEARLS, C. J., SHARPSTEIN, J., MCKINSTREY, J., TEMPLE, J.

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