

TESTIMONY

BEFORE

THE SELECT COMMITTEE ON REMOVAL OF NORTHERN
CHEYENNES

AS TO THE

REMOVAL AND SITUATION OF THE PONCA INDIANS.

FEBRUARY 28, 1881.—Ordered to be printed.

WASHINGTON, D. C., *Tuesday, December 28, 1880.*

The committee met at the room of the Commissioner of Indian Affairs, in the Interior Department building, the Ponca delegation being present with Agent Whiting and Inspector Haworth, and the Secretary of the Interior being present a portion of the time.

JAMES M. HAWORTH affirmed and examined.

By the CHAIRMAN:

Question. Are you at this time in the employment of the government? If so, in what capacity, and how long have you so been?—Answer. I am in the employ of the government as one of the Indian inspectors. I have been in the Indian service since the winter of 1872, being in charge of the Kiowa and Comanche Agency from the 1st day of April, 1873.

Q. From what State were you appointed?—A. From Kansas. I might properly state that my first appointment came from the Society of Friends, and I took charge of the Kiowa and Comanche Agency, under their recommendation, for five years, until my health gave out.

Q. Are you a member of that society?—A. I am.

Q. Have you at any time, and, if so, when, visited the present Ponca Agency in the Indian Territory; and for what purpose did you go there?

—A. I have just visited the Ponca Agency. I landed here from there a week ago to-night. I spent a little over a week at the Ponca Agency. I went from Colorado there, by direction of a telegram to proceed to the Ponca Agency and await instructions. The instructions came to me there, a couple of days after I reached there, to examine into all the Ponca affairs at the agency, which I was doing and had about completed, or nearly so, when I was called here, directed by a telegram from here to bring a delegation of the Poncas to this city.

Q. Do you know whether the Poncas had made any communication before you reached them to the Commissioner of Indian Affairs or the Secretary of the Interior as to their wish to remain at the present reservation instead of returning to Dakota?—A. Yes, sir; they had. The telegram of instructions referred to said: "Inquire as to the truthfulness of a letter sent by the chiefs of the Poncas, asking permission to come to

Washington to dispose of their property in Dakota," &c., and when I went there I got the official copy, or rather the letter-book copy, of this letter. I called the Indians all into council; I think it was perhaps as full a council as it was possible to get at the agency. I read the letter to them, and had it interpreted, section by section, and then asked them if they had written such a letter and sent it. They said to me that they had, and that it expressed their desire, or what they wanted to do. I then asked each one individually had he signed it, and all the individuals were present, I believe, at the time, and they all said that they had done it of their own free will. I asked them the question, whether they had been intimidated, or had done it under threats, or by any expectation of reward, or anything of the kind. I asked these questions, not knowing all the circumstances; the agent was new to me; I had never met him until I met him at the agency. I had never met the Poncas, except only for one day. In 1879 I moved the Nez Percés to their agency, and then I met the Poncas for the first and only time I had ever met them, and not knowing them well, or their agent, I took the interpreter and went all around to see some of them. I went to the house of Michel Cerre, I believe his name is, who is a very intelligent half-breed, and at his house I had a talk with him on the subject, and he told me just exactly how he felt, and the reasons they had come to the conclusion. He spoke with a great deal of warmth and affection for his old home, but he thought it was better for them and for his people to remain where they were. He said that they had had a general council on the subject and had all come to that conclusion. I asked Michel whether the agent had tried to intimidate them, or whether he had made them any promise or anything of the kind, and he said that he had not. He spoke of his children, that they had been there so long this had become their home. He spoke especially of their health, that they all had good health now, that there was no sickness among them, that the country was a better country than the country they had left. He spoke, too, of having heard from there that the timber was gone and much of the river front washed away, and altogether he regarded this where they now were as better than that up there. He did not come with the delegation. He did not want to come here. I regretted afterwards that he did not come.

Q. Did you talk with others outside of the council?—A. I talked with a number who are not here. After the council I went to White Eagle's house and had a talk with him. I asked him if he was giving the mirror of his heart in what he had said in the council. He showed me the stable he was building, a double-lofted stable; he was working at it himself with others; he told me he had commenced to improve, and showed me where he wanted to have fields, &c., and said that he had made up his mind to stay and was satisfied.

Q. Did you find among the tribe any one or more of them who did not agree to this?—A. I did not find a single exception. It is my impression from my examination there that there is not an exception at the agency who now wants to go back. There may be, but I did not find any if there was one. I inquired of the Indians; I went there to try to get the true situation of affairs, having to make an entirely impartial report. I was not aware of the feeling there was in the Ponca matter until I had commenced the investigation, for I had been in another field of work and had not been able to see the daily papers very often, and did not know the situation of affairs.

Q. Please give as briefly, but as clearly as you can, a description of their actual condition there, how they are situated?—A. They have a reservation of 101,894 acres as represented. Of course, I only testify to

that from representation as to the number of acres. I rode pretty well over the reservation. I understand there has been that much marked out for them—101,894 acres. It is a beautiful body of land. I rode over it pretty well, and I think that it is not, perhaps, an overestimate to say that at least 80,000 acres of it are good land. There may be more, or there may be a little less, but on looking over it I estimated that much, and I took the opinion of others as to how much they thought. Some put it as high as 95,000 acres fit to be cultivated. Of course, there are rivers running through it, the Salt Fork, the Chikaskia, and a good many little streams whose names I do not remember. There is a great deal of fine water on it; as pure and clear water as ever I saw.

Q. Are there rivers only, or rivers and springs?—A. Rivers and springs both. The surface is good. Michel had, I think, seven perhaps, or five to seven acres in corn, but the corn was gathered and I did not see it but, I saw the stalks left of it, which showed that there had been a good crop of corn. Standing Buffalo had perhaps from three to five acres, possibly five acres, that made a very good show. Of the others very few had done anything in farming to speak of; but little patches were broken. Some of them had fences. Some of the fences were down. There are, I think, seventy-nine houses on the reservation, for which the Indians cut the logs and hauled them and put them up to the square, and then the agency carpenter or somebody under a contract completed the house, and the Indians got \$12 for their work. This, of course, I only know from hearsay, from what was reported to me on investigating the matter. The Indians were paid \$12 for their part of the labor, and the houses were finished either by contract or by the agency carpenter. These houses vary in size from 14 by 16 to 16 by 20. They are covered with shingles, and the gable ends of them are finished up with boards.

Q. How do they compare with the ordinary houses of first settlers in a country?—A. I think they compare very favorably with the houses of first settlers in a new country. I have been through most of the frontier settlements, and I think they compare very favorably. Of course some of the houses have not been cared for very well. I rode around and I think there are from five to eight of the houses that are not occupied; and I may have missed two or three houses. That was accounted for by some of the Indians themselves in this way: For instance, they were employed about the agency and had been in the brickyard or in some of the other work, and living too far away had left their houses and had come down and were living in their lodges.

Q. Are these houses built on the lowlands or bottom-lands, or the uplands?—A. They are built mostly on the uplands. The houses are built without much reference to their farms, and when they take their lands individually in severalty a great many of these houses will have to be removed to other places, because they cannot get 160 acres of land to each individual and leave the houses as they are now.

Q. Is it considered more healthy to have the houses upon the upland?—A. It is regarded as more healthy than in the lowland. In reference to the health of the people, I took the testimony of the physician and of other parties there. The physician reports two deaths in the last year of adults, and one of them was what you would call a very large boy or young man, who had returned from Carlisle and died of consumption. The other was from aneurism of the heart. There were also seven deaths of children, making nine deaths in the year ending, I think, the 16th of December, ending the date of the day I took the testimony. The births that year up to that time, I think, were eighteen, a net gain of nine in the year. I took the testimony of the carpenter,

who had been with the Poncas ever since they landed at Baxter's Springs, as to the number of deaths by the number of coffins he made, and he thinks he made coffins for all who died; possibly he might have missed three or four. The number of deaths was forty-three in the whole time since they landed there on the 9th day of July, 1877. Of adults I am speaking now, and there were from sixty to sixty-five deaths of children. Of adults, twenty-seven died at Baxter and sixteen at Ponca, making forty-three, and of children from sixty to sixty-five—I put it at sixty-five—making the total deaths one hundred and eight. There landed, according to the report of the agent who had them in charge when they landed at Baxter on the 9th day of July, 1877, six hundred and eighty-one souls. Of that number there ran away from Baxter twenty-six, and from the Ponca Agency ninety-one. This is as near as they could get the account; there might have been a few more. There are now at the agency five hundred and six, and eight at Carlisle, and one at Kaw Agency. One Ponca has married a Kaw woman, and he is now living at the Kaw Agency. That makes a total accounted for of six hundred and forty, a net decrease of forty-one of the Poncas in three years. The census, taken just before I got there, was five hundred and two, and then, during the last quarter there have been several births. The aggregate is six hundred and forty accounted for out of six hundred and eighty-one who were taken to the Indian agency from Dakota, or a net decrease of forty-one.

Q. Now, describe the surface of the country, whether it is broken hill country or a rolling country.—A. It is what I would call a moderately rolling country. It is a good prairie country. The timber, of course, is along the water-courses, and when you come right on to the water-courses there is some broken land, the bluff land, but on the majority of the streams the land, running clear up to the bluff bank, is good. I would call it a beautiful tract of country, as good as the majority of prairie country.

Q. How is it adapted to pasturage?—A. Good. It is good for grazing. The winter pasture is not so good. There is only a portion of it where they have winter shelter in timber. Of course a cattle-man wants timber shelter for his cattle in the winter. Excepting right on the water-courses, that is not to be had; but for a summer grazing country it is a magnificent country.

Q. In regard to winter shelter, how does it compare with the plains of Colorado and Wyoming?—A. There is more shelter, a great deal, than there is on the Grand Laramie Plains, regarded as the finest cattle range in the world for summer. I have been over Laramie and I have been over this country. It is not often that they have snow there. There are very rich grasses there. There is some buffalo grass mixed with the common prairie grass in parts of it.

Q. I should like to have your candid opinion, not by way of comparison with their present condition with their condition in Dakota, but your candid opinion as to the prospects of their comfort and well-doing where they are?—A. In 1878 General Stanley, colonel of the Twenty-second Infantry; Alfred L. Riggs, in charge of the Santee Mission under the American Missionary Board, and myself were a commission appointed by an act of Congress for locating the Red Cloud and Spotted-Tail Sioux. The Spotted-Tail people, a part of them, were then at what is known as the old Ponca Agency in Dakota. The Poncas had then been removed. We went up there and examined that reservation; we rode pretty well all over it—all over what is considered the farming land of it and considerably over the bluffs—and our conclusion was

that that reservation was not adapted for more than 350 or 400 people at the outside, and we at once reported against it, so far as the Spotted-Tail Sioux were concerned, that there was not land there for those people at all, and we reported in favor of having them removed further back on that account, because there was not land enough for them there to make homes on. Along the Niobraa River there is some very good land, and further back there is some good land, but there is a great deal of hilly land that never can be cultivated, the most of it. As to how the Poncas were fixed there I do not know, because I had never seen the Poncas up to that time; I only speak of the land. My candid opinion now is, and I believe it is formed impartially and without prejudice, that the condition of these people is much better in the country where they are; they have a better prospect than they would have if they were removed back to Dakota. I might state, in reference to the feeling I found among these people, that they gave me a history of the visit of Mr. Tibbles there.

Q. What did they tell you about that?—A. I have it from various members of the tribe, and from them in council. They told me that he came there and reached the house, I think, of a man called Poison-Hunter, perhaps about dusk, and he sent out for the Indians to come in and meet him in council, and they had a council there about 10 o'clock at night, or perhaps later than that, and he then proposed to the Indians, or told them, that he wanted them to leave the reservation a few at a time. The Indians, I presume, will give their own story in reference to the matter. I took the testimony of a party who was in no way connected with the government at all as to this matter in reference to Mr. Tibbles, and I had a notary public in Arkansas City examine him, write down his testimony, and swear him to it. Since I have come here I have had a copy made of that. That copy I will submit to you gentlemen for the purpose of your own inspection in reference to it. I also took the deposition of a Nez Perce Indian, James Ruben, who teaches the school at the Nez Perces Agency, as to a conversation he had with Mr. Tibbles when he came in there, with reference to the Nez Perces; that he said to him the Nez Perces were badly used; they had been badly treated by the government, and he thought if he could get an interview with Joseph it would be materially to their advantage. That testimony I will submit for your examination.

Q. Is there anything further to throw light on this matter, the main point being first whether or not the people are satisfied?—A. I might say that I took the testimony of all the people at the agency, every employé. There is one man by the name of Hartman who has been with the Poncas for twelve years, who was with them in Dakota before they left there, who had charge of their mill, and has been with the Poncas ever since; and he told me the Poncas were better treated now than before; he spoke of the supplies furnished them since they have been there as being better than they had up in Dakota, and also described their feelings. He described their dissatisfied feeling and everything of that kind up to this last spring. He gave me this in his testimony, from confidential talks with them. He is a man in whom they have unbounded confidence, and to whom they go with their troubles and their general feelings. He gave his testimony that he believed them all to be satisfied without an exception there, and that they were better off there than they would be back in Dakota. I took the testimony of the doctor, who is a very conscientious, good man, I believe a Christian man, conscientious in the discharge of his duty, and he told me that he believed the Poncas were entirely satisfied where they were; that there,

was no dissatisfaction; that they had come to the conclusion of their own free will, and I asked him what he thought brought them to that conclusion. He said he thought there were several causes; one cause was that they had depended on Mr. Tibbles, though he said that before Mr. Tibbles came there they had made up their minds to remain there, had become entirely satisfied, and when Mr. Tibbles visited them in the night and wanted them to run away, a few at a time, that for a while unsettled them, but they recovered from that, and he believed that they are all now, without an exception, in favor of remaining there, and he gave me this testimony as to their health and the number of deaths since he had been there, and he is familiar with the Osages; his brother-in-law is agent of the Osages; and he is familiar with the Kaws and with the Pawnees, and he says that the death-rate of the Poncas and the health of the Poncas is better than is the case with either of the other surrounding tribes. The Poncas told me, talking this matter over and giving me one reason why they had changed, that at their old homes they could not go out from their agency unless they went in large bodies or with arms to protect themselves, "but here," said they, "on this land we can go for hundreds of miles without having to take even a knife; we can go to the Cheyennes or Osages or Kaws, and they are all our friends. We have nothing to fear here. This is a good country, a peaceful country, and we think it will be better for our children, not looking now for ourselves alone, but for our children, that we remain here." That is the testimony of the Indians about there." I might make this explanation, that I said to the Indians that I had never known them, that I had not come to them to scold them, that I came to them neither to persuade them to go to Dakota nor to persuade them to remain in the Indian Territory, but I had come to find out just exactly how their hearts felt, and how they were on the subject; that to me it was a matter of indifference whether they went to Dakota, so far as my personal feeling was concerned, or stayed in the Territory, for I did not come to advise them; I only came to find out their feeling.

They felt hurt that Washington should for a moment question the honesty of the letter that had been sent here. They then turned to the clerk and pointed out the clerk of the agency, a man who has been there for several years, and they said "that man has done the writing for us; he is an honest man, and he does all our writing; when we want any writing done we call on him." I then asked the clerk in reference to this letter, and he said he had written it at their request; it was read to them and interpreted twice, and then they were advised by the agent and by himself to go home before they signed that letter and study on it for ten days. They said their minds were already made up, but they insisted on it and the Indians went home. After four or five days or perhaps ten days—at any rate a number of days elapsed—they came back and signed this paper without a single individual being called upon. They did not ask anybody. The men came in voluntarily and signed it and they said had they desired it they could have got all the men of the tribe, but they did not ask anybody that did not come up and voluntarily put his name down. This testimony was given to me under oath.

The statements of James Ruben and Frank Lorry, referred to by the witness, were ordered to be appended to his testimony and are as follows:

Affidavit of James Ruben.

James Ruben, teacher and interpreter, Nez Perces, being duly sworn according to law, deposes and says:

That sometime in June, late in the month—about the 27th or 28th of the month—

while I was here at the Oakland or Nez Percé Agency, one of the Nez Percé police, dressed in Indian costume, brought into the agency a man whom he afterwards found to be Mr. Tibbles, for whom the agency employes and police were looking. I asked him who he was; he said his name was Tibbles, and was a correspondent of one of the Boston papers; I have forgotten the name of the paper; said he was looking around to get items to send to that paper; had come from the Cheyenne Agency; that there was another correspondent with him, who was at that time awaiting for him at a dug-out camp, fifteen or seventeen miles west of this agency. He said he wanted to see Joseph and Yellow Bull, and some of the chiefs; that an interview would be to their advantage; he wanted to find out whether they were contented or discontented; he wanted to see them to find out, as some assistance might be rendered to them by the good people. He said he knew they were treated wrongfully by the government in being brought to this reservation, and he wanted to understand the whole thing of it; he wanted to see them and learn all their wishes about it. Having found out who he was, and known he was the man the police were hunting for, I called the young man who had brought him in and told him to ride up in the direction of Joseph's camp, and thus cross over the river and look for some of the police or whites, and tell them to hurry here; and he thought I had sent after Joseph. I kept him talking to help pass the time until some one should come, until we had been here over two hours before any one came. He got tired, and said he did not think Joseph was coming, and he had better go up there and see him, as he was anxious to see him. Then I talked to him about some other things, and kept him entertained, until the police came and arrested him, after which he was taken by them to the Ponca Agency. He pretended that he did not know anything about the Poncas, at first, but afterwards I found out from his talk that he knew all about them, as he named White Eagle, Standing Buffalo, and several others. When he was arrested by the police he turned to me and said he expected to be arrested. I asked him why, and he said because he was a friend of the Indian and had been working for them, and it made all the government officers mad at him. Then he took out a postal card directed to lawyer Webster, at Omaha. He wrote a telegram on it, and offered me ten dollars to take it up to Arkansas City and send it. I said I would not do it. He then asked me to get some Indian to go, and he would pay him \$10. I replied, I might as well do it myself as to send anybody, and I did not want to get into trouble, as I was a government employe. Then he said to me, "That is so; I will not ask you to do it." After he was put out of the Territory I met him in Arkansas City. He said to me then that he had been treated wrong. He asked me where I was going. I told him I was going to Idaho. He said Colonel Whiting had used him very wrongly at the Ponca Agency; had used language towards him which it was not fit for one gentleman to use towards another. He said when the colonel talked to him so he replied to the colonel that he only used such language then because he was monarch there, but he could not do it any place in the States without having it made serious for him. Afterwards the colonel saw his mistake, and treated him kindly. He then told me that he had been among the Ponca Indians some days before he was arrested; had met some of them in their own houses; said he spoke very highly of Bright Eyes and Standing Bear; that he had been with them on all their trips through the East; that he was the man who was managing their business for them; showed me pictures of them; gave me one of Bright Eyes. He told about how Standing Bear left here and got to Nebraska, how he was arrested, and how he, feeling sorry for them, got out a writ and got him released, and had commenced a suit for them. He said all the Ponca Indians wanted his assistance to get them back to Dakota; said the Poncas who escorted him to the State line said they were sorry for him, and would listen to him instead of the white man who had them in charge. He again told me he wanted to see Joseph. Joseph was then with me at Arkansas City. Said he would give anything to see Joseph. I went out and found Joseph, and told him not to have anything to do with him, and he did not get to have any talk with Joseph. He spoke very badly of Secretary Schurz; said he was not a friend to the Indians or to anybody who was trying to help them, and a good deal more in his conversation against the Secretary; said most all the government officers, and especially those in the Indian department, were thieves, including the agents and all engaged in that work.

JAS. REUBENS.

Sworn to and subscribed before me this 14th day of December, 1880.

J. M. HAWORTH,
United States Indian Inspector.

Testimony of Frank Lorry.

Question. Do you know one Mr. Tibbles who came here to see the Ponca Indians, and did you have any conversation with him in reference to his mission to the Poncas?

Answer. Mr. Tibbles and Mr. Fontanelle came to me at Mr. Trimble's, in Bolton Township, Colley County, Kansas, on Friday, late in June, 1880, with a letter of in-

roduction to me from Battice Bahle, for the purpose of securing my assistance in getting the Poncas to the State of Kansas, with their teams and property, saying the Poncas had been defrauded by the government of their property and placed in the Territory against their will, where they were dying rapidly, and they wanted to get back to their old reservation, and the government would not let them go; that it was his intention to get them to Kansas, where he would have control over them; that he was their attorney, and was working to get their land back for them; that he had the best legal advisers in the United States—Bishops Whipple and Clarkson, of Omaha, and another prominent man of the same place. For this end he had to have them out of the Territory with their ponies and wagons, and in the State of Kansas, where he would serve a writ of law which would take the property as well as the men to the old reserve. He left me after the above conversation, to meet me again at Arkansas City. The next day—Saturday—I came into town, but concluded he was working contrary to the laws of the government, and did not go to see him. Then on Sunday he came out to see me. He repeated his intentions, and said he would go into the Territory to select a place to secrete supplies, and when he had located the place, which was to be at Smith's Ranch, on Deer Creek, in the Indian Territory, he would then come back, and we would go together, starting after dinner, so as to get there about dark, or to Michel's, one of the Ponca Indians, a little after dark, and then arrange with the Indians to get as many as they could to leave the Territory, with their property, and go to the State of Kansas, where Mr. Tibbles would take them and their property in charge, and they would be protected, and they could go on to their old reservation in Dakota. His desire was to get as many as he could; that he could not get them all, as some were too close to the agency, unless he could effect a general uprising, which he expected to do by sending Indian runners to tell them to circulate the report among them fixing the day when they were to have a general uprising. He supposed there were some that would not go, but he expected to learn from the Indians who they were, and intended to keep the matter from them, lest they might inform the agent.

Question. Did Mr. Tibbles exhibit to you any arms, and express any determination in case he was interfered with by the agent or any one else of resisting him by force or disposing of them or putting them out of the way?

Answer. Mr. Tibbles showed me a revolver he had; he carried it in his coat pocket on the under side, and said he was ready to meet any one that wanted to interfere with him—claiming he had a pass of Agent Miles of the Cheyennes—claiming that it was right to protect himself, and that he was an expert with a pistol and would get away with any one that come to him. I had a great deal of conversation with him, in which he stated the Poncas had been outraged by the government and swindled out of their property—stated that he had been lecturing and had received large amounts of money, and that the people of the East were contributing largely to prosecute the case in getting their old reservation, and for my assistance I would be liberally rewarded and make more than I would in one year's work on my farm. I said "if you get back their reservation you will have a strong foothold on it and get your pay out of it." He said that would rest with the Indians.

Question. Did he show you any money and give you the idea it was money he had received to assist in getting the Poncas away?

Answer. He showed a roll about half the size of his wrist—the outside bill was a twenty dollar bill. He had no reason to show money, as I did not charge him for any dinner or horse feed. The impression he gave me was that the money I saw was collected for the benefit of the Poncas, and intimated he had plenty more. Much more was said, which I do not now remember.

Question. How long have you known the Ponca Indians, and what is your opinion of their present condition?

Answer. I made the first acquaintance with the delegation that first came to their new reserve. The present condition of the Poncas is very good, and they have repeatedly told me they wanted to stay where they are and are satisfied.

FRANK LORRY.

By Senator DAWES :

Q. At what time of the year was it that you made this visit?—A. In December.

Q. Tell us the climate and appearance of things?—A. While I was there the weather was very pleasant indeed, very beautiful, until the day I left there, when it turned chilly and cold, and riding up to Arkansas City, which is thirty-five miles off, I got cold. There was no snow there while I was there, and nothing that required any extra wrappings. I went around just as I am now in this room, walking over the country. When I rode of course I put on wrappings.

Q. Do you understand that they have no snow there?—A. Yes, they have snow. I saw a telegram that they have had snow at Arkansas City since I left. They have snow there, but I think it is not common. It does not stay very long.

Q. The houses are close together, I suppose?—A. Some of the houses are fifteen miles from the agency one way, and some of them perhaps three or four miles the other way; but there are many of the houses, I cannot say how many, stretching along, say, three miles, that are too close together, as I thought, to divide up and give them 160 acres of land each in good shape. Those houses will have to be removed. They are log houses, and will have to be replaced—a great many of them.

Q. Did you talk with them about having their lands in severalty?—A. No; I do not know that I asked them that question around there.

Q. Did they ask you anything about what they could get for their land in Dakota?—A. They did not ask me that question.

Q. Did they say anything about the terms on which they were willing to part with that land?—A. They said a great deal about it; said they wanted to dispose of it; that the way they were situated now they wanted a title to this land where they lived. They wanted it so that this could be theirs forever and their children's, and they wanted to dispose of that land up in Dakota. They gave as one reason for it, that if any of their people became offended or got mad, one at another, while that land was there to trouble them, they would seek to run off to it; and if that was disposed of, when those things came up, little jars, they would settle down over them at once.

Q. Did you talk with any of the young men?—A. Yes, sir, I talked with a number of young men. I cannot give the names of them because they are not familiar to me.

Q. Did you talk to any of the young men alluded to in this paper [referring to the letter of October 25, 1880] as those that it was hard to control while they had any expectation of going back to Dakota?—A. I did not find any that wanted to go back to Dakota.

Q. Did you ask them what they meant by these words, "Our young men are unsettled and hard to control while they think we have a right to our land in Dakota"?—A. No, sir. I did not ask them. I interpreted the phrase to them, or I read it to them and it was interpreted to them, only to find out whether they had written the letter, or whether it was written at their request. I did not ask them that question.

Q. Who selected this delegation to come up here?—A. The Indians, and I presume that I did partly, and the agent partly; that is, I told them I wanted White Eagle and Standing Buffalo and Frank La Flesche to come. Those were three that I selected myself, and then I desired the Indians to select the others. I believe I afterwards granted permission to another man, who is here, to come—Lee Chee. I did that because he had been a little unsettled, and I wanted to bring in as far as I could the unsettled spirits.

Q. What do you mean by that?—A. Those who have been represented to be anxious to return. Frank La Flesche was one. He was regarded as the leader of the party who wanted to go back until this last spring.

Q. Did you talk with Frank La Flesche separately?—A. I did talk with him by himself.

Q. What did he say was the reason which changed his mind?—A. He said to me that he had changed his mind because he thought that was a better place for them to stay, where their health had become good, and they had abandoned any idea of going up there.

Q. Abandoned any idea of going back?—A. Any idea of returning back to Dakota; that he thought it would be better for them to stay where they were.

Q. That they had abandoned any idea of getting back, or of wanting to go back?—A. Of wanting to go back, I understood.

By the CHAIRMAN:

Q. Who is Frank La Flesche, of whom you speak? the uncle of Bright Eyes?—A. So I am told, both by her and by him.

By Senator DAWES:

Q. The man who signed this paper?—A. Yes, sir; at least he said he did. I asked him the question, if he signed it knowing what he was doing, and if he did it of his own free will and accord, and he said, yes.

Q. Did you read it to him?—A. I read it to all of them together. I do not want to be misunderstood that I read it to each.

Q. What did you say to Secretary Schurz about not letting Bright Eyes see La Flesche?—A. I do not know that I said anything about not letting her see him. I do not remember it. Bright Eyes came to the hotel to call to see her uncle or to see the Indians. I did not know she was there until I found that there was some little feeling about it, and I inquired the cause, and the agent told me that he had gone in to speak to her, and that she refused to shake hands with him, and that she said she would not have anything to do with anybody connected with the Interior Department. I went in and said, "there is no objection to Bright Eyes seeing the Indians." I went in and told her who I was, introduced myself to her, and she conversed with me, and I then explained to her that her uncle was dressing; he had his citizen clothes on; we were going up to see the secretary, and they were changing to Indian costume. I told Miss Bright Eyes that as soon as her uncle was dressed she could see him. I went back to the room, found he was there and called him right in to her, and so far as I know she saw him. Next morning Bright Eyes came and had a long interview with her uncle.

Q. Alone?—A. I think so. Mr. Dorsey was in the room; I called him out and said, "Miss Bright Eyes wants to talk with her uncle." He was a friend of hers and her uncle, and I suppose he did not think there would be any impropriety in it; but I called him out.

Q. Did not a lady come in company with Bright Eyes?—A. Yes. It was Sunday morning, and I think a lady, who was sitting here awhile ago, came with her.

Q. Did you tell the Secretary that you had taken care that Bright Eyes should not see the Poncas till after the arrangement was completed?—A. I do not know that I did. I do not know that I said anything in that way.

Q. Did you say anything that meant that?—A. I do not know. I said to the Secretary that I did not think—

Q. You said you did not know?—A. I do not remember what I did say; but I am confident I might have said this, that I did not think Bright Eyes or anybody else could change the Indians from their opinion.

Q. I did not ask you that. I asked you if you said to the Secretary that you had taken care she should not see them, and your reply is that you do not remember.—A. There might have been something said that could have been construed that way; but I did not say it in those words.

Q. You think something might have been said that might have been

so construed?—A. Something that might have been construed that way.

Q. Then I suppose that it was true, that which you did say?—A. I do not know that.

Q. You do not mean to say that you told the Secretary what was not true?—A. No, sir; I did not surely. I might have said to the Secretary that I had learned that Bright Eyes was in town, but I did not know Bright Eyes was in town until I saw her. I had heard she was in town, but I did not know it until I saw her. I do not know what I said to the Secretary, but I can tell exactly what I did. I think I said to the Secretary just this: On one day of the council here, we adjourned and went to take a lunch; the Indians went back to the hotel to take lunch and I went down there; I had learned that Bright Eyes was in town; I had not seen her, and did not know that it certainly was so. I went down there, and told the man in charge of them, told their agent, that I had understood Bright Eyes was in town, and I thought he had better bring the Indians back here and complete the council or give them a chance without having any scenes or anything of that kind; and I perhaps told the Secretary of that, but that is all I remember telling the Secretary about it.

Q. "Without having any scenes," do you mean by that without having any scenes by Bright Eyes?—A. I did not mean that; but I supposed of course she would attempt to stop them from doing what they were doing. I understood that that was her mission.

Q. Where did you get that from?—A. I learned it from somebody here that she was in town, but it was not the Secretary.

Q. Of whom did you learn that her mission here was to get them not to do what they were doing?—A. I cannot say that. I cannot answer the question.

Q. You had never seen her?—A. I never had seen her in my life.

Q. Somebody told you that her mission here was to prevent them?—A. I understood that that was her mission.

Q. This young girl?—A. Yes, sir.

Q. Did you know that she had an uncle among them?—A. Yes, sir; I knew her uncle was here. I was glad she had an opportunity to see her uncle.

Q. But she did not have that opportunity until after the business was concluded?—A. She did not come to ask for it until then.

Q. Do you think, now, that it is true that you said to the Secretary what meant that you had taken care that she should not see them till after the arrangement was made?—A. No, sir; I do not think that.

Q. What do you say about that?—A. I have told you just what I said, and it is all that I remember to have said to the Secretary.

Q. Did she see any of them until after this arrangement was made?—A. Till after it was signed? Oh, yes, sir.

Q. "Till after the arrangement was made"?—A. You do not give me time to explain myself. I am entitled to explain myself as much as you are.

Q. Certainly?—A. She saw them on Saturday. Then she was there again Sunday morning.

Q. She saw them Saturday evening?—A. Yes, and saw them Sunday morning.

Q. When was this paper signed?—A. Yesterday evening.

Q. Last evening?—A. Yesterday noon; about one o'clock, perhaps, or two o'clock. I do not remember exactly the time.

Q. It was signed while the committee was waiting for me to come

here, was it not?—A. Indeed, I do not know that; I knew that the committee had adjourned.

Q. You knew the committee were waiting for me?—A. Yes, the Congressional Committee. I was thinking of another committee.

Q. You knew that this committee were waiting for me to come here, and you know this was signed yesterday noon while they were waiting?—A. I know it was signed yesterday noon, but I did not have in mind anything in reference to this committee. I had nothing to do with that.

Q. You think you did say something which meant that you did not intend she should have an interview with them or have any scenes. What did you mean by "scenes"?—A. What I meant was simply any talk or anything of that kind to create any confusion among the Indians. I wanted them to understand exactly what they were doing.

Q. Then you did take a little pains that she should not see them until after the arrangement had been agreed to?—A. It might have been construed that way.

Q. If it is construed that way it is construed truthfully, is it not?—A. I have told you just what I did.

Q. Answer that question?—A. I have answered the question.

Q. It may be construed truthfully if it is construed that you took a little pains not to let Bright Eyes see them until after the arrangement was made?—A. Well, I went there and told the agent to bring the Indians up here.

Q. What did you say?—A. I do not remember. I believe I said to the agent that I had heard that Bright Eyes was in town or was coming to town, something of that kind.

Q. Did you tell him to bring them up here without seeing Bright Eyes?—A. No, sir; I do not think I said that.

Q. What did you mean?—A. I told him to bring them up at that time and have a council.

Q. This was after you had heard she wanted to see her uncle?—A. No; I did not hear that she wanted to see her uncle at all. I heard she was in town or coming in town.

Q. So you hurried up the council?—A. You can make that construction if you wish; I do not make it myself.

Q. Is it truthful?—A. I have told you exactly what I did.

Q. Is it not true that you did hurry up the council before she had an opportunity to have an interview with her uncle?—A. I do not think it is true that my hurrying it up interfered with her interview at all.

Q. I did not ask you that; what I did ask you was, is it not true that you did hurry it up?—A. I have told you exactly what I did.

Q. Will you answer that?—A. State it again, Senator.

Q. Is it not true that you did hurry it up before she had an opportunity to see her uncle?—A. It is true that I hurried it up, but I do not think it is true that I interfered with her having an interview with her uncle.

Q. You have not answered my question.—A. I have answered, have I not? Begging your pardon, I have tried to answer it. I do not want to evade anything.

Q. Of course not, and I do not wish to put you an improper question. I should like to have your answer to this: what did you hurry it up for?—A. I can hardly say what I did it for more than to complete the business.

Q. Why can you not say?—A. I believed that what was done was for the best interest of the Indians. I believe so still.

Q. I have no doubt you do.—A. I believe so candidly, because I have inspected the matter.

Q. Did you think there was any objection to having her understand as well as all the rest of the tribe what was being done?—A. No, sir.

Q. Why did you not let her have an opportunity to understand it?—A. She did have an opportunity.

Q. Do you understand that she did while you had hurried it up?—A. I am candid enough to say that I may have made an error in my action in that matter.

Q. I am not inquiring as to any error, but only as to the facts?—A. But you want one side.

Q. No; I only want to get at the facts. There is no such thing as one side of the facts.—A. You want, of course, to put that construction.

Q. I will not press the question if you do not want to answer.—A. I have answered it as well as I could.

Q. Have you ever been at the Cheyenne and Arapahoe Agency?—A. I have.

Q. How far is this agency from that?—A. About 125 miles.

Q. Which way?—A. A little west by south.

Q. Further south?—A. A good deal further south and a little west.

Q. How does this land compare with that land?—A. I think the land where the Poncas are is perhaps better land than the majority of the Cheyenne and Arapahoe land. The further west you go the poorer the land as a general thing.

Q. And the Ponca land you say is further west?—A. No.

Q. The Arapahoes are south and west of the Poncas?—A. Yes, sir.

Q. The Arapahoes and Cheyennes are south of the Poncas about 100 miles?—A. Yes, sir.

Q. Then the Ponca Agency is further east and north?—A. Yes.

Q. And the land is better in that region?—A. Yes, sir; the best part of the Indian Territory is the eastern part of it.

Q. There is a lack of springs where the Arapahoes and Cheyennes are?—A. A part of their reservation is well watered, and part of it is not.

Q. This is better land than theirs, is it not?—A. I think the majority of it is better land; a great deal of it is bottom land.

Q. Does it require irrigation?—A. No, sir; I do not think it is entirely sure agricultural land, but they cultivate it as often as they can. It is as good as Southern Kansas, and there they raise good crops. It is a thickly-settled country there.

Q. You understand they are to have 101,000 acres?—A. That is my understanding, 101,894 acres.

Q. Has the agreement they signed yesterday afternoon reference to metes and bounds which will contain 101,894 acres?—A. Yes, sir.

Q. Are there such metes and bounds in the agreement itself?—A. I cannot give the metes and bounds, but it is represented to be that amount of land within certain bounds; and one thing the Indians said they wanted to have the lines staked so that they could know exactly what their land was.

Q. Did they tell you that it was understood the river had washed away a portion of their land in Dakota?—A. Yes, sir; and Mr. Hartman had been up there last fall, and told them that. That was one of their means of information.

Q. Who is Mr. Hartman?—A. A man who works at the agency, and who came with the Indians from that country. He has been with the Poncas ten or twelve years.

Q. Did he tell you this?—A. He told me it.

Q. What did he tell you about it?—A. He told me a great deal of the country had washed away from there—that is, the frontage of the land on the river—that a great deal of timber was gone.

Q. What had become of that, did he say?—A. I do not know, but I suppose it was taken by white people.

Q. You found it a place that was undesirable for large bodies?—A. Yes, sir.

Q. You had a large body to look out for?—A. About 7,000.

Q. You thought the old Ponca Agency would not be sufficient for 7,000 people?—A. No, sir.

Q. But how as to 700?—A. My recollection—I may err a little—was that a calculation made by General Stanley, Mr. Alfred L. Riggs, and myself was that there would not be room enough for more than 350 or 400 people.

Q. Did you go where the houses were when they left them?—A. Yes, sir; we saw a good many log houses.

Q. What was their condition?—A. Very nice-looking log houses.

Q. How long was that after the Poncas had left?—A. I think about a year.

Q. Had not the log houses been carried off?—A. Some of them had been, I was told; of course I could only tell by what I heard; no doubt taken by white people, a great many of them.

Q. Did you see their personal property piled up there?—A. I did not see that. I was told a great deal of their personal property had been left there, but I did not see it.

Q. That was not your purpose?—A. No, sir; I was looking out for the Spotted Tail Indians.

Q. And you advised their abandoning it?—A. Yes, sir.

Q. They had not staid there more than six months then?—A. No, not more than six months; it was no place for them.

Q. But somebody ought to have known that before they were put there?—A. I thought so myself. It might have been, and I do not know but what we discussed the matter in connection with the Poncas at that time, that this was, perhaps, home enough for them by not giving them each a farm. Our estimate was for giving lands in severalty, and we were estimating at 160 acres each. At that it was not enough for the Poncas.

Q. That is, there was not enough good land?—A. Yes, sir.

Q. Not enough good bottom land to give each one 160 acres?—A. Yes, sir.

Q. It takes 80,000 acres to give 500 of them 160 acres each?—A. Yes, sir; we made our calculation in reference to and allotting them 160 acres each.

Q. How came you to tell the Secretary anything about Bright Eyes?—A. I do not know. I have been studying the matter over. I do not want to make anything but an exact representation. When I heard that Miss Bright Eyes was here, or was coming here—it was not told to me then that she was here, but that she was coming here—and under, perhaps, the first impulse of the moment, I went down and told the agent to bring the Indians up as soon as they got through their lunch, or as soon as they had their smoke after it, to bring them here to the office, or into the building, and they could look around a little while until we got ready for business again, and then I perhaps told the Secretary just what I had done. I cannot tell you the words I used to the Secretary.

Q. Then you made the voluntary statement to him that you had intervened between her and her uncle?—A. It is possible that I did. I do not desire to disguise exactly what was said and done. It was not any bad motive that prompted it.

Q. Of course not. You had the impression that if you did not do that there would be a scene?—A. I did not know what might happen. These Indians are all strangers to me.

Q. And the scene would be such as would not contribute to this end?—A. I knew the commission just appointed was going down there, and I believed and hope yet that that commission may report that it will be to the advantage and interest of the Indians.

Q. I have no doubt they will?—A. If they say that, in their judgment, the Indians should be taken back, I shall be glad to see it. I only want to see that which is best for the Poncas.

Q. What harm could come from Miss Bright Eyes seeing her uncle?—A. I do not know that there could have been any harm. I certainly had no evil motive in anything I did, for my whole heart's desire is for the welfare of the Poncas. Perhaps I made a mistake. I do not say that the people of Boston, or anybody that thinks differently from me, is not honest in their views. I believe they are. I believe every dollar that has gone from Boston has been given with the purest of motives.

By the CHAIRMAN:

Q. When you told the Secretary what you have stated, did he advise that Bright Eyes should be kept from seeing these Indians, or did he authorize such a proceeding?—A. I do not think that the Secretary said anything any way, but he might have said in answer to what I stated, or something of the kind, "that is well enough," or something of that kind. I do not remember just what the Secretary said.

Q. Did you know that Miss Bright Eyes and Mr. Tibbles have been, during the last year, very active in endeavoring to procure the return of the Poncas to their old reservation, or had you heard so?—A. I had heard so.

Q. You had heard of Mr. Tibbles's visit to the Territory and what came of it?—A. Yes, sir. I never knew that until I went to the Territory to investigate the matter. I knew nothing about these circumstances until I went there.

By Senator DAWES:

Q. The fact that you heard that Tibbles went to the Territory had not anything to do with Bright Eyes seeing her uncle, had it?—A. O, no. Understand me; I was not objecting to Bright Eyes seeing her uncle at all. I had no objection to that.

Q. But you did not want her to see him until after this question was over?—A. I did not take any objection to her seeing him. The explanation I have already given was that I did not think it was a very good idea to have the business interfered with.

WILLIAM WHITING sworn and examined.

By the CHAIRMAN:

Question. How long have you been acting as agent of the Ponca Indians?—Answer. Since the 8th of April last.

Q. Whom did you succeed?—A. Major Whiteman.

Q. He was suspended, if I recollect aright, at the instance of Inspector Pollock?—A. I learned that he was. I know nothing of it myself.

Q. At all events, you succeeded him?—A. Yes, sir.

Q. State, if you please, all that occurred with reference to the forwarding by the Indians of the paper of which this is a copy :

We, the undersigned chiefs and headmen of the Ponca tribe of Indians, realize the importance of settling all our business with the government. Our young men are unsettled and hard to control, while they think we have a right to our land in Dakota, and our tribe will not be finally settled until we have a title to our present reservation and we have relinquished all right to our Dakota land. And we earnestly request that the chiefs of the Ponca tribe of Indians be permitted to visit Washington the coming winter for the purpose of signing away our right to all land in Dakota, and to obtain a title to our present reservation, and we also wish to settle our Sioux troubles at the same time.

We make the above request, as we desire to have the young men of our tribe become settled, and commence to work on their respective claims. We also desire to make this visit in order to convince the government that it is our intention of remaining where we are, and requesting the aid of the government in obtaining teams, wagons, harness, tools, &c., with which to work our land.

Signed :

WHITE EAGLE,
FRANK LA FLESCHÉ,
CHILD CHIEF,
STANDING BUFFALO,
RUSH-IN-THE-BOTTLE,
SHORT MAN,
FOUR BEARS,
WHITE BUFFALO BULL,
BUFFALO RIB,
BIG GOOSE,

BLACK CROW,
BIG SOLDIER,
THE CHIEF,
LITTLE PICKER,
BIG BULL,
RED LOAF,
YELLOW BIRD,
WHITE FEATHER,
PETER PRIMEAUX,
WALKING SKY.

We the undersigned certify, on honor, that we were present and witnessed the signing of the above by each of the individuals named, and that the above was written at the solicitation of the Ponca chiefs.

JOSEPH ESAW, *Interpreter.*
A. R. SATTERTHWAITÉ.

PONCA AGENCY, INDIAN TER., October 25, 1880.

A. Yes, sir; that is the letter they wrote. They had repeatedly asked me to write a letter for them to Washington, asking permission for them to come on here to settle up their difficulties, as they wished to settle up all their troubles, and become permanently settled where they were, that they and their people might be happy. I asked them if they had given the subject due consideration; if they had thought over the matter sufficiently to know what they wanted. They informed me that they had. I informed them that it was a matter of undoubtedly great importance to them, and they ought not to act hastily in it. They ought to think the matter over seriously before they made any step in it, or in that direction. They informed me that they had done so, and that they wished me to inform the Great Father that they were now happy and contented there, and wished to remain and die there. This was about the time or a little before the arrival of Mr. Tibbles at the agency. Soon after that Mr. Tibbles came, and after he departed, they came to me again and made the same request, and said that his coming there had a little unsettled them; but they had thought the matter over, and yet were of the same opinion; that they wished to come to Washington to see their Great Father, to settle up all troubles, and they wanted to dispose of their interest in their land in Dakota, and get title to their present reservation. They finally had a council, and in that council they talked the matter over, and wished me to write a letter for them. I referred them to the clerk. A man was clerk there who had been sent by the department to do all the writing. Whatever they wished written to the department he would write for them—whatever it was. They then wanted me to draw up a paper. They talked it over amongst themselves. It was interpreted by the interpreter to them.

Q. Who was the interpreter?—A. Joseph Esaw, a Pawnee, not a Ponca.

Q. Go on.—A. Consequently the clerk drew up the letter of which that is a copy, and then he handed it to me and I read it to them, and I requested them to be very careful what they did, to listen to every word of it, and if there was a single word or a single sentence there that they did not wish, to let me know. I did not want them to have anything go to Washington except their true, honest desire.

Q. This conversation with them was through the interpreter?—A. Yes, sir. They wanted me to read it. I read it to them and spoke of every item in the letter. I reread it to them a second time. They wished to sign it then, saying it expressed exactly their wishes. I suggested to them the idea that they do not sign at present, but wait and think of it and talk it over with their young people, see if the young people were all satisfied with it, and if they were not to change it; not to express sentiments there that would be disregarded by the young people. I thought it was better for them to get all their people together and talk the matter over coolly and deliberately, and know what they wished to do. They went off and held a council. I understood that they went to Mr. Louis Prineaux's house. I may be incorrect in that, but that was the understanding I had at the time. He lives close by the agency, within half a mile of it. After that they came to me and expressed a desire to sign that letter. I told them the letter was in the hands of the clerk, and if they wished to sign it all right, I would see that it was forwarded, and to go to the clerk and make any suggestions they might wish. I returned home from Oakland one evening and found on my table that letter after it had been signed. It was signed in my absence. I was not present when a single individual signed it.

Q. You forwarded the letter to Washington?—A. I did. I asked the clerk if they had been in and signed that as it purported, and he said they had individually. I then asked him if they wished any changes made, or made any suggestions of mistake. He said they had not.

Q. Now tell all you may know about the visit of Mr. Tibbles to the Territory.—A. It would take some time to tell you all I know about it or all I have learned about it.

Q. When was it, and what occurred?—A. I do not know that I can give you the exact date.

Q. About the time?—A. I should think it was about the middle of June. Some twenty-five of the Ponca chiefs and head men were absent from the reservation at the time. They were on a friendly visit to the Cheyennes and Arapahoes. I was not at home when Mr. Tibbles came; I was in the eastern part of the Territory purchasing work-cattle for the agency. I came home, I should think, about eleven or twelve o'clock at night. The next morning I was informed that there were some strangers in the Indian camp that had come in during the night. I made inquiry from the sergeant of the police if he knew anything about them.

Q. Was he a white man or an Indian?—A. A half-blood Indian. The captain of police at the time was the head chief, but he was absent. The sergeant of police at first told me he knew nothing about anybody being there. I questioned him about the matter. I did not think it possible that, acting in the capacity of captain or head of the police force in the absence of the regular captain and in my absence, he did not know what was transpiring in camp. I perhaps reprimanded him a little, saying that when he was left in charge it was his duty to know all that was going on. He said at first that he did not know there was anybody

but he finally said that he would go out, and in a few minutes would return and give me all the information that he could gain. He was gone perhaps half an hour. He then returned, and told me, and owned to me that he knew all about it. He then made the statement that Mr. Tibbles was there, and had come there to persuade them to steal away like dogs in the night. That was the language he used to me. He said he had sent out and called several of the Indians in to see him, into the house of Poison Hunter where he was stopping, and that he thought that Mr. Tibbles had caused perhaps four or five families of them to remove with him, and perhaps more. I then ordered him to go out, and if he could find Mr. Tibbles or any other white man on the reservation without proper authority to arrest them, and bring them before me. He stated then that he knew that Mr. Tibbles had gone, and that he had swept over on to what we call the old Chism trail to meet the returning party from the Cheyennes. This being off from our reservation, I did not think it was worth while then to catch him. I think it was the next day but one, perhaps, I was getting out a train of teams to go to Arkansas City for freight; I was weighing the wagons and registering them, and while doing so, a half-breed, a stranger to me at that time, came in amongst the teamsters and seemed to be talking to them. He was talking the Ponca language to them. I thought nothing of it at the time, but after getting nearly all the wagons numbered, and after getting the weight of them all, and they were nearly all numbered and leaving a man in charge to take the balance of the numbers, I started for the office, which was but a few rods from where we were. I happened to look back over my shoulder and I noticed this man talking very earnestly with one or two of the Indians. It aroused suspicion from the way he was talking. He was on horseback. I still continued my course to the office. I called the chief of police, who is the farmer, and told him to go and find out what that man's business was. Whilst we were talking he started off, whistling, around the garden fence, and was acting suspiciously. I told him to take a couple of policemen and bring him in. I wanted to know who he was and what he was there for. They did so, and brought him in. I went out to transact some little business, and when I returned he was in the office sitting with the clerk. He proved to be Mr. Fontanelle, at least that was the name given. I asked him what his business was there. At first he undertook to evade it. I asked him a second or third time if he had any objection to tell me what his business there was, and who he was.

Q. Is his name Henry Fontanelle?—A. I guess that was it. I remember "Fontanelle." He then said, "You undoubtedly know what I am about." Said I, "I do not, sir; I may guess at it, but as for knowing, I do not." He then told me that he accompanied Mr. Tibbles there. That informed me then of his mission. I asked him if he did not know that it was against the rules and regulations of the agency that he should go around visiting the camps without first reporting to the agent. He said he did. I asked him if Mr. Tibbles did not know it. He said he did. I asked him then why Mr. Tibbles and he had not called at the office on their arrival at the agency. He said Mr. Tibbles said if he did so it would interfere with his arrangements; it would block his game, I think was the language used. He said that he advised Mr. Tibbles to come directly to the office, but he would not do so. He went on to state then, after looking around—he had, perhaps, half an hour's conversation with me on one subject or another—he wanted to know what I was going to do with him. I told him I had no further use for him; he had stated fairly and squarely what he was there for. He said he wanted to go

down to Pawnee to see some friends he had. He spoke of this Mr. Esaw, our interpreter, that was absent. He was a Pawnee; he was out on a friendly party, and he would like to go on to Pawnee, if I had no objection. I told him I certainly had not any; that I thanked him very kindly for being so frank in stating what he was there for and how he felt. I think while he was there we went to the commissary department and I showed him what we were issuing to the Indians, and he expressed his opinion as being highly pleased with it, and further that he had been misinformed; had he known that the Poncas were in half as good condition as he found them in he would never have come near them. Shortly after a little rambling talk about the climate, the lands, &c., I left him to go to my dinner, and he went off, and I saw no more of him perhaps for three or four days. It seems he went on to Pawnee, returned from Pawnee, and stopped there on his return. He seemed to be very friendly; came and shook hands, and talked with me. We went out to the Indian camp, or what we call the Indian camp at the agency. There are a few tents that are close by the agency for some of the employés. They have houses, but they are not living in them, and have tents close by the agency on account of its being nearer for them. I left him, I think, with the Poncas at the camp. My impression is that he stayed over night with them and left in the morning. He might have left that night, but I think not till morning. He had considerable to say about the conduct of Mr. Tibbles while we were talking at the camp.

The next thing that I knew of Mr. Tibbles or his actions was on a Sunday—I think the 27th or 28th of June. I went off to Arkansas City with Agent Miles, from Osage, and Agent Bowman, from Pawnee, to receive our moneys for paying off the hands for that quarter. When I arrived at Arkansas City I learned that Mr. Tibbles had gone down into the Territory. He had, by reports, started on horseback. I soon learned what his purpose was. The next morning I sent word to the chief of police, or rather sent an order to him by Agent Bowman, as he was returning that way home, if Mr. Tibbles was found in, on, or about the Ponca Reservation, or the Oakland Agency, to arrest him and hold him until I returned. I telegraphed to the department for instructions. I received them on Tuesday afternoon, and I returned Tuesday night to the agency.

By Senator DAWES:

Q. Did you telegraph for instructions?—A. I telegraphed to the department, and returned Tuesday evening. I arrived home, I should think, about ten o'clock, and found Mr. Tibbles at the residence of Mr. Frisbie, the agency carpenter. Mr. Frisbie was at Arkansas City with me. We had a conversation with Mr. Tibbles. I met him here in Washington last winter, previous to my accepting the appointment of agent to the Poncas; I called upon him one evening, and had a very pleasant interview. The next noon, per agreement, I saw him, and we perhaps exchanged four or five words.

By the CHAIRMAN:

Q. That is not material. Go on to what occurred in the Territory?—A. That night after I ate my supper I learned that Mr. Tibbles had had supper. He was taken over to the agency house. My family was not there then.

Q. Was he then under arrest?—A. Yes, sir; I had him taken over there, and found him a room.

Q. Had he, at any time prior to this, reported to you as the agent

there, and desired an opportunity of conversing with these Indians about business matters?—A. No, sir.

Q. No application was made to you?—A. No, sir; he had avoided me in every particular. I assigned him a room beside my room. I apologized, I think, to the gentleman for not having better accommodations for him, but he had as good as I had. I had no family there, and of course my furniture was not there. He had a mattress on the floor, and I had one on a cheap bedstead in the room I occupied. I left two men that night in the hall to guard him and see that he did not escape, or try to. In the morning they were informed to get him his breakfast, and they came over to the office, I should think, at seven o'clock, or thereabouts. I had quite a lengthy talk with Mr. Tibbles that morning. I showed him through the commissary department, and he expressed himself as being very much disappointed to think that the Ponchas were so well treated and so well taken care of, and said that if he had known that they were so well treated and so well taken care of he would never have meddled with their business, but now that he had seen for himself and was satisfied, he had nothing more to do, or should do no more for them. He made some other pertinent remarks about it. I took him through the commissary to show him the quality of the goods and the quantity of the goods issued to them weekly. It having rained a little in the forepart of the morning, I deferred sending him out of the Territory until about ten o'clock, I should think. I ordered the chief of the police then to take the police force and escort him to the State line, there dismiss him, and I called his attention to section 2111 of the Revised Statutes of the United States on that subject. About ten o'clock they went away with him. He seemed to be very jovial, shook hands with me, and thanked me for my kindness. I told him that I regretted very much that I was under the necessity of arresting him and sending him away in the manner I had to; that I could not see how I could very well avoid doing so. That was the last time I saw Mr. Tibbles until this morning.

Q. Did you learn from him that he had been staying at the agency there?—A. Not from him; I had from other sources.

By Senator DAWES:

Q. He treated you very respectfully at all events under arrest, did he?—A. Yes, sir.

Q. You had a very pleasant interview with him while he was under arrest?—A. I endeavored to treat him properly.

Q. He treated me well and you treated him well while he was under arrest?—A. I had no cause to do otherwise.

Q. You spoke of it, and I supposed it was something remarkable?—A. Our interview was very pleasant. I gained some information from him.

Q. It was pleasant on your part, but how was it for a man to be under arrest?—A. Likely it was not very pleasant on that account.

Q. When did you assume this agency?—A. On the 8th day of April last.

Q. After the investigation here before the committee?—A. I knew nothing about that.

Q. You were here, were you not?—A. I was here in February and the latter part of January.

Q. I supposed you knew there was an investigation of the condition of the Poncas?—A. I did not at that time.

Q. When did you first learn it?—A. That there had been an investigation?

Q. Yes.—A. I think after I arrived in the Territory, from newspaper reports.

Q. Pretty soon after you arrived?—A. Quite a time.

Q. How long?—A. I do not know that I can just state.

Q. You did not know when you were here that the Ponca Indians were here?—A. I did not; they were not here at that time.

Q. Was it before they came, or after they had gone that you were here?—A. Before they came.

Q. You had two or three interviews here with Tibbles; did he tell you what he was about here?—A. He spoke of the Poncas, about their land up in Dakota, and that he was at work for them.

Q. He was at work trying to get them restored to their lands or their lands restored to them?—A. I do not think he gave me to understand any such thing.

Q. What did he give you to understand by saying he was at work for them?—A. He gave me to understand that where they were was sickly and they were dying off very fast.

Q. What was he doing?—A. He did not tell me.

Q. He told you he was at work for them?—A. At work in their behalf.

Q. That where they were was sickly and they were dying off very fast and he was at work in their behalf. Did he tell you that he thought they were wrongfully taken away from their land?—A. I do not think he did.

Q. Did he say anything about how he was trying to help them?—A. No, sir.

Q. You took the agency in April?—A. April 8.

Q. Have things changed there between the time when you took the agency and now, or are they substantially in the same condition now that they were when you took the agency?—A. In what respect?

Q. I ask with the broadest possible meaning of the words "condition of the Poncas in their agency," the provision for them in every respect, the commissary, the houses, and so on?—A. They have the same houses that they had when I went there.

Q. In what respects, if any, has their condition changed from what it was then? Is it better than it was when you went there?—A. They have the same supply of rations that they had then. Their general condition, I think, perhaps is more prosperous. It seems to be more settled.

Q. Are they better provided for than they were then?—A. I do not know that I catch your meaning.

Q. What was that man removed for?—A. That I do not know. I never asked any questions.

Q. Did you go right on doing things just as he had done?—A. I do not know how he transacted his business.

Q. Did you inquire what you were sent in his place for? He was suspended and you never asked what for?—A. I never knew what for until this summer and fall.

Q. Did you not know that under him everything went very badly with the Poncas there?—A. I have learned since I have been there that it did.

Q. That is what I asked you. Is there a reluctance to answer my question?—A. There is not any, but I want to answer the question fairly when I get your meaning.

Q. I ask if it is true that their condition has improved under you from what it was under Mr. Whitman? I had supposed it had.—A. It has been very pleasant this summer.

Q. State in what respect the condition of these people has been improved since you went there, if you know.—A. They are more contented, seem to be happy, and desirous to take hold and work and improve their condition.

Q. Do you not know that under him their houses were unfinished, and they were not in them at all when he was suspended?—A. They had not got them completed.

Q. I said they were unfinished and they were not in them.—A. But they were completed before I arrived there.

Q. They were finished off under the man who assumed control—the inspector?—A. Under the clerk, I think.

Q. But the inspector had charge, had he not?—A. I think not.

Q. Inspector Pollock?—A. He was not there when I arrived, and had not been for a long time.

Q. Then the clerk did it all? I do not care who did it, but it was done, and they got into their houses, began to improve, and you kept them along in this way?—A. Yes, sir.

Q. And they have become very much more contented and very much more healthy under you than they were before. Is not that so, or is it so?—A. They are contented, and seem to be more happy.

Q. Why can you not answer my question?—A. I do not wish to take credit from other people.

Q. You need not be alarmed about that. It is very desirable you should have credit for it. I want to get at the facts. Is it not true that the change in the feeling of these men has arisen a great deal from better care being taken of them? Do you not think so?—A. I presume that is the case; yet it is not for me to say.

Q. Up to the time you went there you did not find anybody among them who was dying to stay there, as is the case now, did you?—A. I did not ask them when I went there.

Q. Do you not know the fact that when you went there there was discontent with their condition?—A. I know it from hearsay.

Q. And you believed it to be true, did you not?—A. Yes, sir.

Q. And you have no doubt about the fact?—A. None.

Q. And now they are well contented, you think?—A. They so express themselves, not only in their words, but in their actions.

Q. You have no doubt about the sincerity of that feeling?—A. No, sir.

Q. And they are much more healthy?—A. They have been very healthy since I have been there. I do not know how long it may remain so.

Q. Do you know whether they have got any title to that land down there or not?—A. I understand they have not.

Q. It belongs to the Cherokees, does it not?—A. I do not know whether it belongs to them or the government. I do not know what arrangement the government has made for it.

Q. What did Mr. Tibbles tell you he was there for?—A. He wanted to get a part of the Poncas to leave there; that there was a suit pending before the courts, and that if he could get enough to leave there with what had already left, so that he could have over half the tribe out, he felt sure of winning the suit.

Q. That he had the suit?—A. That he was interested in the suit.

Q. His object was to get a majority of the Poncas up there?—A. Enough with what had already gone to make a majority.

Q. Do you know any law that that was in violation of?—A. I do under instructions.

Q. What is the law ?—A. I do not remember the exact number now of the section, but we have the Revised Statutes at home.

Q. What is the law ; you can state it in substance, I suppose ?—A. I do not know that I can repeat it.

Q. Do you mean to say that there is any law of the United States against my going on any part of the Cherokee land down there ?—A. I understand there is without a permit.

Q. A permit from the Cherokees ?—A. A permit from the Secretary of the Interior.

Q. The Secretary of the Interior, then, can keep people off the Cherokee lands ?—A. I understand he can off the Indian Territory. It can be done by the Secretary of the Interior, the Commissioner of Indian Affairs, an agent or subagent, or the commander of the nearest military post.

Q. Any part of the Indian Territory that belongs to the Cherokees ?—A. I understand so. It applies to the Indian Territory.

Q. You did call his attention to one section of the statutes, section 2111 ?—A. Yes, sir.

Q. I will read that to you.—A. I think it is section 2111. I will not be sure.

Q. I will read it :

SEC. 2111. Every person who sends any talk, speech, message, or letter to any Indian nation, tribe, chief, or individual, with an intent to produce a contravention or infraction of any treaty or law of the United States, or to disturb the peace and tranquillity of the United States, is liable to a penalty of two thousand dollars.

Is that the one ?—A. I think that is the section that was referred to.

Q. What treaty of the United States was he supposed to be violating ?—A. I had not looked at the treaty.

Q. What treaty did you suppose he was violating when you arrested him ?—A. I suppose he was violating the laws.

Q. What law ?—A. I do not know that I could call your attention to the section at the present time.

Q. Do you know of any law that authorizes the Poncas themselves to stay where they are now ?—A. I do not.

Q. Have they any more right there than they have in my house ?—A. I cannot tell you.

Q. Do you know of any ?—A. I presume you could give them rights in your house.

Q. I ask if they have any more right there that you know of than they have in my house ?—A. Only from hearsay.

Q. What do you hear is the right they have there ?—A. I understand that they are there by executive orders.

Q. Do you understand that it is in the power of the executive, by any order that you know of in the world, to give them a right to stay on another man's land ?—A. I suppose that there had been some arrangement made between the Cherokees and the government in regard to permission for settling tribes on these lands.

Q. Who authorized you to arrest a man for going on that territory, at all ?—A. The man that I arrested was on what was called the Ponca Reservation.

Q. I ask you who ever authorized you to arrest a man for going on the Cherokee's land ? You say the land belonged to the Cherokees ?—A. I said I presumed it did ; I do not know.

Q. Does not this very paper that you had them sign propose to buy it of the Cherokees ?—A. That I helped them sign ?

Q. That you have aided to bring them here to sign ?—A. I do not know that I have.

Q. Very well, that they have signed while you were here yesterday when they were waiting for me to come? Does not the paper they did sign propose to buy this land of the Cherokees?—A. I understand it does.

Q. It belongs to the Cherokees, does it not, as you understand?—A. I understand that they have some title to it in some manner; what, I do not know.

Q. They have title to it and propose to buy land that they have title to themselves. Do you not know it belongs to the Cherokees? Do you not know they have a right to occupy it until the United States pays them for it?—A. I do not know what arrangements the United States have made for it.

Q. Do you not know that fact? If that is so, if the land belongs to the Cherokees and the Cherokees have the right to occupy it until they are paid for it, I should like to know if you will turn me to some law authorizing you to arrest a man for being on it?

The CHAIRMAN. The Secretary probably knows more about those arrangements.

Senator DAWES. He refers to the prisoner in a very polite and proper way.

The CHAIRMAN. But I am referring to this matter of title.

The WITNESS. I know nothing of the title.

Senator DAWES. He asserted dominion over the territory, and I did not know but that he had some idea about the authority. I suppose Mr. Tibbles may have gone down there under the idea that he could go anywhere where the owner of the land did not forbid.

The CHAIRMAN. I confess I do not myself understand what the authority of the Interior Department is over Indian reservations, but I think we can find that out much better perhaps elsewhere than from this witness.

Mr. DAWES. We have it right here in our books. [To the witness.] What was the first that you ever heard about their wanting to settle there and give up their land in Dakota Territory?

The WITNESS. I should think it was perhaps the middle of May, last spring.

Q. (By Senator DAWES.) How did you hear that?—A. I heard them talking of it in their councils.

Q. You did not suggest it?—A. Not at all.

Q. Do you understand their language?—A. I do not, but the interpreter was present. They were talking about something. I was standing by the clerk, and I asked what it was.

Q. You learned it through the interpreter and clerk?—A. Yes, sir.

Q. What did you say?—A. I do not know that I said anything.

Q. Did you suggest anything to them about it?—A. About their title?

Q. Yes, and about whether they had better arrange with the government?—A. I do not think I ever did. I cannot call to my mind a time when I ever did.

Q. You never told anybody that you had set the ball rolling yourself in the spring; that is, set this matter going?—A. Not that I know of.

Q. Never said anything to that effect?—A. I do not think I ever did.

Q. And that you had taken care not to involve yourself with the department in any way about it?—A. I do not know that I have. I might have made some remark that might be construed that I had been very careful in what I had done, so that the department itself or anybody else should not be tangled up with it; that, if anything, it should be their own free will.

Q. But did you set it going?—A. No, sir.

Q. Or encourage it?—A. I do not think I have. I have no interest in the matter.

Q. How much crop did they produce this year?—A. The crops have not been very large.

Q. How large?—A. A few of them raised small patches of corn. They raised quite a quantity of vegetables.

Q. What kind of corn?—A. Shelled corn.

Q. How many bushels?—A. I do not know. They have been digging it out all the fall. Michel had quite a farm.

Q. How much?—A. Five or six acres.

Q. Good crops?—A. Very good crops.

Q. Ten, or twenty, or thirty bushels?—A. I am under the impression that he told me that he had 150 bushels after he got through. They use a great deal of green corn. White Eagle had quite a field.

Q. Quite as large, or not as large?—A. I never went on to his field. I think about the same, but I may be mistaken. Standing Buffalo had, I should think, four or five acres of corn.

Q. Did any of the common people have any?—A. Primeaux had some.

Q. Any others?—A. Yes, sir; several of them.

Q. You said their crops were small. In what did they fail?—A. It was very dry the last summer.

Q. Is it a grasshopper region?—A. No, sir.

Q. Have you been an Indian agent before?—A. No, sir.

Q. Where did you come from?—A. Illinois.

Q. What was your business before you went there?—A. I had been in the Post-Office Department.

Q. Had you had any experience of Indians, in the management of them, before?—A. No, sir.

By the CHAIRMAN:

Q. Is it one of the rules of the agencies, as far as you know, that persons who desire to come in request permission to come?—A. Yes, sir.

By Senator DAWES:

Q. That is the rule of the agencies established by law, I suppose?—
A. Established by instructions or by law.

By the CHAIRMAN:

Q. In your judgment, would it tend to peace and good order at agencies if all persons were allowed to come and go at their pleasure inside and outside?—A. It would tend to create disturbance.

Q. Is it so, or not, that about all agencies there are many men whose presence among the Indians would be injurious to peace and good order?—A. Yes, sir.

Q. And for some reasons, under some supposed authority, it is obstructed and not allowed?—A. Yes, sir.

The CHAIRMAN. Whether there is authority or not, is a question we may ascertain perhaps otherwise.

FRANK LA FLESCHE examined.

[The questions to and answers of this witness were translated by Rev. J. Owen Dorsey, sworn to act as interpreter.]

By the CHAIRMAN:

Question. Are you the uncle of Bright Eyes?—Answer. I am.

Q. Do you know Mr. Tibbles?—A. I know him, though I saw him at night, and do not know his face.

Q. Did you see Mr. Tibbles last summer at the Ponca Agency? And state all that occurred, what Mr. Tibbles said, what Mr. Tibbles did; just tell the whole story.—A. I saw him. I do not know how to write, and therefore there are words that passed, some from him to me and some from me to him, which I cannot remember. The agent had caused me to take charge of the horses, and I was at that place; I do not know the time in the evening, it may have been eight o'clock or it may have been nine o'clock, I do not know. A young man came on horseback to me, Little-Man-Stands-Up was his name, a Ponca. This young man came riding on one of my horses and he said to me, "Elder brother, go off to a place, ride on a horse and go to that place, to Rush-in-the-Battle's lodge, the place near where he lives," about three miles from where I was, "where white man is waiting there for you," he said.

Q. That place was about three miles off?—A. About three miles from where I was. I was at the agency stable attending to the horses. I reached that place, and there I found the Indians around in a circle, just as people are here, and there I found two men, one of them this man [Tibbles] and the other Henry Fontanelle. I do not know which one got up first, but it was said to me, "This is the man." Henry, whom I call my brother-in-law, said to me, "You have come; it is you." "Yes, I have come," said I. Henry said to me, "This man is the leading man of your friends; this is the man; he wishes to talk with you." I thought that he would speak to me right in the crowd where they all were, but he and Henry and myself, we only, went a little to one side. Henry said as follows: "We have come hither for you." "Yes, brother-in-law, that is very good, brother-in-law; brother-in-law, we have been sitting looking and hoping for this," said I. "Yes, my friends, when White Eagle came to me he said to me that in the middle of the summer—in July—I saw our friend, and he said, I will come to you. And so, my friend" (speaking to him), "we have been waiting to see you; we have been depending on you for help. O, brother-in-law, how shall we do it?" I said. "All the chiefs have gone on a friendly visit to the Cheyennes, and I am the only one left here at home. Brother-in-law, how shall we manage to move, walking in the night?" "You are to move," he said.

Q. Who said?—A. Henry said to me—Henry Fontanelle, I call brother-in-law—"You are to go this night with some of your people and move, say about ten of you, ten with you are to go, to go this night; and when you have gone towards your home, then a few at a time, four and five and six at a time, are to go off at night. That is about all your friend has come to say to you. When this agent, who is here on your land, has but few left of the tribe, then your friend will take all of you." "Yes, brother-in-law, my friend has been trying to do something good for me, and we have been depending upon him for help; but this deed is something very different." I said, "If our friend comes around trying to help us by intercourse with the Great Father if the Great Father is willing for us to move, and he comes with a letter from the Great Father saying, 'You can go,' then we will go. If it would be we thought you would come with a paper saying for you Indians, the Indians who are here, 'For you I have come, have that authorization from the Great Father'; that would have made us very glad had you done so. Not having that, we do not like it."

There were some more words I cannot remember, but it is because I am not able to read or to write, but such words as I do remember I tell

about my story. "If this offer had been offered at the first, then all the tribe would have gone to their home. You, my friend," speaking right to him, I said, "You want us to go away in the night. That is something we cannot do. We do not agree to that. For my part, it is something that it is impossible for me to do, because I am afraid of the whites. Another thing, I do not speak the language of the whites." I said to him again, "Brother-in-law, all these chiefs have gone away to a certain place; when they come back if you will talk with them, then see what they all agree upon, that they will do, but I myself cannot do it." I said that if the young men should all assemble together, all agree upon it, we might go; "but this thing of going in the night is not the thing. If you would come in the day time, come visibly, plainly, having paper authorized by the President, all our young men would come, but going in the night that we do not agree to." We were hoping that he would come showing his authority from the Great Father and then show it to the agent, and the agent acting on that would give out the rations so as to last us in our journey; and that would have made us very glad, "but my friend in doing this you do another thing, and that is impossible."

I spoke also about the rations. If we had rations for a day or so; they would soon give out; "but," said Henry, "your friend has some rations for your benefit." Where he put them for me he did not tell me; nor how much it was he did not tell me. He simply said, "He has some rations for you;" that which was necessary for going on the journey. Whether he meant in money or in kind, I do not know. Then we separated, to wait for the return of the chiefs. Henry said he would go towards the Pawnees, and the white man said he would go to Arkansas City to wait. That is all I have to say.

Q. After the chiefs came back, did you see Henry or Tibbles, or both of them, with the chiefs?—A. When I came to my own house—not to the stable, but to my own house—my daughter asked, "My father, why is this? What is the matter?" And I said, "The man that wanted to help us came for us; one on whom we depended for help, and were expecting to help us, he came for us. My child, this man upon whom we depended in the matter does something else for us, and we are afraid that we cannot succeed at it, and so we hold back." I slept at night; in the morning I went to the stable, and Henry came to me and said, "Do not tell anybody about this; do not tell the agent about it." Henry did not wish the agent to hear about this. He did not want the agent to know about the coming of this man. When I went to the stable in the morning to attend to my work at the horses, I passed by the door of the agent's house. I saw the young men there talking. I thought, "Well, they were told not to tell about this, but I think they have told about it"; and I thought my white friend had gone towards Arkansas City; I thought Henry had gone towards the Pawnees. I heard that Henry, sitting in a small wagon, had gone towards the Cheyennes in the direction of these chiefs, and it was not so about the one going to Arkansas City and the other going to the Pawnees. Together they went towards the Cheyennes. That is the end; that is enough. And what happened when they reached the Cheyennes I do not know; I have not heard.

Q. Did you see Tibbles or Henry afterward?—A. I did want to see them a second time.

By Senator DAWES:

Q. When was this?—A. When he came to the agent's house, I was off at a distance with the horses and so I did not see him. I do not

know the exact month ; the exact time he came there. We had finished planting the corn.

Q. It is true that you would have been glad and all your people to have gone back, then, if the President would have consented?—A. Yes, I said that.

Q. The rest of them would, too, would they not?—A. It was so with the rest of them, and I told him just what I thought myself.

Q. Do you think all the rest of them would have been glad?—A. I think it is just so with the rest of them, that they would have thought the same way. If he had come with a paper authorizing him to act from the Great Father and shown it to the agent, we would all have gone with great joy.

Q. Do you feel so now? If the President would put you back in Dakota just as you were when you left, would you like to go back?—A. It is not so with me.

Q. Now, if the President wanted to put the Poncas back just as they were before, would they say that they would stay where they are?—A. Yes, we have spoke enough about that, and we have come because we want to sell our land and to get the implements and arrange about that. For that purpose have we come here.

Q. If you cannot sell your land there, and the President is willing to have you go back and will carry you back, would you like to go if you cannot sell the land and get the money for it?—A. We were just thinking of coming hither for selling our land and getting the damages for injuries suffered from the Sioux; and as to this other thing about the Great Father desiring us to go back to our old land, the possibility of that we have not thought of.

Q. The object of consenting to this arrangement is to get some money for your land in Dakota, and damages for the depredations of the Sioux?—A. Yes, we come for the purpose of settling this matter in a satisfactory manner as to selling our land and getting pay for that and as to getting pay for the inroads of the Sioux for what they did by killing members of our tribe or stealing our ponies or killing our cattle, and also we wanted it taken into consideration how a member of our tribe died on the way and from coming down. We have put it all in a lump, and ask that this be settled. For that purpose have we come. As to the Great Father directing us or wishing us to go back to our old land, we had not thought of it in the least.

Q. I do not think my question is quite comprehended. I want to see the moving cause. If your people could have just as much money up there as you will have if you stay down in the Indian Territory, which place would you rather live?—A. I do not remember it at all, but I am angry, and so I say these words.

Q. What are you angry about?—A. We came time after time; White Eagle and Standing Buffalo came on and they failed. Our friends here came and failed; so we just cut the matter off.

Q. What do you mean by that? That you are angry to think that all your efforts to get back have failed, and therefore you are willing to do this?—A. I am getting out of patience with this. For three years we were hoping for something here we could climb up; it was just like going up a small wall, trying to get up there, and we failed in that. Now they ask us which you want to do, to go back there or stay? It is that I am getting out of patience with—getting tired of.

Q. Have you ever asked the President that you might go back?—A. Yes; when we went back where we were formerly, to the Great Father. We saw the three Great Fathers—the one who sits above the one who

wears the glasses, and the one who had a bald head. They were all three there, and we said to the Great Father: "We want to go back to our own lands." They were unwilling. We spoke twice with the Great Father, the one up above.

Q. What did he say?—A. He was unwilling.

Q. Can you tell when this was?—A. It was in 1877, October.

Q. (The letter of October 25, 1880, having been read, interpreted, and explained to the witness, sentence by sentence.) Does that letter contain every thing you thought it did when you signed it?—A. All that we said is written there.

Q. Is there anything left out which you supposed was there when you signed the paper?—A. For three years we were waiting for our friends to come to us and we got very tired, and so we changed. That is what I meant. We turned over in consequence of that. Yes, we thought it was so written there.

Q. Is that the meaning of this paper?—That is what caused us to turn over. We were very tired.

Q. And that is what you meant to convey to the President.—A. Then being very tired we of ourselves determined that we would send this paper on. The women and children all heard it and they all knew of it.

Q. The reason you sent it was because you got tired of waiting for the relief you had expected?—A. Yes; that is just our reason.

STANDING BUFFALO examined (Rev. J. Owen Dorsey, acting as interpreter).

By the CHAIRMAN:

Question. State fully all that occurred between yourself and Mr. Tibbles and Henry Fontanelle, in the Territory, in June last, on the road back from the Cheyenne and Arapahoe Agency.—Answer. We went from the Ponca village to see the Cheyennes. On our homeward way, we came to the Salt River. I crossed the river and reached the other side. Coming on the homeward way, I got this side of the river. I saw a number of Poncas sitting in front of me. They were going towards home and were sitting down on the way directly in front. I looked and saw from the Ponca Agency a black wagon, two white horses in it, coming towards those Indians who were sitting down in front of me, and when those Poncas who were in advance of me met the wagon one of the young men came running towards me. This young man came and told me, "The man with the gray coat on has come hither." The young man came to tell me this.

Q. Who was the man with the gray coat?—A. Mr. Tibbles. I shook hands with both.

Q. Who was the other?—A. Henry, the man who was part Omaha, I considered as my nephew, meaning Henry Fontanelle. "We have been walking desiring to see you," Henry said. "We went to the Ponca village and they told us there that you chiefs had gone off, and so we have come seeking you. We wanted to meet you." "Well, my friend, my nephew, also, tell me this very strict." "I will tell you. Your friends, although they are working for you, have not yet accomplished this work for you. As we are in a great hurry I have come hither for some of you." "Is the Great Father willing?" I said. "Although it is not so with reference to him" (that is, the Great Father), "yet in two or three or four years your friends will acquire this for you, and we want you and a few others to attempt to go off." Henry was the interpreter; he was the one who told me this. "O, nephew, my friend

also, dishonestly or that is not straight. I do not desire to walk; I wish to walk straight. This advice is something which I do not consider good at all." And so I left them and went around towards my home. That was all I said to them. Leaving them I reached my home.

By Senator DAWES :

Q. Did you want to go back if the President would have consented and taken you back?—A. I do not know.

Q. You do not know whether you would have wanted to go back, then, or not?—A. A. No; it was not at that time apt to be straight, and therefore I was unwilling.

Q. Because you did not think it was right, was that it? Would you have been glad to go back, then, if the President would have consented?—A. He was pretty near round and that I did not consider good for myself and so was unwilling.

Q. If everything had been right would you have liked to go back?—A. How I would act in the matter I do not know, my people not hearing of it; I do not know how I would act, my people would have to hear about it.

Q. Do you remember being before this same committee in the Capitol last spring?—A. I remember it.

Q. When you were there in the spring did you want to stay in the Indian Territory, or want to go back to Dakota?—A. I went home after coming to Washington. I told the Poncas that those who wanted to go back to the old land had failed.

Q. Did you tell them when you went home that they had failed, and therefore they had better stay where they were?—A. I told them they had failed so far, they had not completed the work, and it was not straight as yet. That is what I told them.

Q. What did you advise them to do?—A. For three years we were waiting for our friends to say to us, "You shall move back," and they have failed so far, and when I went back of course I would not tell them "You are to act and go."

Q. What did you tell them when you went back?—A. "Your friends, the white people, who are carrying on the work, up to this time have failed. They have not completed it; it is not straight yet." In the middle of the summer one of these friends spoke of coming to us, so at that time I carried that word back, That was the man, the man with the gray coat [pointing to Mr. Tibbles].

Q. Because you had failed in getting back to Dakota, was that the reason why you changed your mind and thought your people had better stay where they were?—A. When this man came to see us, at that very time as he had failed, on account of his failing we turned over.

Q. Last spring after you testified before the committee in the Capitol, did you not come down here to the Interior Department?—A. Yes.

Q. Did White Eagle come with you?—A. I did not come with him. I came by myself.

Q. After you got back into the Indian Territory you sent a letter to the Secretary of the Interior, did you not?—A. Yes.

Q. Who wrote that letter for you?—A. I do not remember. I know about the great letter.

Q. I mean a letter which you signed yourself and nobody else?—A. I do not know it for myself; I do not remember it. In case I remember it, I will tell. If I do not remember it, it is because I cannot.

Q. It is a letter in which you wrote the Secretary about the wagons the Secretary had promised. Do you remember writing back to the

Secretary, after you got down to the Indian Territory, about the wagons, and saying you wanted some more?—A. I do not remember.

Q. Let me read you the letter.

PONCA AGENCY, INDIAN TERRITORY, *May 3, 1880.*

SIR: As I told you when I was in Washington last winter, I would rather stay here than anywhere else. My people have quieted down, but somebody has told them that when Congress adjourns they will be told whether they can go back to their old reservation or not. I don't do as I want to at all times, but I do as you advised me to do. About one-half of the tribe would remain with me here if I advise it, should the others leave.

I wish you would tell us what you wish us to do; tell us in plain English. I can prove by any one that the half-breeds are the worst about trying to go back to Dakota. I wish you would write and tell the half-breeds in plain words what you expect of them.

Some white men have been fooling with us for nearly two years, and preventing us from doing anything. I wish you would do something with these white men. It is not our fault that the Poncas are unsettled. Stop these white people (Tibbles and others) from interfering with us, and our people will quiet down and go to work.

When I was in Washington I thought but few of the Poncas would be willing to stay, and I asked for only ten wagons. I would now like to have twenty wagons for my people. You spoke to me about money due us for damages committed by the Sioux. I should like to hear what has been done about it by Congress.

Yours, very respectfully,

STANDING BUFFALO,
Ponca Chief.

Hon. C. SCHURZ,
Secretary of the Interior, Washington, D. C.

—A. Now I remember.

Q. Do you remember who wrote it for you?—A. The man who does the writing, the employé of the Great Father, the man we have for that purpose.

Q. Is it the same man who wrote the petition to be signed that you refused?—A. The same one.

Q. Who interpreted it to you before you signed it?—A. The man that we had for interpreter.

Q. Who was that?—A. The same man who is here now.

Q. You say in this letter that when you were in Washington you thought that only a few of the Poncas would be willing to stay down there, and you would want but ten wagons; do you remember that?—A. Yes; I remember that.

Q. Would they not need just as many wagons whether they wanted to stay or go?—A. When I was here I asked the Great Father, whose room this is, for wagons. I wanted wagons, and so I asked him for them.

Q. But the letter says you asked him for only ten, because you did not suppose more would want to stay down there in the Indian Territory. Does that mean that he was not going to let any one have a wagon who would not stay down there, or what does it mean?—A. I said this: those of my young men who were without wagons, those to whom they did not reach in the distribution, were few, and so I asked for that number.

Q. That is not what you say in the letter. You say, "I thought but few of the Poncas would be willing to stay, and I asked for only ten wagons," because only a few of them would want to stay?—A. What things we have asked for that I know about; that is, what I acknowledge. Those things do I speak about. We asked before this Great Father (indicating Secretary Shurz.)

Q. Did not the Secretary talk with you here alone about wagons, and

about damages committed by the Sioux?—A. When I came here by myself, I just talked about the wagons and about the money.

The letter says:

Q. "My people have quieted down, but somebody has told them that when Congress adjourns they will be told whether they can go back to their old reservation or not. I don't do as I want to at all times, but I do as you advised me to do." What did the Secretary advise you to do?—A. "I don't do as I want to at all times, but I do as you advised me to do." The words I said I cannot recall.

Secretary SCHURZ. If I may be permitted to make a statement, Standing Buffalo came to me at his own desire and solicited a conversation with me. Esaw was with him. I assembled a number of gentlemen in my room. Reports had been spread of former conversations where they were not permitted to talk freely or something of that kind. Then I had my stenographer, Mr. Hanna, take down every word that was said. What was said was written out, and I embodied that in my testimony before the committee, and you will find it there, every word. There are four persons here, perhaps more, who were present at that interview, myself, Mr. Hanna, Esaw, and Standing Buffalo, so that as to the advice I gave you will find it verbatim in the testimony before your committee.

Senator DAWES. I do not care so much what it was as what he understood. The difficulty about this thing is that Indians go off with a different understanding of what we are to do from what we understand. I want to see what he understood. He went down from here evidently on a mission. I wanted to know how he understood his own mission. There is another part of the letter I would like to ask him about.

STANDING BUFFALO'S examination continued:

By Senator DAWES:

Q. Did anybody up here tell you to keep away from the white folks, Tibbles and others? I refer to the time when you were here last spring.—A. No one said that to me.

Q. No one here said anything about Tibbles to you? Tibbles had not been down to the Territory till after that, had he?—A. I said that he came in the summer after this.

Q. If nobody up here said a word about Tibbles, and if Tibbles had not been down there, then how came you to write back to the Secretary, "Stop these white people (Tibbles and others) from interfering with us, and our people will quiet down and go to work"?—A. I said that.

Q. What did you mean by that?—A. In this land, in the warm land, I wanted to keep quiet, and to carry on the work there, work for myself, and so I wanted them to let me alone, as I had for three years been waiting.

Q. Had you got tired of waiting? Is that what you mean?—A. I was tired, very tired. I was waiting, and the bounds were way off. I was very tired.

Q. Do you mean to say that you were waiting for relief, and it did not come?—A. For three years we had been waiting for some one to help us; that is, those who wanted us to reach our own land again. Those who wished us to do that were working for us for three years. They failed; they did not accomplish it, and we were tired; and when he came down to us he said that it would take about four years; so we got tired. In the future it would not be completed for about four years; it was three years in the past, and it would be about four years in the future.

Q. And that discouraged your people, and you signed this petition;

and was that what made you sign this petition?—A. That is what caused us to turn over.

Q. How many wagons did you get after you sent this letter?—A. I received ten.

Q. Do you mean ten more? “I asked for only ten wagons.”—A. Those that we asked for in the spring, when the grass appeared, ten wagons; those only we received.

Q. What did you do with them?—A. In my tribe they put them by my lodge, and then those who were going about had them.

By Secretary SCHURZ:

Q. When you were here last winter you came to me to see me; and did you not say to me that there were a good many in your tribe that wanted to stay in the Indian Territory?—A. I said that.

Q. Did you not repeat that in your letter, and say to me then that there were more who wanted to stay in the Indian Territory?—A. I said that.

Q. When you came here after having written that letter in October to me, did you not say that they found the land was good, and they were healthy, and they were satisfied there, and therefore wanted to stay?—A. I said that. We were without sickness, I said.

Q. Did you not say that they wanted the white people to let them alone and go to work?—A. I said that.

Q. I was told this morning that an impression had been produced as if the letter of the 25th of October did not contain all which the Poncas had then said, and which they had then wanted to be written by the clerk of the agency, and that something was left out. I want to know whether that is so?—A. All the words are in that great letter, every one we want. We want all those words, and so we put them in that letter.

Q. My question was whether they wanted the agency clerk, to whom they dictated that letter, to say something more in that letter which was not written down. In other words, was anything left out?—A. All the words there we made, and we sent them here.

Q. Did the clerk write down all that you wanted him to write down, or not?—A. Up to this time we stopped as we are tired, and, therefore, we want you to give us a firm title to this land. That is what we said.

Q. When you came up here you told me that you had been healthy, that you found the land good, that the Indians around you had become your friends, that your people felt well there, and, therefore, wanted to stay. Did you not say that to me?—A. Yes; we told you that.

WHITE EAGLE examined (Rev. J. Owen Dorsey acting as interpreter:)

By Senator DAWES:

Question. Do you remember when you were before this committee at the Capitol last winter?—Answer. Yes; I remember.

Q. Did you not tell us there that you would not be willing to stay down in the Indian Territory even if the government would pay you a fair price for your land in Dakota and fix your people up down there in the Indian Territory as well as they could for money? Did you not tell us that?—A. In the warm land, if the Great Father showed whatever was good, I think I would take it. That is what I said.

Q. What I want to know is whether you did not tell the committee when here before, that you did not want to stay there, but wanted to go back to Dakota?—A. Yes; you say the truth. I said just that.

Q. Now, what has made you change your mind, so that you want to stay down there now?—A. When I came here three years ago, I went before the three Great Fathers. I told them the land was bad. They gave me a paper, and told me to go and hunt some other land for myself.

Q. But you want to stay down there now, you tell the Secretary and everybody, and I wish to know what has made you change your mind? You told us you did not want to stay there, and now you say you want to stay?—A. I have come here twice to work, and I went back without finishing it, and it was hard for me, I thought, and I turned myself over.

Q. You turned yourself over because you got discouraged trying to get back; is that what you mean?—A. I got tired, and so in turning over I sent the letter to the Great Father.

Q. Got tired of what?—A. I came hither repeatedly for the purpose of speaking about going to my home, and failing about that I thought I would turn over anyhow.

Q. Have you seen your old home since Mr. Kemble took you down to the Indian Territory?—A. I have not seen it again.

Q. Are you willing to give up the old burial grounds in Dakota, or would rather go back there if you could?—A. I wanted to go; though it is enough; I have finished; and so I am working for myself in the Indian Territory.

Q. Do you know how many acres of land you are going to get in the Indian Territory in the whole allotment?—A. I do not know.

Q. Have you ever seen the boundaries of it, so that you know how far it goes one way and the other?—A. I do not know. I wish to know, and so I have come here to ask about it.

Q. Do you know how much money your people are going to get in this trade?—A. Although they have told me, I sit forgetting it.

By Secretary SCHURZ:

Q. Has it not been fully explained to you?—A. Yes; it is apt to be straight. So I think.

By Senator DAWES:

Q. Do you know what is going to be done with the money?—A. I know.

Q. What is to be done with the money?—A. I know it somewhat.

Q. State as much as you know about it.—A. Nevertheless I do not make a letter, and how much these amounts are I do not know.

Q. Do you know that you are going to pay part of it for the land down there?—A. Yes.

Q. Do you know whether any of it is going to be paid to each one of the Indians for his pocket?—A. I know it. As they told it, so I hear.

Q. You know some of it is to be paid for the land down there, and some of it to be put into the pockets of the Indians. Do you know that the government is going to keep some of it for the Indians, and pay them every year annuities, or the interest on it?—A. Yes; as they read it they read that, and I think it is good.

By the CHAIRMAN:

Q. Have you not good houses down there now?—A. They are not exceedingly good, but inside they are of cottonwood and the cross-timbers are of pine.

Q. Are they as good as the houses you had in Dakota?—A. They may be compared with them, but yet they do not come up to them. There is a remainder.

Q. How were the houses in Dakota covered?—A. They were covered with soil, clay.

Q. How are the houses where you are now, covered?—A. With shingles.

Q. The houses in Dakota were log houses?—A. Yes.

Q. And your present houses are log houses?—A. Yes; the same.

Q. Has the health of the tribe been better during this year than it was after they first went down?—A. Formerly we were very sick, but for a year or two we have been without sickness. I think this is the third year.

Q. Is your own health better than it was when you first went down?—A. I am not sick myself.

Q. Do you find that the land is good land to work?—A. It is arable; it can be cultivated. I have broken and cultivated about ten acres.

Q. Is the water good?—A. The water is good. Springs abound.

Q. And timber?—A. Yes, there is wood.

By Secretary SCHURZ :

Q. Was there anybody who induced your people by any threat or promise or any other inducement to write that letter which you sent to me in October?—A. I that am a person who have been born a body, when I see what is bad I try to pass around. Of my own heart I said to the chiefs and to the young men, "if I am not working I am just as if I were foolish." I said to the agent this did I want, write it for me to the Great Father. That is enough. Do you think I have told all that is in the letter?

Q. The letter expressed, then, your own free will and desire?—A. We think that all we said was in the letter. We, deciding for ourselves, told the writer.

Q. Did you consult with the other people of the tribe about it, and were they all desirous that it should be sent?—A. It was not every one of the lodges, but the principal men, as many as would come. They said it was good, and so they put their names to the letter.

Q. There were some who did not sign the letter. Did you talk with them as to whether the tribe desired this or not?—A. The women did not come and the children did not come. The chiefs decided, and we signed the letter.

Q. I asked you on the first day when we counselled together whether you knew any one in your tribe in the Indian Territory who did not agree with you in expressing the wish of the tribe in that letter, and you said that you did not know any exception. I asked him the same question again?—A. All of them being willing, so I took hold of the pen, I said.

Q. Meaning all the male members of the tribe?—A. Every one of them being willing.

Q. I asked the same question of every one of the chiefs here, I would say, and received the same answer that they did not know an exception. Now, did you not, in the speech which you delivered before the commissioners sent down by the President to the Indian Territory, after having recited the hardships that you had suffered, say that now a new light had dawned upon your people, and they were satisfied with the land and with their health and with the Indians surrounding them, and that they wanted to stay?—A. I said it.

Q. Did you not declare to me in the name of your whole tribe that they would be entirely satisfied to stay?—A. I said it. I will tell to the Great Father that all the persons were willing. I myself went towards

that man [indicating Mr. Tibbles]. Now I have gone with them and they are all willing. There is no place where I would turn back when I was partly on the way.

Q. Did you not say to me that you wanted to be let alone to go to work now, and not be interfered with by any white people?—A. I did; I want my friends to let me go; I want to work.

Q. Where you are?—A. I want seed to sow in the land; I want to work.

By Senator DAWES:

Q. Do all the young men of the tribe want to stay there?—A. Yes, sir.

Q. What was meant in the letter by saying: "Our young men are unsettled and hard to control, while they think we have a right to our land in Dakota"?—A. I wanted to sell my land that belonged to me; Standing Bear had gone off; I did not want others to go off, and so I wanted to sell it.

By Secretary SCHURZ:

Q. I think it was you—it may have been Standing Buffalo—who said to me that this passage in the letter meant that whenever any of the young men got excited about something—were dissatisfied with some trifle—they talked of running away, and running to Dakota, and that you wanted to stop this?—A. We were afraid of that, and we wanted them to keep still in the land, and so we thought that and said that.

By Senator DAWES:

Q. What are you going to do with Standing Bear and those Poncas who are up in Dakota when you make this trade?—A. Those persons we want to take back, but they walk according to their own hearts. We hope to take them back, but they walk according to their own hearts.

Q. Is any provision made for them in this trade with the government?—A. I remembered them, but I did not speak about it at the time.

Secretary SCHURZ. I am informed that Antoine Leroy has advices from some of those who are in Dakota now, and that they either have informed him by message or by writing him that they want to come back to the Indian Territory if they can get money to do so. I have not spoken with Antoine myself; he might be asked about it; he is here, I believe.

T. H. TIBBLES sworn and examined.

By Senator DAWES:

Question. Have you read the affidavits of James Ruben and Frank Lorry?—Answer. Yes, sir.

Q. Is there anything in them that you desire to testify to the committee about?—A. The affidavit of James Ruben is substantially correct. There are little inaccuracies, such as a man might make from a slip of memory, but the affidavit of Frank Lorry is wholly false.

Q. Will you state to the committee what you went down to the Territory for, and what you did there?—A. The occasion of my going down there was that the Ponca Indians, by their chiefs, had engaged Messrs. Poppleton and Webster to conduct their business for them in the civil courts in the endeavor to get their lands back in Dakota, and these lawyers had a power of attorney from these chiefs to transact all their business for them. After investigating the matter for a long time, and seeing the slowness with which it was probable Congress would act in

the matter, they resolved last spring to bring an application for a writ of *habeas corpus* in the Supreme Court of the United States, that being the only court which had any jurisdiction in the Indian Territory, and the only way in which this matter could be brought into the courts and settled by the courts instead of being settled by the Interior Department. They made all their arrangements to come to Washington to do so. As neither of these attorneys received any compensation whatever for their services, they had to make arrangement when it would not interfere too much with their other business; and it happened that at the time they expected to come to Washington to sue out a writ of *habeas corpus* Mr. Poppleton, who is the attorney of the Union Pacific Railroad Company, was called away by that corporation to attend to some important suits in Saint Louis and could not come here, and before he got back the Supreme Court adjourned. Then there is at Omaha a committee of clergymen and laymen, who, after Standing Bear was released by *habeas corpus*, organized to secure to the Ponca Indians their rights in their old land. They consulted over this matter in the spring and during the summer as to what it was best to do. The lawyers held that the Ponca Indians were illegally in the Indian Territory, that they were taken there in direct violation of an act of Congress and two treaties, and that their legal reservation was in Dakota; but on account of there being no court having jurisdiction in the Indian Territory, and as no process could be served there except it might be from the Supreme Court, and that was doubtful, the only way to test this case at all in the courts would be to say to these Indians that they had a legal right to go home, that they were illegally in the Indian Territory, that nobody had a right to hold them there, and that they should go home to their old place if they wanted to.

The Omaha committee requested me in a formal resolution to carry this message to the Ponca Indians and say to them that if they came over into Kansas they would be under the jurisdiction of a court, and there as residents, the committee would see that they were defended in the courts and have the question tested in the courts. I took with me as interpreter Mr. Henry Fontanelle. We went to the Ponca Agency. I arrived in Arkansas City about one o'clock, I think, in the afternoon, and immediately hired a team and drove to the Ponca Agency. I got there about one hour by sun, and stopped on the reserve; we stopped at the first cluster of houses we saw. The sun was about two hours high, I think; some distance up in the sky when I got there. The Indians seemed to be exceedingly delighted to see me, and in the course of one hour a large number of them gathered around the house of the man where I stopped.

After being there awhile, one of the men rose and said that the chiefs were absent except one, but that he was a head man among them, and he commenced to make a speech to me. He got up and made a speech of some fifteen or twenty minutes in length, interpreted to me by Mr. Fontanelle, in which he said to me that they thought of nothing but to go back to their old land; that they thought of it when they went to sleep, and they thought of it when they woke up. He pointed to a hill, and said: "You came here before the sun went down and you saw that hill; in that hill lies nearly one-third of our tribe who have died in this hot country, and we all want to go back." I said nothing to these Indians about our plans at all. I said to them simply that I had come down to see the chiefs, and I would see the chiefs first, and talk to them. They were gone. They then sent out for White Swan, or Frank La Flesche, and some time during the evening he came. His statements in regard to what

occurred are correct, except that I requested the interpreter to say to him—I do not know whether he did or not, but I requested him to explain to him the condition of these suits; that it was impossible to bring any process in the Indian Territory; that unless they went over into Kansas no process could be served. I do not know whether the interpreter told all to him or not. He told it just off-hand to him. Frank La Flesche said they had been waiting and longing for us to come, but expected when we came we would bring an order from the President for them to go; that they would be afraid to undertake to go in that way; afraid they would be killed, and could not get into Kansas.

I did not know exactly what to do, the chiefs being away, but after Frank La Flesche left I concluded I would go on and see the chiefs. So I staid at that man's house that night, or rather in a tent, it was, and in the morning about eight or nine o'clock Mr. Fontanelle hitched up the buggy, went down to the agency, and bought some provisions to last us on the way. He came back, I got in, and we drove off towards the Cheyennes to meet the chiefs. I met them and told them the same thing; that if they undertook to do it the Omaha committee would assist them in getting back to their old lauds; that we would look upon it that they had been unjustly driven from those lands, and that if they wanted to go back we would assist them with provisions on the way, and if they undertook to go and were arrested we would undertake to test the matter in the United States courts in Kansas. They said they would take the matter under advisement; think about it. I only told them that; I urged them in no other way. I told them what they could do. I told them it would be a long time before the courts could settle it by suits in Dakota and Nebraska, and it would be nearly a year before Congress could act on the case, and that if they choose to stay there quietly another year and wait for the action of Congress, they could do it, or they could take this plan, get over into Kansas where we could get the process of the court.

Then I went back to Arkansas City; Mr. Fontanelle went to the agency, and went on to see the Pawnees, and after four or five days came back. He said he had talked with them a little about going back, but they were still discussing what they would do; that they seemed to be terribly afraid of the agent and the government. Whenever he told them they could go into Kansas and we would undertake to sue out process to protect them, they would say, "they would kill us; did they not kill Big Snake?" and seemed very much cowed by the fact of Big Snake's death; and he did not think they would undertake to do so. He was anxious to get home and went home, but he told me that Michel, one of the leading chiefs, had told him there was a man named Frank Lorry living near Arkansas City who was a friend of the Indians, a personal friend of his; that they both spoke French, and if Mr. Fontanelle wanted to go home, and they wanted to communicate with me, Mr. Lorry would act as interpreter. So we went out to see Mr. Lorry, and ask him if he would act as interpreter. He said he would be very glad indeed to do so; that he was a great friend of the Indians; wanted to help the Poncas, and all that sort of thing. So Mr. Fontanelle went home. I remained at the hotel four or five days; I was sick; I was not able to get out of bed part of the time; I knew Chief Joseph was near there, and that he had been sent to the Indian Territory very much in the manner of the Poncas, and I thought I would go as a newspaper man and interview Chief Joseph and see what he had to say; hear his own story, as I had never seen

it published in detail; and, if I could get an interpreter, I would have him tell his story and go to the other Nez Percé chiefs. On my way out to the Nez Percé reserve, which is adjoining the Poncas, I stopped at Mr. Lorry's and got dinner, and I told him I had not heard from these Indians; and if Michel, the chief, came up there, to tell him I had gone to a ranch over there, and was going to see Chief Joseph, and would be back in two or three days, and he could communicate with me in that sort of manner.

Where Mr. Lorry says that I showed him a pistol, he tells a point-blank lie; where he says I showed him a roll of money, he tells another point-blank lie. I never had a pistol, as Agent Whiting knows, for he examined me when I was there. They searched me after I went into the room, and I had no pistol. The gentleman who searched me knows I had not any. I went on to the Nez Percé reserve; was caught out in a storm—in fact, had to lie out all night; and the next day I rode up to that ranch, and next day went over to the Nez Percé reserve. I stopped at the first house I came to, which happened to be Yellow Bull's. I asked him where Chief Joseph was. He told me, and sent an Indian with me. I went with this Indian, and went right to the buildings of the agency and got my dinner at the agency buildings. The interpreter came in, and I told him I wanted to see Chief Joseph and have an interview with him, to be published. He said he would send for Chief Joseph and have him come down so that I could talk with him. Instead of sending for Chief Joseph, as he told me he would, he sent to the Ponca Agency, as he knew they were hunting for me, which I did not; and while I was there, a Nez Percé policeman came up and arrested me and took me to the Ponca Agency and kept me over night, and transported me out of the Territory the next morning.

Q. Did you go to see Chief Joseph for any other purpose than that you have stated?—A. No other purpose in the world.

Q. Did you go to the Ponca Agency for any other purpose than that you have testified?—A. None at all.

Q. Did you do anything else there but what you have testified?—A. Nothing else. I went there in daylight and came away in daylight.

By the CHAIRMAN:

Q. Did you go to the Ponca Agency or to the Nez Percé Agency first?—A. I went to the Ponca Agency first.

Q. Did you go the agency buildings?—A. No, sir.

Q. Did you endeavor to find the agent?—A. No, sir; I endeavored to avoid him and all employés.

Q. Were you aware that it was a rule or custom at Indian agencies that white people going there should report themselves in the first place to the agent and make known to him their presence and business?—A. No, sir. I have lived in the West all my life; I have been on Indian agencies hundreds of times and never went to the agent to report myself in the world, and never knew anybody else to do so unless he had business with the agent.

Q. Is it your understanding, then, that any white man, at any time when he pleases, can go to any of these agencies at his pleasure?—A. He goes; there is a big trail and a big road.

Q. Is it your understanding that any white person can, at his own pleasure, go to any agency and remain there without the consent or approbation of the agent or without explaining to him his purpose in going?—A. It is my understanding that they do it constantly all the time; and if the agent has a pique at a man, or does not want him there, he generally arrests him and sends him off.

Q. When you went it was your purpose to conceal your presence from the agent and all the employés of the government?—A. Not my purpose to conceal, but I had no business with them; my business was with the Indians.

Q. You said a moment ago your purpose was to avoid the agent and employés.—A. It was to avoid them, but not to conceal myself.

Q. Your purpose was not to let them know that you were there?—A. I did not care whether they knew I was there or not; I made no effort at concealment whatever.

Q. To whose house did you go first?—A. I did not go to a house. There was a house near by, about sixty yards off, where I stopped, but I saw a lot of Indians at a tent, and I drove up to that tent; I slept in that tent that night.

Q. We examined an Indian a short time ago, Frank La Flesche, who said that a messenger came to him stating that there was a man some three miles off who wanted to see him. Did you send that message to La Flesche?—A. Yes, sir.

Q. From where did you send it?—A. From this tent where I stopped.

Q. Whose tent was that?—A. I do not know; I do not know the Indian's name.

Q. How near did he live to Frank La Flesche?—A. I do not know that; I do not know where he lives. It could not be more than two or three miles. I suppose he stated the exact truth about it.

Q. Your purpose was to see La Flesche?—A. Yes; they told me he was the only chief left.

Q. Why did you not go to his premises?—A. I did not know where it was, and my team was very tired, and I thought it better to send a runner and have him come there and see me.

Q. He came to see you?—A. Yes, sir

Q. Did you propose to him that he should endeavor to procure small bands of the Poncas to leave their territory in the night, and to go over into Kansas and elsewhere?—A. In substance I told him that, although I would relate it a little differently. I do not know how the interpreter interpreted it to him, but I suppose the interpreter interpreted it just as I said.

Q. How would you express it?—A. I told the interpreter to say to him that the Omaha committee had sent me there to say that if any of them wanted to get away as Standing Bear had got away, we would aid them in the same way as Standing Bear; that if they were arrested we would sue out the same kind of process that released Standing Bear and would test the matter in the courts for them, and help them with provisions on the way.

Q. Did you suggest to them to leave in small bands after night?—A. I told them if they were overtaken before they got to Kansas, I could not do anything, because no process of any court would reach them in the Indian Territory, but the moment they crossed the line of Kansas they would be under the protection of law.

Q. Then you did suggest to them the propriety of leaving in small bands after night so that they could get into Kansas before daylight?—A. I did not say "after night."

Q. Did you not?—A. I say no. I did not say "after night." I said that if they were caught before they got to the line of Kansas there was no process of any court that could reach them.

Q. Did you want them to go without the knowledge of the agent?—A. Yes, sir; I told them that they were there contrary to law and two treaties, and they had an absolute legal right to go back to their old

homes, and the courts would protect them in their rights. That is what I told them.

Q. Then, the substance of it is that your mission there to them was to endeavor to procure them, or a portion of them, to leave the Territory without the knowledge of the government officials there in whose charge they were?—A. I would not use the word "procure." I simply stated to them that they had the legal right to do that thing, if they wanted to.

Q. You wanted to get them to do it, did you not?—A. I did not care whether they did it or not.

Q. Are you entirely frank and sincere about that?—A. Certainly; I am as frank as you are.

Q. Did you not really desire to have them leave?—A. No, sir. If they wanted to stay there I wanted them to stay; but if they wanted to go home I wanted them to go; and they told me without exception they wanted to go, every one.

Q. La Flesche thought it was not exactly the thing to leave in that way?—A. He said he was afraid, afraid of the white people, afraid he would be killed; he could not speak English, and he had no interpreter to go there with, and he had no provisions.

Q. Did you tell him you would protect him and feed him?—A. I told him that if any of them would start out and let me know it, in a few days the Omaha committee would furnish provisions to get them through.

Q. Did you fix any points where they should meet you?—A. No, sir.

Q. How were you to know?—A. They were to hold a council and tell me whether they would do that thing or not.

Q. A general council, or a council without the knowledge of the officials?—A. A council among the Indians themselves.

Q. Without the knowledge of the officials?—A. I suppose so.

Q. You went, then, to meet the chiefs returning from the Cheyennes?—A. Yes, sir.

Q. This man Fontanelle that was with you is a half-breed Indian, is he not?—A. I think he is not quite half white. He is a very intelligent, educated gentleman, well known in Nebraska for years and years, a man of integrity and uprightness.

Q. Was he with you when you had your interview with La Flesche?—A. Yes; he was the one who interpreted it.

Q. When you did leave La Flesche, did Fontanelle state that he was going to the Nez Percés Agency, and did you state that you were going back into Kansas?—A. No, sir. Mr. Fontanelle stated that he wanted to go down and see the Pawnees, and I told him that I thought I would go back to Arkansas City; but after he left we found there was going to be eight or ten days before the chiefs came back, and it would be a little expensive for us to wait for them. So after we left the agency we concluded to go and meet them.

Q. Then, he did not carry out the purpose expressed to go to the Pawnees?—A. He did afterwards.

Q. After the interview with the chiefs coming back?—A. Yes, sir.

Q. Did you hear the testimony of Standing Buffalo as to what occurred when you met the chiefs?—A. No, sir.

Q. Will you state what occurred between you and Standing Buffalo on that occasion?—A. Yes, sir. We met just on the banks of the Cimarron River. Mr. Fontanelle and I were riding along in a buggy, and we saw some Indians coming. We said "they are the Poncas." We met one ahead.

Q. Were there some Poncas there other than those?—A. No; they were coming back from the Cheyenne Agency.

Q. But were there some Poncas there other than those who were returning from the Cheyenne Agency?—A. Not at Cimarron River. We were going down and they were coming back. We met one Indian ahead. Mr. Fontanelle spoke to him in the Ponca language. He was very much astonished. He told him who we were, and he said they had been expecting us to come, and they went up on a hill and made signals for some of the rest of them to hurry up. A few moments afterwards Standing Buffalo came up. Mr. Fontanelle acted as interpreter. Mr. Fontanelle talked to him about ten minutes without my saying a word. He knew what I was there for; knew all about that just as well as I did. What he said I do not know, and what Standing Buffalo said I do not know. I did not say anything, only I shook hands with him and said I was glad to meet him. I do not know whether Mr. Fontanelle interpreted that or not, but he went right to work and had a long talk with him.

Q. And then Standing Buffalo left. Did you have an interview with the other chiefs?—A. Then they came along and the band divided. They divided there when they went down, and divided there when they came back, as I understood. Standing Buffalo's band had no wagons, and they went across the country. White Eagle's band had wagons and went across the trail.

Q. Did you see in some of the Eastern papers a letter written by Henry Fontanelle in regard to his experience in the Territory on that occasion?—A. I saw an affidavit. I have the original of the affidavit myself.

Q. In whose handwriting is it?—A. In Mr. Fontanelle's handwriting.

Q. You had nothing to do with the preparation of it?—A. No, sir; he wrote it himself and gave it to me.

Q. What particulars in the testimony of Frank Lorry do you emphasize especially as untrue?—A. Where he said I showed him a pistol, and showed him a roll of money, when I did not have any pistol or roll of money. I would be a pretty fool, in that country, going around with a roll of money.

Q. Had you not any money?—A. A few dollars, perhaps ten or fifteen, not to exceed that.

Q. He says on the outside of the roll he saw in your hands was a twenty dollar bill?—A. All lies.

Q. You would have thought it unsafe to go through the Territory there with a roll of money?—A. Certainly I would. I have been in that country too long for that.

Q. Would you not have thought it equally unsafe to travel through there without some arms?—A. No, sir; I have traveled through that country for years without arms.

Q. The Indian Territory?—A. Yes, sir; and Kansas. I never carried arms.

Q. In those two particulars you say, absolutely, his affidavit is untrue?—A. In those two particulars it is absolutely false.

Q. And the testimony of Reuben is substantially correct?—A. Substantially correct.

Q. And is the testimony of Lorry substantially correct, except in the particulars you have named?—A. The whole thing is tainted with falsehood.

Q. In what particulars?—A. If I had it here I could say. I read it hastily. [The affidavit of Frank Lorry was handed to the witness and examined by him.] I never made such statements about what we were going to do with their ponies or wagons, or anything of that sort. I simply asked him about being interpreter.

Q. You had an interpreter already, had you not?—A. Yes; but he was going home. I went to him with Mr. Fontanelle to see if he would act as interpreter, if Mr. Fontanelle went home. If he would not act as interpreter, Mr. Fontanelle would stay. I never told I would go to the Territory and select a place to secrete supplies. I told him when I was there the second time that if these Indians went away I would furnish them with provisions sufficient to get through.

Q. He mentions there that there was a place there, a depot of supplies or rendezvous fixed at Smith's ranch or farm?—A. That is perfectly false; I never told him I would fix a rendezvous there. I told him that if I went away before these Indians came to a conclusion as to what they would do, I wanted him to write to me, and he could write letters for them to me or to their attorneys.

Q. Was there anything said between you and him about that ranch?—A. Yes; I told him I wanted to go to see Chief Joseph, and wanted to know where there was a ranch where I could stay over night, as I wanted to go on the reserve early in the morning. He told me about Smith's ranch, which I knew of myself. I had stopped there, but did not know how to find it.

Q. Was that all that was said about that ranch?—A. I think that was about all. He told me the Poncas were running off all the time whenever they had a chance, and said he had helped them to run off; that they usually went up the Salt Fork of the Arkansas, and said one camp of them encamped one night by Smith's ranch.

Q. Was anything said about its being a good place for them to camp again?—A. He said it was likely, if any of them started to run away, they would go up by there.

Q. Then the possibility of their going there, in case they accepted the advice to leave, was talked over between him and you?—A. No; I asked him if he knew this man Smith, and if he was a reliable man, and he said he did not know whether he was or not.

Q. Go on. What else is there in Lorry's affidavit that is not correct?—A. He says—

That he [I] could not get them all, as some were too close to the agency, unless he could effect a general uprising.

No such conversation ever occurred. The only thing that ever resembled that, in our conversation, was that, talking about these suits, I said if the whole Ponca tribe were over in Kansas we could then have the case in the courts and justice obtained; but as they were there, that no process could be served and no action could be taken by the courts. Again—

Question. Did W. Tibbles exhibit to you any arms and express any determination, in case he was interfered with by the agent or any one else, of resisting him by force, or disposing of them—putting them out of the way?—Answer. W. Tibbles showed me a revolver he had; he carried it in his coat-pocket, on the other side, and said he was ready to meet any one that wanted to interfere with him.

Every word is absolutely false, and he knew it was false when he swore to it.

Q. He ought not to have done it?—A. I do not deny it. As soon as I got back there from the Indian Territory, three or four gentlemen came up to me and spoke of "that man Frank Lorry you are going to use as interpreter." The man that I hired horses of said, "That fellow is a dog; he went down and told the agent a lot of lies, and he has given you away; he is an unreliable man." Several others told me the same thing afterwards.

Q. What is he?—A. A Frenchman.

Q. You went to the Territory at that time of your own motion?—A. No, sir.

Q. By whose motion?—A. I went by direction of Bishop Clarkson and the Omaha Committee, at their request.

Q. Of whom does the committee consist?—A. Robert H. Clarkson, Alfred W. I. Partridge, Rev. A. F. McGeorge, Hon. Levi Barnum, P. L. Perrine, and Willis Yates.

Q. You started from Omaha?—A. Yes, sir; I made my report to them.

Q. Did you go by way of Wichita?—A. Yes, sir; but did not stop at Wichita. I went straight through to Arkansas City.

Q. You had \$15; at what time did you have that amount of money?—A. I had that amount of money several times.

Q. But on your journey?—A. I had checks. I had my money in checks.

Q. Where did you get your checks cashed?—A. At Arkansas City. They were fifty dollar checks.

Q. At some time, then, you had \$50 in money with you?—A. When I wanted any money, I got a check cashed, and paid the bills. I never had \$50 in my hands more than twenty minutes at a time, because I never went to get money until I wanted to pay it out for hotel bills, or livery bills.

Q. Does Frank Lorry live at Arkansas City?—A. Four or five miles from there.

Q. Was he at Arkansas City at any time when you were there?—A. I never saw him there.

By Secretary SCHURZ:

Q. Did I understand you to say that your object in going into the Indian Territory was this: Inasmuch as Judge Dundy's decision in the *habeas corpus* case had not come up to the Supreme Court, some case should be initiated that could go to the Supreme Court, and for that purpose it was desirable to have some Indians in the State of Kansas from the Indian Territory?—A. That was not the statement I made. I stated this: That the lawyers held that the Ponca Indians were taken to the Indian Territory in direct violation of an act of Congress and two treaties; that their legal reservation was in Dakota, and they had a legal right to go back to their land; but that as no process could be issued in the Indian Territory, as no court had jurisdiction, nothing could be done to get them back to their land, unless they came over to Kansas, where process could be served.

Q. You did not expect the whole tribe to move across the line, but expected some of them to go, did you not?—A. I did not know what they might do. I did not know but what the whole of them might go.

Q. You wanted to get into communication with some of them?—A. Yes.

Q. Did you not know that the Poncas have ever been in communication with Arkansas City in running their teams up there, in carrying freight, and in doing some trade?—A. No, sir; I did not know it until I got there.

Q. You could have learned that very easily in Arkansas City?—A. Perhaps so.

By the CHAIRMAN:

Q. Arkansas City is in Kansas, is it not?—A. Yes.

By Secretary SCHURZ:

Q. You had a considerable sum of money in bank checks?—A. Yes, sir; I think I had \$150 in checks.

Q. If a large number of Indians left the Indian Territory—say, three or four hundred—what would you have done to provision them?—A. I would have had money sent to me by telegraph from the Omaha committee who had the funds.

Q. So you were prepared for all that?—A. Yes.

Q. And you expected them to go?—A. I did not know whether they would go or not.

Q. You desired it?—A. I did not desire anything about it. If they wanted to go I wished them to know the facts, that they had a legal right to go. It was no interest to me whether they lived in the Indian Territory or Dakota.

By the CHAIRMAN:

Q. Does Fontanelle live in Omaha?—A. No, sir; he lives on the Omaha reserve. He is a member of the Omaha tribe.

Q. Did you read the letter he wrote for publication?—A. Yes, sir.

Q. Do you remember anything in it about some Indian woman dying in her tent? Did you read the letter before it was printed?—A. Yes, sir.

Q. It was written in your presence?—A. No, sir; he wrote it at his house.

Q. And brought it to you afterwards?—A. After he got it all written and fixed up he read it to me.

Q. Did you suggest any amendments to it?—A. No, sir.

Q. He relates this incident:

Many instances of sorrow that would move a heart of stone were related to me. One was that an aged mother took sick with no one but her grandchild ten years of age to care for and wait on her. She died with none but the child to mourn her death. The child, in her hour of despair, gave way to poignant grief and heart-rending wailing for her dead parent, and with no one to aid her in the last duty she owed to her dead relative, she dug a hole and dragged the corpse to the hole and covered it. This is one of the many sad instances that occurred among them.

Did that matter come to your attention while you were there?—A. I was told about that before I went there; told by some of the Indians that ran away in Dakota.

Q. Did you perform the good work of a missionary and say to these Poncas that they were a very barbarous, hard-hearted set of beings that would allow that to occur among a tribe of three or four or five hundred of their own people there?—A. No, sir. I did not think they were barbarous, because at the time that happened there were not enough well ones to wait on the sick.

Q. Do you know that?—A. That is what they told me. I was not there. They told me some of them died for want of water. A whole family would be sick and no one to give them a cup of water.

Q. Can you state who told you that?—A. Yes.

Q. Who told you that?—A. Buffalo Rib has told me that; Yellow Bird has told me that, and more.

Q. Did any of the Indians here tell you that?—A. There is a man here that made a speech to me; I do not know his face. He told stories like that. It is already in evidence.

Q. When did you learn that this occurrence took place?—A. When they were first taken to the Indian Territory. I think Gahega, one of the Indians here, told me; nearly all his family had died.

Q. And this statement in regard to this suffering was what you were

told occurred there when they first went to the Territory?—A. Up to the beginning of this year. This year has been an exceptionally healthy year all over that country. Next year they may have another sickly season, and have the same scenes.

By Secretary SCHURZ :

Q. Did you not state publicly that about one-third of them had died, and that there were about 440 of them, in all, left?—A. I have stated that about one-third of the 716 or 717 who went down there, according to the government reports, had died. I read the government reports and saw it.

Q. I have seen it stated that there were 443 or 445 of them left?—A. That is what the reports have shown. My facts I take from government reports. That simply applies to those who are in the Indian Territory of course; there are about 130 that have gone away.

Q. But you said awhile ago that one Indian had pointed out a hill to you where about one-third of them lie?—A. That is what he said in his speech that was interpreted to me. He said, "There is about one-third of our tribe lies buried in that hill."

Q. I have seen statements to that effect in the newspapers, and speeches in three different directions, that about one-third of them had died, and some 440 or 445 were still living. There were 710 Poncas at the time of their removal. There are now at the agency 514. There is one married to a Kaw woman. There are eight at Carlisle, and, as we are informed, there are 130 in Dakota; are there not?—A. About that.

Q. Which would, in all, make 653?—A. I suppose those figures are correct.

Q. If they are correct, 653 is very considerably more than two-thirds of 710?—A. Yes, sir; but you do not take into consideration that there has been a large number of children born since they got there, which makes up the present number.

Q. Then the Indian Territory must be the healthiest country in the world. If there are a very large number of children born in excess of those who die, certainly it is a most wonderful place?—A. Four years ago the Poncas were 715. How many do you figure it now?

Q. 653.—A. So there is at least 67 less Poncas now than there were four years ago, according to the government reports.

Q. Certainly it is bad enough, but in public speeches it has been magnified about threefold, which is all sensational?—A. The reports of your own department so show.

Senator DAWES. Here is what Mr. Pollock, Indian inspector, says :

Do you know how many there are there ?

According to the best information I have, there are about 420 or 425.

Secretary SCHURZ. We had not taken the census then.

Senator DAWES. I suppose there are more there than he states, but that is what your own man testified before us.

Secretary SCHURZ. The true history of the mortality of the Poncas is this: they moved into the Indian Territory and came to the Quapaw Agency; some had died during the removal, on the march, a few died at the Quapaw Agency, but a very small number. Then when preparations were made for their removal to their present location, some of them became very impatient, a majority of them, and removed without the knowledge or consent of the agent, without provisions and without accommodations, and camped upon the bottom lands in the neighborhood of their present location, and there is where the great mortality occurred before the rest of them came up.

Rev. J. OWEN DORSEY sworn and examined.

By Senator DAWES :

Question. Do you know this man Antoine, who is called interpreter?—

Answer. Yes, sir.

Q. Has he told you anything about getting rich in this affair?—A. He said he was rich in the land.

Q. Is that all he said about that?—A. That he was rich down in the Indian Territory; that he had plenty of cattle, of ponies, of stock, and poultry; that he had those things around him there in the Indian Territory.

Q. How came he here?—A. He did not say how he came here.

Q. Did he say anything about being anybody's friend?—A. No, sir; he did not give as a reason that he was anybody's friend.

Q. Did he say he was somebody's friend in that connection?—A. While he did not say that he was well off in consequence of being somebody's friend, he did, as I understood him to say, declare that he was received kindly here in Washington, and that he spoke to the Great Father about some of his relations that were in Dakota, and that he wanted them to come down to see him, he would like to get them down with him, some of his brothers and near relations, that he would like to go up and see them, and that the Great Father was willing for him to go and see them, and the Great Father said that whenever he came to Washington he would be glad to see him.

Q. Was it in that connection he told how well off he was?—A. He said this other before, but did not say it was in consequence of. It was at the same time, but not in the same connection as in consequence of that.

By the CHAIRMAN :

Q. Who is the Great Father—the President or the Secretary of the Interior?—A. That is more than I am able to say.

Q. He did not say which it was to whom he alluded, whether the Secretary or the President?—A. No, sir.

By Senator DAWES :

Q. Did Mr. Whiting tell you he had anything to do with starting this matter of the Indians turning over, of their application to dispose of their Dakota lands?—A. I am under oath, I believe, before your committee?

Q. Yes, sir.—A. What is the consequence if I do not speak?

Q. You are a clergyman and you know what the consequence is as well as I do?—A. Yes, sir, I do. I am under oath; and however, unpleasant it may be, I shall have to speak. Mr. Whiting did say something to me.

Q. State what it was?—A. It was after the paper was signed and it was it after your arrival in the city.

Q. What did he say?—A. He told me about your interview in the Secretary's room and about the manner in which you were speaking.

By the CHAIRMAN :

Q. That was last night?—A. Yes, sir. After a remark that I made he then made a statement.

By Senator DAWES :

Q. What did he say?—A. Will you allow me to read what it was?

Q. Certainly.—A. It rather astonished me and so I took it down at once. I had not dreamed of any such thing. Standing by the table (Major Haworth to the back, standing by the chandelier near the door)

he said: "I knew how the thing was going through. I opened the ball last spring," that added that he took care not to do anything to drag in or implicate—I cannot say which expression he used, but that was the substance—"took care not to do anything to drag in himself, his friends, nor the department." That was said on Monday night the 27th of December. I took out my watch; it was before twenty minutes of ten o'clock, and I wrote these words down; they astonished me.

Q. Did he say this "by intimidating them in any way that should become known"?—A. No, sir; he did use such words; nothing of that sort was said.

By Secretary SCHURZ:

Q. What was the language?—A. "I knew how the thing was going through when I opened the ball last spring," and that he took care not to do anything to drag in himself, nor his friends, nor the department.

Q. Do you know what he meant by that, or can you come to any conclusion?—A. I was astounded by it.

Q. What was the cause of your astonishment? What sense, what meaning did you see in it?—A. It appeared to me as if he had inaugurated this movement on the part of the Poncas. My endeavor has been to act as impartially as possible. So far as I am concerned, if they want to stay in the Indian Territory they are at perfect liberty to do so. It matters not to me one way or the other.

By the CHAIRMAN:

Q. Did you ask him what he meant by it?—A. I did not.

Mr. WHITING. I should like to explain that matter. He is talking it differently from what I dreamt of.

The CHAIRMAN. Very well.

WILLIAM WHITING recalled.

The WITNESS. On that point I think I made the remark at the same time that I had no interest in the matter whatever; that I gave the Indians to understand that when I first went there it mattered not to me what they did if they were only careful in what they did do; that individually to me it did not matter to me one cent whether they staid or went.

By Secretary SCHURZ:

Q. Did you bring any influence to bear on them to make them sign this letter?—A. No, sir.

Q. Did you have any talk with any of them about signing it?—A. Not that I know of.

Q. Did you induce any of them to take part in council about that matter?—A. No, sir.

By Senator DAWES:

Q. You did not even know that the Department here wanted it?—A. I knew nothing from the Department.

Q. I did not ask you where you got your information; only whether you had it or not?—A. I supposed it would like to have them stay there.

Q. You did know that the Department wanted them to remain there, did you not?—A. I supposed they did.

Q. You acted supposing they did?—A. I felt that perhaps they would like to have them stay there. I had no instructions as to whether they were to stay or to go away.

Senator DAWES. I did not ask for instructions, but only asked you as to the fact, and you can say whether it was or not.

By Secretary SCHURZ :

Q. Did you so act as to make them comfortable in the Indian Territory?—A. Yes, sir.

Q. Did you consider it your duty so to take care of them that they would feel comfortable on their reservation?—A. I did.

Q. What did you mean by starting the ball so that this thing would go through?—A. What I meant was that everything would be pleasant and quiet, and they should feel that I was treating them kindly and justly. I thought it my duty.

Q. Did you receive any letters from the Department or from the Indian Office, in regard to the question of their remaining in the Indian Territory before their letter of October 25th, was signed and sent here?—A. No, sir.

Q. Did you get any verbal instructions directing you to do this, that, or the other thing, to elicit from them such an expression of opinion?—A. No, sir; from no source. I went there with the intention of doing to them as I would like them to do by me, if our positions were changed.

By the CHAIRMAN :

Q. The language that you say was used is this: "I knew how the thing was going through when I opened the ball last spring." Just tell us precisely what you meant by that language?—A. I meant by that that I was satisfied in my own mind that everything was going to work out straight and smooth after I got there and had a talk with them.

Q. How did you say you opened the ball, in your reply to the Secretary?—A. What I meant was that I had met them and they had received me kindly as I had them, and I was going to treat them kindly and see if I could not quiet down all the difficulties that might exist.

Q. And you did treat them kindly?—A. I have endeavored to do so. They can answer for themselves.

Q. You gave them whatever you had to give them?—A. Yes, sir.

Q. And you have not brought any influence to bear upon them other than kind treatment?—A. I have not that I know of.

By Senator DAWES :

Q. You mean to say that up to the time you went there, for two years and a half, they had been treated unkindly, so that they did not want to stay there?—A. I know nothing about that.

Q. How did you suppose you would set a ball in motion by treating them kindly, if that was not a new thing for them?—A. I do not know that it was a new thing.

Q. I asked you, if it was not a new thing, how did you suppose it was going to set a ball in motion?—A. I do not know how you may term that "ball." I did not consider that I was going to roll a ball by any means.

Q. That is not answering my question. I asked you how you supposed, unless you had instituted a change in their treatment, which was kind for the first time, that that was going to work a change in their feeling?—A. I felt confident that if kind treatment and justice done to them on my part would please them, I would do it.

Q. Do you mean to say that would be a new thing to them?—A. I do not. I do not know how they had been treated before or did not at that time.

Q. Then explain how adopting a kind treatment, which you did not know but what had been their lot ever since they had been there, was going to set this ball in motion.—A. I think I am acquainted with the

Indian character enough to know that kind treatment generally has good effects.

Q. And if they had had that the last two years and a half, why did they not know it?—A. I cannot tell you. As I told them when I went there, I did not wish to rake up any of their old sores; I wanted to forget and forgive everything and move on, meeting as brothers.

ANTOINE LEROY examined (Rev. J. Owen Dorsey acting as interpreter).

By the CHAIRMAN :

Question. What property have you in the Territory now?—Answer. I am not very rich, my friends. I have some small animals. I have a few oxen, the ordinary horses, Indian ponies, some small ones I have. I have seven cows and I have two common horses, the size of work horses, and two Indian ponies, the size of working horses, and small horses. I have eight small horses of different sizes, ponies and others.

Q. How many acres of land?—A. I do not think that it is one acre altogether. It is a small lot or field, a little more than a half an acre of land.

Q. Are you engaged in the raising of cattle and horses?—A. If I had a field broken I would attend to that. While my field is little I am attending to my cattle and ponies.

Q. Were those the riches you were speaking of?—A. I did not say that I was rich, but that I had the oxen—cattle.

Q. You said you had been kindly received here. Do you think you have been more kindly received than the rest of them?—A. I came along with the Poncas and was treated very well. I came with them. They brought me along with them so that I could be interpreter, knowing some English words.

Q. As you have said you were kindly received, did you mean that the others were not as kindly received as you were?—A. I was not considered as before or as exceeding others, but they were all treated alike.

By Secretary SCHURZ :

Q. I heard that you had letters from friends of yours in Dakota, informing you that they wanted to go back to the Indian Territory if they could get the money to do so. I do not remember whether you told me so yourself or whether Mr. Haworth told me so. I should like to know whether that is so?—A. I said it. I did not mean all the Poncas who have gone away from the warm land, but some of them, Smoke-maker, the one who took my mother as his wife after my father's death.

Q. Did he write you that he desired to come back to the Indian Territory?—A. He has two small boys and one girl nearly grown standing or dwelling at the Santee school. He wrote, "Elder brother, when we are walking outside we do not have any rations; what we get to eat we get from our being in the school there." That is what was wrote, he calling me "elder brother," and the girl said, "I hope, elder brother, that when you get any money, or have any money, you will call me, and I will come to you; in case you send money to me, and you need me I will go to you." These persons know about it. The girl is not so very large, about so tall. [Indicating.] Another person I consider my near relation; he is grown and I am small comparatively. He has a Sioux woman as his wife. "I am very poor," he said, from time to time writing me again and again, "but if any Ponca is coming this way let him bring a horse, that I may go down to you."

Q. Where does he reside?—A. He was dwelling on the Yankton re-

serve, but since Standing Bear has been up there on the old reserve he has joined Standing Bear. And I, too, send letters from time to time. "I, too, am poor," I say; "If I had money I would send the money to you. I have none and yet you keep on sending to me," I said. I have told the interpreter, and I have told Standing Buffalo about it from time to time. The chief said "If you wish to call you can do so." "I would call him my friend, but I have not any money," I said. He repeated in sending the letters the same thing; "I should like to come to you, but I have no money."

Q. Did you receive letters from anybody else in Dakota?—A. I have not heard anything about others.

Q. Do you know of any effort being made on the part of the white people to induce the Poncas to sign the letter of October 25?—A. I do not know of any one.

Q. I am told that a year or two ago you were much in favor of going back to Dakota, and are now very much in favor of staying in the Indian Territory; is that so?—A. The chiefs came to a decision; I follow them. They cause me to have a body; that is, I am of Indian extraction. Formerly they spoke about going. That was their opinion and desire. I heard that from time to time. Formerly if they had acquired something, and had gone to their homes, I would have followed them. That was what I thought formerly. But now, when they were speaking about dwelling in the land, and when they were talking with the young men about it there, I sat; and when they said, just so, we will sit quiet; I thought that as I sat.

Q. That is, you were in favor of remaining?—A. Yes; if they came to that decision I would follow them in that. That is just the way.

By Senator DAWES:

Q. The government does not furnish the Indians up in Dakota anything, does it?—A. I have not heard anything about that.

Q. They have a pretty hard time up there, do they not?—A. With reference to my brother, if he had a good time, and his heart felt good when he wrote a letter, he would tell me, and he—

Q. Which does he tell you?—A. This thing about its being difficult for him, and about his being poor, old, alone, as he told me.

Q. You do not know that the government gives them anything to eat up there?—A. I do not know. I am one who has not been thither; so I do not know.

Q. You know Michel?—A. Yes.

Q. He is one of the business chiefs, is he not?—A. He is one of the chiefs I followed.

Q. He is not here, is he?—A. He is not here.

Q. Do you know why he is not here?—A. Why he did not come, I am one who does not know.

Q. Is he one of the chief men?—A. Whatsoever I am not; a child, just like it, I am.

Q. You have no office in the tribe?—A. What office soever, I have none.

Q. Did you sign this paper here yesterday?—A. I signed it as hearing the words.

Q. You came as an interpreter, did you?—A. They have an interpreter here and they brought me in addition to hear the words they said.

Q. Do you know whether Michel wanted to come or not?—A. He wanted to come.

By Secretary SCHURZ:

Q. Mr. Haworth says that you told him on the porch of the agency,

that Michel did not want to come?—A. What I told is this: that Michel had a young man, one of his young men, and he said to this young man, "If you want to go, I will not go; if you do not go, I wish to go." That is what I told this Great Father.

Q. Was Michel in favor of the tribe remaining in the Indian Territory?—A. I think he did not want to go back.

Q. He did not want to go back to Dakota?—A. No.

Secretary SCHURZ. I want to say a word in regard to a matter that has been discussed in the newspapers a good deal, namely, that the Poncas have not been permitted to have intercourse with anybody, and that nobody could get at them. The Poncas are doing their own freighting, and for that purpose are going to the terminus of the railroad like other Indians do who go there also to do some freighting. So they are in that respect, and have been on exactly the same footing as all other Indians in the Indian Territory. I make this remark to show that that charge which has been brought that the Poncas were secluded from anybody so that no friends of theirs could get at them, is not true.

I was told this morning something about the examination of Mr. Haworth, with regard to Miss Bright Eyes having been refused to see her uncle. I desire to say what I know of it. On Saturday I told Mr. Haworth that my children and some friends at my house would like to see these Indians in my house, as they had seen formerly Ouray and the Utes, and Spotted Tail, and the Sioux, and a number of other Indian delegations that had come here, and that I would be pleased if he would bring them down about five o'clock on Christmas Day, Saturday afternoon. He said he would do so. A little after five o'clock they came, and then Mr. Haworth informed me that Miss Bright Eyes had called upon him, requesting to see her uncle; that she had been told the Indians were just going out, but had seen her uncle for a short time. I mean Frank La Flesche. In the course of conversation I said to him that there was absolutely no objection to her seeing her uncle, or whomsoever she pleased of the Ponca delegation, and I did not desire to put any obstruction in the way of anybody. He informed me afterwards that she had seen them on Sunday, and had had a long conversation with Frank La Flesche, and that he had asked Mr. Dorsey, who was in the room at the time to leave them alone, because they might have to say something to one another which it was nobody else's business to listen to.

Mr. HAWORTH. That is correct.

Secretary SCHURZ. As far as I am concerned there has been no intention at all to keep anybody away from this Ponca delegation, and as far as I am informed no effort to that effect has been made. I was also informed afterwards that Miss Bright Eyes had endeavored to persuade Frank La Flesche not to sign any paper submitted here at the Interior Department to them for signature, and that he had said his mind was made up, and he would.

Senator DAWES. I should like to ask you, Mr. Secretary, when you first heard that in the absence of Mr. Morgan, who is sick, I had been telegraphed for to come here?

Secretary SCHURZ. I heard that, I think, at the Capitol on Monday morning. I learned that you were expected, and some thought you would come at 11 o'clock, and others thought you might come by the New York limited express at four in the afternoon.

Rev. J. OWEN DORSEY recalled.

By Senator DAWES:

Question. Did you hear anything about the difficulty of Bright Eyes

getting an interview with her uncle?—Answer. I was not in the room at the time the alleged scene took place, and I do not know anything about that. I heard something about it, but did not see anything.

Q. From the Indians?—A. No; from the gentlemen who are here.

Q. What did they say about it?—A. They seemed to think that Miss Bright Eyes was very much offended, and they were rather indignant that she would not shake hands with them.

Q. They were indignant?—A. One of the gentlemen was.

Q. She would not shake hands with them, and he was indignant?—A. Yes, sir.

Q. That was before she got an interview with her uncle?—A. That was the same day; I think it was Christmas that the Indians went to the Secretary's; five o'clock was the appointed time. I think it was even before that she saw him for a few minutes.

Q. Did you hear any of them say anything about her having an interview with her uncle, whether she had had, or whether she would have, or whether she could have or not?—A. Anything that I may assert if I am wrong in the matter I hope will be corrected. Standing in the Secretary's parlor about five or six feet from the inspector, I am sure I distinctly remember him saying, speaking about Bright Eyes coming, that he had arranged that the interview should take place after the business was finished.

By Secretary SCHURZ:

Q. Did the interview take place after the business was finished?—A. It did not. It took place before; it took place Sunday morning. If I made a mistake in that I would wish to be corrected.

By Senator DAWES:

Q. The papers were signed yesterday afternoon?—A. Yes, sir.

SATURDAY, *January 29, 1881.*

The committee met at its room in the Capitol.

WILLIAM STICKNEY affirmed and examined.

By the CHAIRMAN:

Question. You were one of the commissioners sent by the President recently to the Ponca tribe in the Indian Territory, I understand?—Answer. Yes, sir.

Q. Please state what you saw and heard there with reference to the business upon which you were sent.—A. What I state will be from memory, not having had an opportunity to review the testimony that was taken. I may not give it exactly in chronological order, though I think I can nearly so. We met for the first time after leaving the city, at Kansas City, on Monday, the 2d day of January.

By Senator DAWES:

Q. Did you have a stenographer with you in the Territory?—A. We had no stenographer, but we had Captain Burk, who was one of the aids, I think, of General Crook, who took the testimony down, not in short hand but quite rapidly.

Q. Where is that testimony?—A. That was filed with the President with the report.

Secretary SCHURZ. It is in the hands of the President now.

Senator DAWES. You are now repeating what you recollect of that testimony?

The WITNESS. Yes, sir.

Senator DAWES. What is the object of giving the testimony now? Why cannot we get it in that way and not refer to Mr. Stickney's memory?

The CHAIRMAN. The witness is expected to state just what occurred, and not merely to confine himself to what is in the testimony.

The WITNESS. We met at Kansas City on Monday, and proceeded Monday night to Arkansas City, and from there were transported about thirty-five miles to the agency, reaching there I should say about seven o'clock Tuesday evening. Mr. Whiting, the agent, was instructed by the commission to invite all the Indians of the Ponca tribe then in the Indian Territory to meet in council at the school-house of the agency on the following day, Wednesday, at ten o'clock in the morning. Accordingly at ten o'clock we proceeded to the school-house and found assembled there about two hundred and fifty men, women, and children. There were many men; I think all the chiefs of the tribe then in the Territory were there with perhaps one exception, Michel, who was not present; but White Eagle and Standing Buffalo and Hairy Bear and I think all the other chiefs—I cannot give the names, Cheyenne among the others—were present, with a large number of men, women, and children. Mr. Riggs, who is a missionary of the American Board at the Santee Agency, who was acquainted with the Poncas from previous residence in Dakota, explained to the council our authority and the object of our visit there, telling them that we came as their friends from the President, who desired to see full justice done to all concerned. He spoke to them in the Dakota language, and his words were interpreted by Cheyenne into the Ponca tongue.

By the CHAIRMAN:

Q. Who is that person?—A. Mr. Alfred Riggs, who is a missionary under the charge of the American board at Santee. He knew them well, and had their confidence, and we thought it was well enough for him to explain to them the object of our visit. After he finished, Mr. Dorsey took the stand as interpreter. That is the man who is interpreter here. General Crook, the chairman of the commission, then explained again the reason of our visit there, and caused to be translated and explained to them the agreement that had been entered into by the chiefs at Washington. It was very fully explained, and they were all asked if they understood it, and they all indicated that they did. White Eagle, I think, first spoke after that. He said that he was glad to see us there.

By Secretary SCHURZ:

Q. And that they agreed to it?—A. That comes a little after. He said he understood the agreement as it had been read, and he understood it when he had signed it, and he said that the tribe all agreed to all that was there written. I think he was followed by Standing Buffalo, who, if I remember correctly, substantially reiterated the same thing, that he had entered into the agreement intelligently and after deliberate consideration, and that the tribe all understood it, and he had no doubt they all would agree to it. The question was then put to the whole multitude directly whether they all understood the agreement, and they all said they did. Then the question again was put whether they all agreed to it, and, if so, they were requested to signify their assent by rising, and they all rose, and, in Indian style, which was

rather vociferous, said they heartily indorsed the agreement, and they wished it to be understood that they assented to all its provisions. Then many questions were asked, with a view of bringing out whether they had been induced by any considerations or promises, or had been influenced by any outside parties, in making this agreement, and they all said no. They gave us to understand that they had, after deliberation, come to this conclusion: that they had been wandering about for some time and they now wished to be settled, and they had instructed their chiefs to make this agreement, and they were prepared to stand by it. The question was then asked, if they knew any one member of the tribe in that Territory who was of a different opinion. Many of them replied that they did not; they believed that they all were of one heart; I think that was the expression that they used. They desired the government to understand that they wished to settle down there where they were as a permanency. I think White Eagle, or one of the chiefs who spoke, drew the illustration of a stone. He said, "We are just like putting a stone in the ground; it is solid; it is fixed there. So we consider we are fixed here. We have come to this determination, and we propose to abide by it."

The council adjourned for two or three hours. I think I have given the substance. There were some other questions asked: If they would like to go back to Dakota provided the government did not give them the money and considerations that were mentioned in the agreement; supposing they did not have these inducements to remain there, what would be their conclusion then? The reply to that was, "We would stay without it, as we are determined to stay." Then the question was put in a still stronger way: Supposing the government would give them these considerations in Dakota and not here, what would be their minds upon that subject in that event? Then they said, "We would stay anyway," and they repeated it quite strongly: "We have considered this matter settled; we do not wish to agitate the question or to open the question any further; we have come here to stay." I think it was in reply to that question that one of them who was the chief of police spoke out, sitting back in the middle of the audience, and said, "I would not go back if the government would give me \$20,000," and that elicited some little applause. I am sure the necessary inference from that council was that they were unalterably and unequivocally committed and determined to remain where they were, in the Territory. We then told them to think this matter over very carefully. We explained to them fully that nothing had been positively determined, that the whole subject was still open, that they were not to consider that they were bound by any agreement that had hitherto been made. We explained to them that the President would not take any action under the agreement until we should report, as he wanted to get all the facts. So we advised them to deliberate upon the subject further among themselves that night, and we also told them that if any of them desired to see the commission privately, we would be glad to see them and talk to them individually, privately at our rooms, so that they should be free from any restraint whatever. We invited them to call at our rooms that night; but nobody came. The next morning we assembled again. The women and children were not present. The children were rather noisy the previous day, so that quite a number had to be sent out. I think there were very few women present the next day, but, according to my judgment, the same number of men were present the following day. On that occasion they were asked if they had deliberated upon this matter.

Q. Were there any government officials present?—A. No, sir; I should

have said in the first place that the commission deemed it best, in order that there might be a free expression of opinion, to exclude all government officials.

By the CHAIRMAN :

Q. At the first council you had with them ?—A. Yes, sir ; at the first council. Then White Eagle and Standing Buffalo perhaps said, " We would like to have our interpreter, Esaw, present." Then we explained to them fully that we thought it better perhaps that even he should not be present, that there should be no one there but themselves and ourselves ; and they assented and said : " That is all right ; we will not have Esaw ; we will have it as you say."

Q. That was the first council ?—A. That was the first council ; and the same rule was adopted at the second. There was no one present except the Indians, the commissioners, and the clerk or stenographer. On the following day they were asked if they had deliberated carefully on the subject, and they said they had. The question was then asked if they were of the same opinion that they were on the day before, and they said that they were ; that there was no difference of opinion ; that they did not care about deliberating any more or discussing it any more ; they considered the matter as fixed ; they wished it so understood by the government in Washington. Then we saw Michel the next night. We sent for him. We thought, as he did not come to the meeting, he might be of a different opinion.

Q. That was the night after the second interview ?—A. The night after the second interview (Thursday night) he was sent for, and we saw him, but not in a formal meeting of the commission. I think all the commission were not present. It was in the evening we saw him, at the store. We heard he was there, and we went down. I think Mr. Allen was present, and General Miles, but General Crook, I think, had left before that. We asked him if he knew what had been done at the council the day before. He said he did, for some members of his family were there, his sons or sons-in-law, and they told him all that transpired. We asked him then if he agreed with the other members of the tribe in what they had done, and he said he did, and expressed himself as in full accord with the sentiment that had been expressed. I think we asked him the question if he knew of anybody of a different opinion, and he said he did not ; that the tribe was of a unanimous voice in that respect ; they wished to remain where they were, on the reservation. That is the substance of the record, I think, of the evidence that we took there in the Territory. I may have omitted some details, but I have given it substantially.

By Secretary SCHURZ :

Q. In what manner did they give their assent to the arrangement as to remaining in the Territory—reluctantly, or with what evidence of willingness ?—A. They stood up on their feet in the room, and exclaimed in their Indian tongue, and showed by their action, as well as by their voice, that they were unanimous in that decision. It was very apparent, and I think it was very enthusiastic. It was a cordial, enthusiastic indorsement, as far as it was possible for the Indians to express, of their determination to stay there.

By the CHAIRMAN :

Q. Did anything occur during the time you were there that would tend to throw any light upon this question—upon either side of it ?—A. All the evidence that we could obtain by conversing with the Indians and

those whom we met tended to strengthen the impression we had formed of their determination to stay. We saw nothing and heard nothing that indicated any sort of misgiving or weakening upon that point. There was no question whatever to my mind, or to any one, but that they spoke their sentiments; that they were all positive and united and unanimous in their disposition to stay.

Q. If that is all that occurred there, what did you do after having got through with your councils? You went, as I have learned from the papers, up to Dakota.—A. Yes, sir; we proceeded the next day, Friday, to Arkansas City, and from there up to Omaha. At least, I spent the Sabbath in Omaha, and Monday morning took the train up for Sioux City, and from there to Niobrara. We had a council there Tuesday morning at ten o'clock.

Q. Your visit to Dakota was in accordance with the instructions under which you left here?—A. We had no definite instructions on that subject. We were instructed to inquire into the subject fully, and report our conclusions and recommendations, and we deemed it as within our province to go to Dakota and examine those Indians too.

Q. I do not know what the instructions were. I did not see the instructions.—A. The instructions were indefinite. I have omitted rather an important part. I should have stated that we thought it well to suggest to the chiefs and tribe to send two or three of their members with us to visit Standing Bear and the other part of the tribe up in Dakota. We thought it would be a good plan to have them go up with us and talk the matter over with them up there. We did not know what the result would be. We suggested to White Eagle whether he would not like to go. White Eagle said, in reply to that, he had just returned from a visit to Washington, and was very tired and had a bad cold, and he would rather some one else would go. Standing Buffalo made a similar excuse; that it was not convenient for him to go; he had been absent some time, but he said he had no doubt that some person would be glad to go, and he would be glad if they would get Hairy Bear, I think he is called, and Cheyenne and Peter Primeau to go. They said they would go, and, as they were to return by themselves, it was thought well to have some one go with them to attend to them on their journey going and coming, and so it was suggested that Mr. Haworth, who was there, should accompany them. Accordingly they went up with us to Standing Bear in Dakota.

When we met the council Tuesday, at ten o'clock, these delegates were present with the council, but they had not had any communication with those in Dakota before the council. It was thought by members of the commission that we would get a more unbiassed and unrestrained expression if there was no communication between these two parties until after we had seen them. So while those from the Territory were present at the first council, they sat on the opposite side of the room from the Indians. The Indians were ranged on this side (indicating) next to the wall, and these delegates were on the opposite side, and there were some thirty, forty, or fifty ladies and gentlemen of the town present also. We concluded to have an open council, and they were there as spectators. During the proceedings of the council quite a number of Indians from this side (indicating) went over and greeted their friends from the Territory. They embraced each other, and they seemed to be glad to see them, but no communication was held between them at that time. The object of our mission was then stated to Standing Bear, who was present, and to the whole tribe, of whom I should say there were, my impression is, fifteen or twenty persons and a few

women. Standing Bear's wife was there, and I think a few other women. I do not think there were over fifteen or twenty, I should say. I believe I counted them.

By Senator DAWES :

Q. Of the Indians?—A. Of the Indians. The objects of the council were stated clearly and distinctly to Standing Bear and those present. He then made a reply. I think it was what you would call rather a vehement speech. He was evidently somewhat excited. He was walking backwards and forwards on the floor. The substance of his remarks was that he was very glad to see the commission; that it made his heart feel good to have a commission come out from the President with a disposition to see their wrongs righted and to see them placed right.

There is one thing that has just occurred to me. I suggested (I think I made the suggestion) to the chairman, General Crook, that Standing Bear should be requested to commence his narrative where they left the Territory, as he was evidently prepared for a long speech. I believe he said during the course of his remarks that it would take him till sunset to get through, or something like that. I suggested that he be requested to begin where they left the Territory to return to Dakota, rather than to begin at Dakota on their first removal. I told the general I thought we had pretty much all that history, and it would be rather a superfluity to listen to it again. So that General Crook told Standing Bear that he wished he would commence at the Territory, and I believe he did. Though he rambled perhaps somewhat in the course of his remarks, he gave us an account of their return, their getting away, their arrest, and of the decision of the court, his release, and his help from the Boston friends. I think he spoke of them, and friends in the neighborhood there who had been kind towards him. Then this agreement was all explained to him fully, and he was asked if he understood it. He replied that he did. Then his opinion was asked about it, and he said that he did not admit the right of the other Indians, the rest of the tribe, to dispose of those lands; that they had as much right to them as White Eagle and his bands, and that they should contest their right to sell them over his head.

By Secretary SCHURZ :

Q. He said he wanted to stay?—A. Then the question was asked of him, when he had finished his speech, what his views were upon the subject of removing down to the Territory or remaining where they were, and he said that they were decided to stay where they were; they had no wish whatever to remove to the Indian Territory. Then the question was asked if all present agreed to that, and they all signified that they did, very decidedly. I think the question was asked if they knew of any one of a different opinion (I believe that question was asked them), and they said they did not; that they were all unanimous in their desire to remain where they were.

According to my recollection I believe that is the substance of what transpired at that time. The meeting adjourned. I guess another speech was made by Smoke-maker, and it was pretty much in the same line. He followed Standing Bear in the line of his remarks, reiterating what Standing Bear said, that they desired to stay where they were, and they did not admit the right of others to sell their lands. The council adjourned for two or three hours and met in the afternoon. I am not sure whether our delegation were authorized to see them in the interval, but whether that was the case or not, the meeting in the afternoon did not vary very much from the proceedings in the forenoon.

Then an adjournment was held till night, and then I am sure our delegates were invited to see their friends there and to exchange their views. At night I did not attend; I had a severe headache. There was so much smoke and heat in the forenoon that it rather upset me, and I was not able to go, but I understood that nothing of importance transpired at night.

The next day a council was held again in the morning, and according to my recollection nothing new was elicited; it was about the same thing. There were some questions asked them, and also asked the Indians in the Indian Territory, which I omitted to mention, about the quality of the land, and about their crops and the salubrity of the climate, and so forth. The testimony of those in the Indian Territory upon that subject was, that they regarded the land as better than the land in Dakota. It was brought out very clearly that in Dakota their lands had been destroyed by grasshoppers, and the river had cut away some of their lands; and I think the drought had destroyed their crops. At any rate, their conclusion was, that the climate was better in the Indian Territory than it was in Dakota, and that the soil was more fertile. One of them (I guess White Eagle) said that he planted a few seeds of melons and vegetables, and he got a larger crop than he knew what to do with; he carried off a wagon-load to Arkansas City, and disposed of it in the market. The whole evidence, as I gathered it there, was, that the land, in their judgment, was better and the climate was more healthful to them there than it was in Dakota. Similar questions were asked of those in Dakota, and the substance of their testimony was, that they were satisfied with the quality of the land and the climate, and they had no fault to find on that subject. We adjourned the council finally on the second day at twelve or one o'clock, I think. My statement has been somewhat imperfect, I have no doubt, if it should be compared with the evidence taken; but according to my recollection, I have covered the substantial points. I have not read the testimony since it was taken.

By Senator MORGAN:

Q. Did you take minutes of the conversations when they were being had with the Indians in the Indian Territory and also at Niobrara?—
A. No, sir; we had very little private conversation with them.

Q. I speak, though, of any councils held with them. Were there any minutes taken?—A. Yes, sir; we had a clerk who took down all the proceedings verbatim.

Senator DAWES. (To Senator MORGAN.) We had asked him before you came in, and he stated that all this was in writing and submitted to the President.

The WITNESS. Yes, it is more full than I can give it from recollection. I should have said that Standing Bear and Smokemaker both alluded to these delegates who were present at this council there, and they said, "We see our friends here from the Territory, but we have no desire to talk with them; we are determined in our minds upon this question, and there is no object for us to have any particular conference with them." I think I heard the delegates say afterwards that they did meet with them and spent the night with them, but there was no effect produced in any way as far as they knew. They were glad to see each other, but they concluded that those above were as fixed in their purpose to remain there as they were decided to remain below.

By Senator DAWES:

Q. Do you intend in this statement in any way to modify any commu-

nication that you laid before the President?—A. In the communication made to the President I might state (I suppose it would be no discourtesy to our commission to state) the manner in which the report was prepared. General Cook suggested that each one of the four members of the commission should prepare an individual report, and then, that we should take the four and try to consolidate them in some way to get a unanimous report. I accordingly prepared a report, in which I gave in narrative form all of our proceedings, somewhat as I have attempted to do this morning, giving the results of our conferences in the South and in the North. I thought that as a part of the report, it would be proper to put that in. It did not seem to me that it was within the scope of our instructions to travel outside of the matter that was committed to us, and which had come under our personal observation, as I knew a good deal of the other history was already matter of record. So I confined myself in the copy of the report that I made to what had transpired under our personal observation, and in that report I gave the substance of what I have given to-day. General Crook prepared, also, a report covering simply conclusions and recommendations, without giving any chronological history or narrative. General Miles also prepared a brief report, and Mr. Allen prepared a report. Mr. Allen's report began with the beginning of the Ponca trouble.

Q. I was not inquiring about that; I was simply inquiring about your own. You are testifying yourself now. I have no objection to your telling about Mr. Allen any more than the rest, but my only object (and it was hardly fair for me to pry into the workings of the commission) is to know whether you wish in any way to modify the statement made to the President?—A. I do not want to tell anything that is unnecessary. In my report I thought it was proper that these proceedings should be included, and I put them in. I thought it was in our province to put that matter in the report. The other reports did not include it and it was not included. It seemed to me that as part of the history it should go in. Your question is, if I would modify anything I have said. I would not alter anything that has been said in the report, unless to put in some matters that were not included; that is all.

Q. You mean to state, I infer, that your statement now is a little more full, in detail, of narrative than what is before the President?—A. Yes, sir; what I regarded as quite important to us was to ascertain the feelings and views of the Indians upon the subject of remaining in the Territory. That seemed to me to be a prominent point for us, and in my report I would have given just the action that was taken on that subject; but it was not included in the report.

Q. There is not, then, laid before the President the data from which you have inferred what are the feelings of that portion of the tribe in the Territory or in Dakota?—A. Except in the record of the proceedings; not in the report.

Q. But in the record of the proceedings it is before the President substantially as you have given it now?—A. Yes, sir.

Q. It is not the purpose of your testimony to in any way conflict with that statement?—A. No, sir.

Q. Or to modify any conclusion to which you came?—A. Except, I would add, as I did in the report I prepared, things that I thought were desirable and essential.

Q. Is this examination of you here, so far as you know, under any apprehension that the President will not let us have here before the committee all that was communicated to him by the Commission?—A. It is not.

Secretary SCHURZ. I will state that the President desires to communicate it all to Congress.

Q. (By Senator DAWES.) Then this is rather in anticipation of that communication by the President than for any purpose of getting what could not be obtained otherwise?—A. I am not able to state the motive of the examination. I received the notice yesterday.

Q. What was the weather down in the Indian Territory?—A. It was clear and cold.

Q. Snow?—A. There was some snow, but not very good sleighing. We could have gone in a sleigh from here to Arkansas City and have good sleighing all the way, but when we struck the Territory there was, perhaps, four or five inches of snow; it had gone out of the road.

Q. Was what is called the Ponca reservation covered with snow?—A. I should say there were two or three inches of snow on the ground.

Q. So that you could not see the ground? You could not tell what the ground looked like?—A. Not well.

Q. I suppose at this season of the year, and at the time you were there, you could not form any opinion yourself as to the character of the soil?—A. I should say not. I should say, in reference to the houses—

Q. I am going to ask you about that in a moment. The ground must have been frozen if there was snow?—A. Yes, sir; the ground was frozen.

Q. Did you go about this reservation, as it is called, of the Poncas down there much?—A. We rode, perhaps, twenty miles or so over it, after striking the Indian Territory.

Q. If it had been the summer season you could have seen a good deal of the Territory?—A. Yes, sir.

Q. Is there much woodland about it?—A. As far as we could see, there is but little woodland. On our left, which I believe is on the north, as we entered the Territory, there is quite a woodland, perhaps a mile or two or three miles from the road. That is adjoining, I think, the Osages. Perhaps the boundary is somewhere in that neighborhood; but along the stream, the South Fork, there is some wood. We rode along perhaps three or four miles, where there was considerable wood; but that is a defect. I should say there is not very much wood.

Q. What portion of this region does the South Fork pass?—A. I could not give anything like, I think, an approximate idea. We traveled along it, I should think, several miles.

Q. Does the South Fork run from this Ponca Territory down through the Cheyennes and Arapahoes, or does it run from the Cheyennes and Arapahoes, through this? Which is the highest up of these?—A. I think this is the highest.

Q. It runs from this Ponca Territory down there?—A. I think so; but I may be mistaken about that. It was frozen when we were there.

Q. This has the reputation of being better territory than that of the Cheyennes and Arapahoes?—A. I am not able to say.

Q. You were speaking of the enthusiasm in that meeting there, and you spoke specially of the chief of police. The police there are government employés, are they not?—A. They are.

Q. Do you know what pay they get?—A. Yes, sir.

Q. How much?—A. The chief receives \$8, and the other members, \$5.

Q. He is a captain, a centurion, is he not?—A. He was captain—the chief.

Q. He saith unto one man, go, and he goeth?—A. He was a man of authority.

Q. And he announced that he would rather give \$20,000 than go back to Dakota?—A. Yes, sir; he made that remark during the proceedings of the council. He looks like an intelligent man.

Q. I thought you said you concluded you would not have any government officials in that crowd?—A. I think I should have said white officials.

By Secretary SCHURZ :

Q. The chief of police is an Indian?—A. He is an Indian.

Q. Of full blood?—A. I think so, but I do not know. It was almost necessary, perhaps, to have police there to keep order. The women and children were quite noisy.

By Senator DAWES :

Q. And a man who had so much influence, with his badge of authority, as to keep order there, is the man who announced as his fixed determination to remain where he was?—A. Yes, sir.

Q. Was there any other Indian official in the crowd who expressed his opinion?—A. Except the chiefs, no, sir, I think not. The chiefs did the talking.

Q. And you have no doubt they fairly represented the feeling of the tribe at that time?—A. There could be no doubt about it.

Q. Did you ask them how they came to change their mind so suddenly?—A. Yes, sir.

Q. What did they say about that?—A. The question was not answered directly. I think it was put to them in two or three forms in order to get as direct a response as possible. White Eagle undertook to answer it. He said that they had been wandering around for a good while, and they were tired of that sort of life, and they wanted to settle down. That was about the substance of his answer.

Q. Did any other one express himself on that subject?—A. I think no different expression from that was given. I think if Standing Buffalo did it was pretty much the same thing.

Q. You did not ask any of those who did not come up here the question how they came to change their mind?—A. The questions that were put in the council were supposed to be addressed to all persons, and all were requested to express themselves.

Q. Did you hear any one of those who did not come up here express himself upon the reason why they had so suddenly changed their mind?—A. No, sir, I did not. I had no conversation with them.

Q. The only ones who gave you any information upon the change of mind were the same men who told their story up here?—A. I think so.

Q. Did they tell it pretty much as they did up here?—A. I think substantially the same thing.

Q. That is, that they got discouraged and thought it best not to do it?—A. To use their words, they were tired of wandering around. I think White Eagle was careful to speak of their wandering about, and they wanted to settle down.

Q. Did he speak of the effect it had on them last June, when they were told that Congress had done nothing in their behalf?—A. I do not recollect any allusion to that.

Q. This Michel, you have said, is an old man?—A. I should say he is upwards of sixty. He is rather an infirm man, but not very old.

Q. He is one who signed the old treaty, is he not?—A. I think so. He is an invalid.

Q. He and Standing Bear or Standing Buffalo, I do not know which—both of them signed that old treaty?—A. I think so.

Q. They must have been young men then or else they are very old now?—A. I should not think he was over 62 or 63, but he is infirm, and his eyesight is very bad.

Q. Did this delegation that came up here, and signed this paper that afternoon, go down with you to the Territory, or did they go before you?—A. No, sir; they did not go with us. I went alone to St. Louis, and the commission met together at Kansas City, and we then traveled together. I think there were no Indians with us.

Q. Did they reach there before you did?—A. We found Standing Buffalo at Arkansas City. The other members of the tribe had passed through the day before. He was sick and had to stay over, and went down with us.

Q. So they all had spent twenty-four hours there, with the exception of Standing Buffalo, when you got there?—A. Yes, sir; they reached the agency the day before we did.

Q. And they knew you were coming, of course? This party that went down knew you were coming there?—A. I suppose they did, but I do not know what means they had for that information, I am sure.

Q. It was agreed upon before you left here, was it not?—A. That we were to go?

Q. Yes. Some arrangement was made between some members of the commission and this Mr. Haworth, who had charge of them?—A. Yes, sir. I personally had no communication with him, and I did not know.

Q. I do not mean you personally?—A. I presume it was understood.

Q. It was reported about your going there with him, was it not?—A. I have no doubt.

Secretary SCHURZ. With Haworth?

Senator DAWES. Yes.

Secretary SCHURZ. No, sir; it was not arranged.

Senator DAWES. I do not mean the terms, or anything of that kind. I mean it was talked over with him.

The WITNESS. I think there was an understanding. I think he understood we were going down there.

Q. (By Senator DAWES.) Do you not remember talking it over with him at the table here, before the committee, that evening, when you inquired how long he should be in getting there, and you had a conference with him right here?—A. It was understood, I am sure, that we were going down, and we were going about the same time.

Secretary SCHURZ (to Senator DAWES). May I give you some information on that point? It was understood by the Indians that the commission should go there. They were informed of it by me and by others. The original proposition I think was that the commissioners should meet at Kansas City on the 6th of January. I suggested to General Crook that there ought to be as little delay as possible, because the session of Congress was short and it was desirable to have the result before long. The Indians were kept here two days, I think, or three days, after the commission had separated to meet at Kansas City on the 3d.

The WITNESS. Yes, sir; we met on the 3d.

Secretary SCHURZ. I think the Indians got there about one day ahead of them.

The WITNESS. That is it. Standing Buffalo staid at Arkansas City.

Q. (By Senator DAWES.) And they went in charge of this Mr. Haworth?—A. Yes, sir; they went from Arkansas City by themselves, I suppose. Mr. Haworth was there, and went down with us.

Q. And this assemblage which you met there in the room, you found them there with this delegation who had returned from Washington?—
A. They were coming in all the morning. We saw them coming over the different parts of the reservation.

Q. Now, I should like to have you tell about how you found their houses?—A. I intended to have looked carefully into the houses, but I did not. We were very much pressed for time; that is, we were anxious to get away and get through. We drove by two or three houses on our way down, but it was towards dark and we could not see much of them. I intended the next morning, before the council met, to go and visit the houses and inspect them personally, but I did not do so. We had a call from Chief Joseph, and we took up a good deal of time with him one afternoon, which interfered with my plans in that respect. I did not go into any house. We asked the Indians about their houses. They seemed generally well pleased. They said they had good houses. I think they said they had better houses than they had in Dakota. I think that question was asked. One of them said he would like to have something done to their houses, but on the whole they seemed very well satisfied.

Q. Are the houses close together?—A. No, sir; they are scattered miles apart. That is one reason why I did not go to inspect them.

Q. How much time did you spend there, two days?—A. We arrived there Monday at the council, and left there Thursday morning, two full days.

Q. In two full days in midwinter, with snow on the ground and the ground all frozen up, could you form any opinion yourself of the value of that land?—A. No, sir; very imperfectly, of course.

Q. So that the actual value of the land and the desirability as a reservation after all does not come here from any intelligent judgment which this commission formed?—A. The commissioners had very little opportunity to form a judgment about it.

Q. I presume the same is true of your visit to Dakota?—A. Yes, sir; I did not inspect the land there. There was more snow in Dakota than there was in the Territory.

Q. Of course you could not get around?—A. There was a good deal more snow, and a good deal colder weather.

Q. Did you go into any houses in Dakota?—A. I did not.

Q. Have they got any of the houses which they left there, restored?—A. I suppose but very few.

Q. Did you learn what condition they found them in when they got back there?—A. I think it was brought out in their speeches that the houses were generally destroyed.

Q. Washed away by the Missouri River or carried away by white men?—A. There was one witness, I think, who testified that a large tract of land—I do not remember now how many feet, though he told us—my impression is something like eight or nine hundred feet, was washed away by the river.

Senator DAWES. They do not measure land by feet.

Secretary SCHURZ. Feet inward.

Q. (By Senator DAWES.) Nine hundred feet inward in 96,000 acres?—A. Yes, sir.

By Secretary SCHURZ:

Q. How long was it?—A. I am not able to say; I guess he did not state; but it was where they had gardens and farms down by the river.

By Senator DAWES:

Q. How many houses did that take off?—A. I am not sure that it took off any.

Secretary SCHURZ. I have seen them. I have seen about half a dozen houses hanging over the bank of the river.

Q. (By Senator DAWES.) What did carry off the rest of the houses, the elements, or what?—A. We took no testimony on that.

Q. You did not go into that?—A. No, sir.

Q. So you have no judgment formed as to the value of the Territory of either the Indians in the Indian Territory or in Dakota?—A. No, sir; no means of forming a correct judgment upon it.

By Secretary SCHURZ:

Q. Mr. Dawes seemed to lay some stress upon the point that Primeau was chief of police in expressing his enthusiasm. Was there any enthusiasm expressed before Primeau spoke?—A. The vote was taken generally before he expressed himself, and there was quite an enthusiasm.

Q. Do you think Primeau gave the official sign?—A. No, sir; the vote was taken before he spoke. I do not think his announcement had any influence of that kind, because it was afterwards.

Q. Now and then, from time to time, the whole assembly were asked whether this was their mind or not?—A. Yes, sir; the question was put very fairly and impartially, as much so as it could possibly be done.

Q. What demonstration did the councils make upon such occasions as that, when they were asked as to whether that was their mind?—A. The reply was unanimous, and I should characterize it as enthusiastic. They seemed to be in fine spirits, and felt very good over our coming there and over the prospect of a settlement.

Q. Did you hear as to what their feeling was generally, as to their present condition there?—A. From all we could judge from what we saw and heard, they are now satisfied and contented. We saw no reason to draw any different conclusion. They said so, and they appeared so.

Q. Did you hear of anything or do you know of any evidence, that their desire to stay there, as it was originally manifested in the letter addressed to me, dated the 25th of October, was brought about by any influence in the way of threat or promise, or anything of that kind?—A. On the contrary, they expressed themselves frequently fully that they had deliberately come to this conclusion themselves.

Q. Do I understand you to say that they expressed themselves that they had come to that conclusion before they sent that letter of the 25th of October?—A. Yes, sir; there is no doubt of that in my mind.

Q. So that the arrival of the commission there and the return of those who were here could not have any effect on that, inasmuch as the sentiment was formed previously?—A. I do not see how it was possible.

Q. Have you heard anybody suggest there that any influence was used either by way of persuasion or threat, or promise to bring about that change of sentiment?—A. None at all.

Q. I read here in the report that "the remainder of the tribe were greatly discouraged in their efforts to return, and, as they finally despaired of regaining their rights, under the belief that the government would not regard their title to the land in Dakota as valid, and that they could obtain a stronger title to the land in the Indian Territory, as well as other prominent considerations, they decided to accept the best terms they could obtain." What was meant by those "other prominent considerations"?—A. In the agreement which they made there was a

money consideration of \$70,000, to be put at interest for their benefit, as well as \$20,000, \$10,000 of it to be spent in cash, and \$10,000 in stock.

Senator DAWES. Ten thousand dollars White Eagle said they would put in their pockets.

Q. (By Secretary SCHURZ.) Do you think that an agreement made in January with some money considerations could have affected their decision before the 25th of October, to ask permission to come to Washington so as to dispose of their right to the land in Dakota?—A. Hardly, I should say.

Q. So that the "other prominent considerations," if that is meant, could not have been active in forming the original determination to relinquish their right to the land in Dakota and settle in the Indian Territory?—A. I should think it would be very difficult to define what those considerations were.

Secretary SCHURZ. I should think so too.

The WITNESS. They were evidently inclined to make the best bargain they could, to do the best thing for themselves that they could.

Q. (By Secretary SCHURZ.) Do you think that in view of the fact that that number of them declared in council that even if the Great Father did not pay them a cent of money, or that even if they were permitted to go up to Dakota again, and there to receive the money, still they would stay in the Indian Territory, these money considerations could have had any effect upon their forming a resolution to stay in the Indian Territory?—A. I should think not.

Q. I suppose you remember the fact that some speakers there expressed the sentiment that even if the Great Father permitted them to return and gave them all the money that was provided for in this agreement, and gave them tools and implements, and everything, still they would stay in the Territory?—A. Unequivocally they said so, that their minds were made up to stay there. There is no doubt about that.

Q. Again: "Their chiefs and headmen agreed to remain in that Territory." When the delegation was here in December they unanimously declared, one after another, that it was not only the chiefs and headmen, but that it was the whole tribe that had sent them here for the purpose of making this arrangement. Is not that so?—A. I so understood it.

Q. Did you not hear them declare so yourself? Did we not ask the question repeatedly?—A. I did not hear them declare that the whole tribe had sent the delegation here, but I heard them declare repeatedly that the whole tribe were of one mind upon that subject.

Q. Do you not remember that we asked one after another, "Do you know an exception," and, "Do you know an exception," and so going through the delegation?—A. I do remember.

Q. Did you not conclude from that that the whole tribe were of one mind?—A. Certainly.

Q. Would it not appear from that that not only their chiefs and headmen agreed to remain in the Territory, but that by the voice of their chiefs and headmen all those they represented there agreed to remain?—A. I should say so undoubtedly. They had to speak through their representatives.

Q. So then it may be fairly concluded that the qualification here, that "their chiefs and headmen agreed to remain in that Territory," means not only the chiefs and headmen but it means all?—A. I think so.

Q. Further: "Having once committed themselves in writing to that course, they, with commendable integrity, regarded their action as sa-

cred, as far as they were concerned, and a majority of their people acquiesced and indorsed the action of their headmen." Inasmuch as in October, 1880, they had sent a letter here in the name of the whole tribe, and inasmuch as in December, 1880, the chiefs came here to declare in the name of their whole tribe, without knowing a single exception, that they desired to relinquish their right to the land in Dakota and to remain in the Indian Territory, may it fairly be said that the tribe, after having been committed in writing only, "with commendable integrity, regarded their action as sacred so far as they were concerned," and that only then they acquiesced and indorsed it, had they done so?—A. No, sir; not that only then they acquiesced. That is not a necessary inference at all.

Q. Let me put the question directly. Had they not committed themselves before any commitment on paper was made?—A. Undoubtedly they had.

Q. Then would you call it merely acquiescing in it, or did not, from what you learned, the chiefs come here at the instance of their tribe, not as those who rule their tribe, but as representatives of their tribe?—A. Unquestionably.

Q. So that instead of acquiescing and merely indorsing the action of the chiefs, the tribe had caused the action of the chiefs?—A. Yes, sir.

The CHAIRMAN. I have not had the pleasure of seeing the official document, but I have here what is published in the papers and purports to be a portion of the report of your commission.

By Senator MORGAN:

Q. Did you sign that paper?—A. Yes, sir.

Q. I suppose you did it with your eyes open and knew what you were doing?—A. Yes, sir; I did it with my eyes open and knew what I was doing.

By Secretary SCHUEZ:

Q. Was any evidence taken upon the history of the case before their removal to the Indian Territory and concerning their removal to the Indian Territory, so as to ascertain the facts in the case? What I mean to ask is, was any evidence taken for the purpose of eliciting new points or clearing up old points with regard to the original history of the Ponca case?—A. There was no intention, as I understood it, to take any evidence of that kind. Sometimes in their speeches and remarks the chiefs would go into that a little.

Q. But I mean where a question was asked for the purpose of eliciting information?—A. No, sir; I think not. I did not regard that as a part of our duty.

By the CHAIRMAN:

Q. In what purports to be a portion of the report made by your commission to the President, as published in the newspaper, is contained the following language: "It is, therefore, recommended that an allotment of 160 acres of land be made to each man, woman, and child of the Ponca tribe, said lands to be selected by them on the old reservation in Dakota, or on the land now occupied by the Ponca Indians in Indian Territory, within one year from the passage of the act of Congress granting such tracts of land; that, until the expiration of this period, free communication be permitted between the two branches of the tribe; said land to be secured to them by patent." Is that substantially a portion of your report to the President, according to your recollection?—A. It is.

Q. When you were in Dakota did any of the tribe there express a desire to select lands thus down in the Territory?—A. No, sir.

Q. When you were in the Territory did any of the tribes there express a desire thus to select lands up in Dakota?—A. They said there in the Territory that a number of families had intermarried, a part of whom were in Dakota, and it was thought very likely that some in Dakota would rejoin their families and unite their destinies with those in the Territory, and it was for that reason that that provision was put in the report.

Q. The question I asked was whether any of those in the Territory expressed a desire to have the privilege of selecting lands in Dakota?—A. They did not; but they expressed the opinion that some in Dakota would perhaps come down there if they had an opportunity to unite with their families.—Some daughters had married some chiefs or men there.

Q. And that is the reason, according to your recollection, why this recommendation was made?—A. It is.

Q. In making this recommendation, according to your recollection, was the question considered in what condition it would leave the two reservations in case a portion of the tribe should determine to select land, under this recommendation, in Dakota, and another portion of the tribe should determine to select land in the Territory? Did you consider the effect that would have upon the two reservations?—A. The land in the Territory belongs to the Cherokees; it does not belong to the Poncas. Therefore it would have to be purchased by the government for their benefit; so that it would be just as easy for the government to purchase 160 acres for each man, woman, and child as it would to buy the whole indefinite amount of 100,000.

Q. But the idea I want to come at is this: If my understanding of the condition of affairs be correct, the land upon which the Poncas are in the Territory belongs to the Cherokees?—A. It does. I so understand.

Q. They have agreed with the government to sell portions of that land for the purpose of settling upon it friendly tribes of Indians?—A. Yes, sir; that is in the treaty.

Q. It is upon that condition that they have agreed to sell any portion of these lands to the government?—A. Yes, sir.

Q. Now, if, say, half the Poncas should choose, in case your recommendation be carried out, to select land to live on in the Territory, and the other half in Dakota, did you consider whether or not that selection of lands in the Territory would interfere with the settlement of another tribe upon any portion of the lands now occupied by the Poncas in the Territory?—A. We did not, for this reason: There are about five-sevenths of the tribe at least, and perhaps more, who are now in the Territory. Supposing the number is 500, to give them 160 acres apiece would take 180,000 acres. In the agreement now pending, signed by these parties beforehand, it was understood that they were to purchase 100,000 acres. We thought we might as well buy 180,000 acres as to buy 100,000 acres, and that would give them all the land they would be entitled to under the recommendation.

Q. Then I am to understand that the recommendation of the committee is substantially that, if one half of the Ponca tribe should choose to select land in the Territory and the other half in Dakota, the unselected portions of both tribes, that is, the unselected portion in the Territory and the unselected portion in Dakota, would fall into what situation? Would it fall back to the government? Is that your understanding of

your recommendation?—A. No, sir; the Cherokees own a large tract of land.

Q. I understand that.—A. More than this; and the proposition was to so adjust this amount of land for the Poncas, and the remaining part, of course, would be in the hands of the Cherokees.

Q. What would become of the unselected portion in Dakota of their old territory there?—A. I do not know that it was included in the report, though I am sure it was in the form that I made, which was not finally adopted, that after allotting lands to the 150, or so, that should be in Dakota, the rest of it should be sold and the proceeds given to the whole tribe *pro rata*. That was our idea.

Q. That comes within the scope of your recommendation here, that whatever of the original Dakota reservation should be left after such Indians had made selections as chose to make them, the balance should be sold for the benefit of both portions of the tribe?—A. Yes, sir.

Q. And that what remained of the land now designed for them in the Territory should be selected should fall back to the Cherokees to be used?—A. Yes, sir.

Q. Did you contemplate the possibility that in making these selections there in the Territory they might not be made in block—that is, that there might be between the selections made by them portions unselected?—A. No, sir; we designed that they should select 160 acres for each Indian in a body adjoining, so that the whole selection should be in one piece of land.

Q. That is, that there should be enough of land in block in one limit?—A. Yes, sir; to cover the whole 180,000 acres.

Q. Suppose some of the Indians might not find in that land such as they would desire, but they would find a short distance off lands that they would desire, leaving between undesirable land. Does your recommendation contemplate what should become of that land at all?—A. Our idea was, that the land there is very similar in its character; that one part is about as good as the other, and there would be no difficulty in the way of selecting it in block.

Q. Your recommendation, then, contemplates that that shall be the mode in which it is to be done?—A. That is our idea. I think it is the best way to do it.

Q. The commission of which you are a member contemplates that some arrangement be made with the Sioux tribes by which they shall relinquish any claim they may have, or think they may have, upon the old Ponca reservation in Dakota. Did you take any means to ascertain whether that arrangement can be effected?—A. Standing Bear said in his speech, and Smokemaker also, that the Sioux held a large council last summer where twelve bands were represented, and they had specially sent word to the Poncas to be represented at that council, and that at the council a resolution was passed quitting claim to that reservation for the benefit of the Poncas. Spotted Tail said that the land belonged to the Poncas, he wanted them to have it, and they would make no trouble and would put in no claim to the land.

Q. Standing Bear is a chief among those who left the Territory and are now in Dakota?—A. Yes, sir; he is now their headman, the chief.

Q. That was his statement to you?—A. Yes, sir.

Q. Upon that statement you base your recommendation?—A. Upon that statement we thought there would be very little difficulty in extinguishing that claim for that land.

By Senator DAWES:

Q. Let me ask you if the proceedings of this council of the Sioux

to which you have just referred were made public by any department before?—A. No, sir; not that I know of.

Q. Did you disclose it in your statement to the President?—A. It appears in the testimony. We have sent that testimony to the President.

Q. So far as you know, that is the first knowledge that the public have had of that idea?—A. Yes, sir.

Senator DAWES. It has always been represented up to this moment that there would be great danger of war with the Sioux if the Poncas had land in Dakota.

Secretary SCHURZ. Permit me to say it has not been represented that there would be danger of war now.

Q. (By Senator DAWES.) Did you understand, from Standing Bear, that this council of the Sioux, at which he was present, was a council of Indians wholly, or was it a council at which the government was represented through commissioners?—A. We understood that it was an Indian council. Smokemaker was present as a representative of the Poncas, and also reiterated the same thing in his speech.

Q. Did anybody tell you, up there, how Spotted Tail was induced to send a protest here last summer against Dawes's bill, calling it Dawes's bill by name?—A. We heard nothing of that.

Secretary SCHURZ. What bill is that?

Senator DAWES. The bill to take the Poncas back to their land. Spotted Tail and some of them sent a letter, which was laid before our committee by the Indian Bureau, in which they said they had been told a plan was on foot, and they protested against it; it was their land; and I had the honor of having my own name put into the letter signed by these Indians. It was a curiosity to me how they came to do it.

Secretary SCHURZ. Is that letter in the testimony of the committee?

Senator DAWES. I think it is.

Secretary SCHURZ. Perhaps I may give you some information about it if I see it, if I can identify it. [To the witness.] You said, in the report which you had marked out yourself, you deemed it important to state the facts, circumstantially, that in their councils the Poncas in the Indian Territory had pronounced themselves emphatically and enthusiastically in favor of staying there?—A. Yes, sir; that was in my report.

By Secretary SCHURZ:

Q. Did you consider it important that that should form part of the general report, as a fact of very great consequence?—A. It is true as a matter of history, but it was in the proceedings in exactly the same form.

Q. You thought, then, the proceedings would supplement the report?—A. Yes, sir; they accompanied the report and are, in one sense, a part of it.

Q. Is it not, in your opinion, a very important fact that the Poncas there are emphatically and enthusiastically in favor of staying in the Indian Territory?—A. I think so.

By Senator DAWES:

Q. Some of your provisions are based upon the assumption, on your part, that they were?—A. We have had to recognize that fact.

Q. You recognized that in your recommendation?—A. It is a fact; there is no doubt about it.

By Secretary SCHURZ:

Q. Then you sacrificed your report and the statement of facts for the

sake of harmony?—A. My report was not adopted, and I wished to have a harmonious report.

Senator MORGAN. I wish to ask you, Mr. Secretary, of the date of the order for bringing on the Poncas at their last visit.

Secretary SCHURZ. You mean in December?

Senator MORGAN. Yes; the last visit.

Secretary SCHURZ. I cannot tell you exactly the date. I will tell you the whole history of it if you will permit me.

Senator MORGAN. I have no objection to your giving the history, though I asked only for the date.

Secretary SCHURZ. I can easily ascertain the date by referring to the files of the department, because it will appear there, but I think I may just as well give you the history of it; it might be of service to the committee.

Senator MORGAN. I certainly have no objection, if you desire to make the statement.

Secretary SCHURZ. Yes, I desire to make the statement. Some time in November my attention was called to the fact that in the Indian Office there was a letter from the Poncas, dated the 25th of October, in which they desired permission to send a delegation here for the purpose of declaring their intention to stay in the Indian Territory and of relinquishing their rights to the Dakota Reservation. The letter had been several days in the Indian Office before it came to my notice, as matters of detail sometimes do not come to me quickly, and the Indian Office had replied already that it would be difficult to grant that request, for the reason that the contingent fund, available for such purposes, was running low. I decided at once that if they wanted to come they should come, and had them advised that they would be permitted to come as soon as possible. That was, I think, between the first and middle of November. Then the matter being published, some doubt was thrown upon the genuineness of the desire of the Poncas to come for such a purpose. I consulted with the President, and thereupon sent an inspector there for the purpose of ascertaining whether there was any underhanded game, any illegitimate influence used to bring about such a letter, and whether the desire on their part was a genuine desire or merely some make-believe demonstration. I sent Inspector Haworth there, and he telegraphed back that he had held several councils with the Indians, from which it appeared that that was a genuine thing, that they had indeed expressed that desire, that they had asked their chiefs to write the letter to the department, and that they desired to come. As soon as I got that dispatch from Inspector Haworth I communicated it to the President, and thereupon, after consultation with him, telegraphed at once to Inspector Haworth to bring on the Indians. That was in December. I do not know the exact date. That is the whole history of it.

Senator MORGAN. Do you remember the date when the commission was appointed to go out there?

Secretary SCHURZ. I do not.

The WITNESS. I think the letter was probably dated the 18th of December.

WALTER ALLEN sworn and examined.

By the CHAIRMAN:

Question. Were you one of the commission appointed by the President in December last to visit the Poncas in the Indian Territory to ascertain their wishes in regard to staying where they were or removing to their old home in Dakota?—Answer. I was, sir.

Q. Please go on and state in narrative form what you saw and what you heard upon that visit bearing upon the object of your mission.—A. Confining myself to the visit after we left here?

Q. From that time, what occurred there bearing on the object of your mission?—A. The commission met at Kansas City, according to an arrangement, on the 3d of January; left there that night; arrived at Arkansas City the next day in time for dinner. Teams were provided by which we were taken to the agency of the Indian Territory, 35 miles from Arkansas City, the same night. We arrived there on the 4th, just in the edge of the evening. It was just dark when we got there. The teams arrived within a few minutes of each other. When I got there it was just about dark. We were not able to see very much of the Ponca land as we drove through. I do not think we drove through 20 miles of it, because I do not think it extends so far from the agency towards the Kansas line; but I should say from what I was informed by the driver of our wagon (one of the employés of the agency), that we rode perhaps six miles through what was Ponca land. He called our attention, when we came within sight of it, to various things which showed that we had arrived on the Ponca territory. We passed a few houses, and arrived at the agency. Nothing was done that evening further than to get warm and make ourselves comfortable, and inform the agent of our desire to have a council the next day. As I understand, the agent sent the fellows out among the Indians the next morning to summon them to a council, which was appointed to be at eleven o'clock, if I remember aright; but the Indians did not get in in time, so that it was after dinner before the council began. They came in slowly. In the mean time we had walked about the immediate grounds of the agency, looking at the buildings that were built, the new school building going up, and the saw-mill, brick yard, lime-kiln, and the springs about on the banks of the river, and the shops. At least I did, and some of the other members of the commission. I wish to say now, that in speaking of what was done and of what I saw, I am speaking for myself alone, and I do not wish to be understood as representing the judgment or the understanding of facts that other members of the commission may have had. I do not pretend to speak for the commission in any respect, but for myself. The Indians came in in their wagons, some of them, and some on ponies, with women and children. After dinner they were gathered in the school-house, as we were informed, and we went over there. There were between two and three hundred, all told, there, and in my judgment about 50 men. The commissioners sat at one end of the room. The council was in what is used as a school-house now. It is a school building and had school desks and chairs in it. We sat on a little platform usually occupied by the teacher, at a small table, and the people came in and sat about as they pleased through the room, two or three members of the police standing by the door and facing the audience, near the commissioners. What Mr. Stickney has said about the desire of the commission that the paid officials of the government should not be present is true. How they were informed of that desire I do not know, but I know that none of them were there except the members of the police, who it was not considered ought to be excluded, from the fact that they were themselves members of the tribe, and also an Indian who acted as interpreter.

Q. Please repeat that again.—A. These members of the police, although in the employ of the agency, it was not considered ought to be excluded from the council, because they were themselves members of the tribe. The white men, of course, about there were not members of

the Indian tribe, and there was an interpreter, a Pawnee, I understand, who was employed by the government, who was not a member of the tribe, but he was the interpreter of whom the Indians spoke in council, that they would like to have him present. Another interpreter, who was on in Washington with them, named Antoine, I think, was present, being a member of the tribe. I do not know how fully he is in the employ of the government. I only know he came on with them in the employ of the government. The purpose of the commission was not to exclude any member of the tribe from the council, whether he was employed by the government or not.

Q. It was intended to exclude only those who were fortunate or unfortunate enough to be connected in some way with the government?—
A. It was not intended to exclude them except so far as it might be said, perhaps, in any quarter afterwards, that the presence of these persons who had, in a measure, control of the tribe, or were under the superintendence of the agents, might have intimidated the Indians in some way, or prevented a free expression of their opinion, which was all we were trying to get; and without saying, whether in our opinion they would do so or not, we thought the wisest thing, in order that there might be most confidence in what the Indians should say, was that they should be left out. I do not know how much detail you desire me to enter into in this matter.

The CHAIRMAN. What we want to get at is whatever in your judgment would tend to throw light upon the question which we are laboring to investigate; whatever was said and done tending to show the actual temper and state of mind of the Indians there, and their condition, so far as you could judge of it, by what you saw of them and their surroundings.

Senator DAWES. Possibly if he heard Mr. Stickney's statement he might tell how his own recollection accorded with that.

The CHAIRMAN. Of course if there is any difference of opinion between Mr. Stickney and himself we ought to have it. What ought to be the purpose of this investigation is to arrive at the exact truth and nothing else, and without taking sides upon one side or the other of it, as I understand it. I may be in error as to what is the duty of the committee, but that is my understanding of it.

The WITNESS. That is what I understood, sir; but I did not know how much in detail of the proceedings of the council step by step you desired to procure.

Q. (By the CHAIRMAN.) Whatever in your judgment would tend to show the actual condition of affairs there, and the actual state and temper of the Indian people?—A. The council was opened by request of the commissioners in the way of a statement to the Indians by the Rev. Mr. Riggs, a missionary at the Santee Agency, with whom we knew the Poncas were acquainted, and whom we had supposed they considered a friendly person to them, to state to them the purpose of the commission in being there. Being strangers to them ourselves we did not know how freely they might be willing to talk to us without some such assurance from a person whom they knew. We could not take a letter of introduction to an Indian exactly, and gain his confidence at once.

Q. And being, unfortunately, for the time being, government officials you did not know but that they might have some suspicion of you?—
A. I do not know how far that might be. At any rate we thought it would lead to getting a freer expression of their opinion if he was with us, and so he made some remarks to the Indians, which are given in

the record of the testimony. The next proceeding, as I remember it, was the submission of the agreement or declaration which had lately been made by the chiefs at Washington. For myself I thought that was a little unfortunate method of opening, from the fact that it might lead the Indians to think what we came there for was to get their consent to that agreement. However, that was done.

By Secretary SCHURZ :

Q. Did you think there would have been any harm in it?—A. I thought it might be harm to lead the Indians to suppose that we had come down there for the purpose of getting their consent to that agreement in view of the fact, as I considered it, that it was our object to get at their opinions in the matter. I thought they might be more apt not to state what their real opinions were if they thought we had come there for a definite purpose. However, that was done, and immediately afterwards the Indians were asked by one of the members of the commission how many agreed to that statement.

By the CHAIRMAN :

Q. Who was your spokesman?—A. The person who gave the agreement to the interpreter to be translated to the Indians was the chairman of the commission, General Crook. The person who suggested and put the question was, if my memory serves me right, another member of the commission. If anybody has the record they can correct me in that respect. I am speaking from memory.

Q. Do I understand you to say that General Crook was the organ of the commission in asking what was asked, and through the interpreter his questions were put to the Indians. Is that what I understand?—A. Yes, sir; he generally did so; but questions were frequently put by others, he not making any objection. Something would occur to somebody else, and if no objection was made it went on. At any rate the next proceeding was an immediate demand for their opinion upon this matter. Either because the Indians did not understand what we wanted of them exactly, or for any other reason, they did not seem to rise very much. I do not know; perhaps that is not their way of taking a vote. It was again suggested by the members of the commission that they wanted them to get up to show how they felt. At that time the chief of police who stood on the platform by us, near the door, assisted the interpreter in making known what was wanted. He indicated to them [the witness waving his hands] to get up, and they all rose, so far as I could see.

Mr. STICKNEY. You remember the question was put in the first form to raise their hands, and then it was said, instead of that, to stand up.

The WITNESS. I think it was, and they did not seem to raise their hands; and then it was to stand up, and some got up scattering around, and then from two or three, as you frequently see in a meeting, it appeared to me as if it was a cry "all up," and they all rose, men, women, and children.

By Senator DAWES :

Q. You say the chief of police on the platform gave the sign?—A. Yes, sir; and then all the persons there rose, so far as I observed. The chief of police spoke to them in Indian. I do not know what he said, but he evidently was impressing what the interpreter wanted to say to them, and made motions with his hands, and, so far as I observed, all stood up. I do not consider myself authorized to state what occurred in talk among the members of the commission. Nothing more

was done in that matter, further than they went to speaking to the Indians. Questions were put, I think. I think the next thing asked was how they came to change their minds—I do not remember exactly the course of the testimony—to which White Eagle made a speech.

By the CHAIRMAN :

Q. The commission conferred among themselves?—A. The commission conferred among themselves in regard to the proposition which was made next, and that proposition, as I do not know whether it appears in the record, I do not know whether it would be a proper thing for me to state what it was. It does not appear in the records of the commission, but it is part of the matter. The next proceeding was to ask the Indians why they changed their mind about it. I forgot to state that after Mr. Riggs had made his statement, and it had been made out to the Indians, an Indian named Big Bull made a speech to them in the Indian tongue; a very excited and voluble speech. We asked the interpreter what he was saying, and he said he could not follow him at all; he could not make it out; it was altogether too rapid. At that time, or soon after, I do not know whether it was before the vote was taken or not, White Eagle made a harangue to the Indians.

By Senator DAWES :

Q. It was a pretty excited caucus?—A. It seemed to be, the way the Indians were talking. Their manner of speaking to each other is very different from their manner of speaking through an interpreter, stopping at every sentence, and speaking very slowly. Then the commission proceeded to question them as to their change of mind, and White Eagle, who spoke after that, at least one of the spokesmen (I think he spoke first in regard to the matter), spoke of the long time they had waited there in the country hoping that they would be allowed to return to their own land, and of their being discouraged, and finally, last summer their friend came down to see them, and telling them that there was no hope of being permitted by the government to go back yet—no permission—

Q. Who was that?—A. We understood it to be Mr. Tibbles. I think he was asked how it was, and of his saying something to them about their going, if they went, in small parties. He asked him what would happen, and he said they might be arrested, as Standing Bear had been. White Eagle told him that it was very hard that there should be danger.

By Secretary SCHURZ :

Q. Did you not ask the question, "When Mr. Tibbles came here, if they could have gone back to Dakota without danger, would they have been glad to go?" and did you not receive the answer from White Eagle, "No. When I came back from Washington in the spring, and I thought the thing was finished, I went to farming, and made stables, and cultivated a field of about ten acres?"—A. Yes, sir; I presume I did, if that is the record. I intended to do so. I presume that is correct.

Senator DAWES (to Secretary SCHURZ.) Have you got a copy of the report?

Secretary SCHURZ. These are some extracts from the testimony that I have taken for myself. The report has been on the President's table.

Senator DAWES. If you have a copy, I will ask you if you will be kind enough to let us look at it.

Secretary SCHURZ This is a mere extract to refresh my own memory.

The WITNESS. A partial reference to things I may have said or to points which I have made in determining my judgment, of course, if published by itself, it would, perhaps, create an unfair impression. I observe there are some persons—

Q. (By Secretary SCHURZ.) Did you not say to the interpreter then, after he had said that he would not have left with Mr. Tibbles, "Ask him [White Eagle] if he thinks this land is better than his old land"? and did not White Eagle answer, "I think this land is a better land; that it is improving; whatever we plant will come up"?—A. Yes, sir; I think I did. Whatever is recorded in that testimony, in the official report of the testimony, I did ask, as I have heard it read, and consented to it as a true record of the proceedings. I do not remember all the particular questions I may have asked. He said so.

By Senator DAWES:

Q. You could tell better if you had the record before you?—A. Possibly. Possibly there might be other questions in that connection or touching other subjects that would affect the same points in the course of the council which affected my judgment. I did not make up my judgment on the matter entirely in regard to any one question at any particular time or stage of the proceedings. When I came to make my final judgment, I made it up upon a consideration of all that I had heard, and the effect that, in my judgment, it ought to have.

By the CHAIRMAN:

Q. Let me understand now; I am not sure that I do. Accompanying your report to the President, was there a minute of the questions asked and answered at these councils?—A. Yes, sir; a nearly verbatim report of the whole proceedings of these councils. The gentleman, an officer of General Crook's staff, who had, by authority of the President, acted as clerk of the commission, was not a short-hand reporter but a rapid writer, and as the proceedings were rather slow, it is nearly a verbatim report and apparently correct. It was sent to the President with our conclusions.

Q. After your work was through, these memoranda made by him as to questions and answers were read over by the commission and approved?—A. They were read over before the final copy was made, at different stages. For instance, after we had a council with the Indians and were going perhaps on the cars, or were at our rooms in a hotel, his report which he had taken of the proceedings was read over in the presence of the commission, and any error that we discovered in it was corrected at that time.

By Senator DAWES:

Q. And all that is now before the President?—A. All that is now before the President. It was never read over by the commission in the copy that went before the President. We trusted to the clerk, as we were in some hurry, to make a correct copy of his minutes, which had been read to us and corrected—a fair copy.

By Secretary SCHURZ:

Q. It is understood that the copy was made according to those minutes, I suppose?—A. It is understood, of course.

By the CHAIRMAN:

Q. If there is anything further you wish to say about it, or anything omitted you think from that report, or anything which in your recollection differs from that of Mr. Stickney, that would tend to throw light

upon this matter, and to give us the very truth about it, that is what we want to get at.—A. It appeared to me when we came to make up our report that it was the duty of the commission not simply to give a statement of judgments upon what we had seen in the form of conclusions, but the statement of facts and the reasoning, so far as essential, upon which those conclusions were based, and in that conviction of what was the duty in the premises I made a further report, adopting the conclusions and recommendations of the commission as my own, and as a part of my report stated in the other part of my report, which is not signed by the rest, and which represents simply my own matters, the facts which seemed to me essential, and my inferences from them in coming to the conclusions in which I united with the other members of the commission.

Q. Now, any facts contained in that separate statement of your own—any occurrence that took place there—would be proper for you to state here.—A. I do not recollect anything essential that I want to say, further than appears in the minutes. If the committee want to ask me any question upon any particular point, I will answer it

Q. I have not seen your report at all. I do not know what it contains. Was there anything omitted in the minutes taken of your doings there that would tend to throw light, in your judgment, upon the question whether or not these Indians desire to remain there, or to go back to Dakota?

A. No, sir; I do not think there was. The proceedings taken before the commission appear in full, of course. In forming my judgment of the state of facts, I took into consideration my own observation of the matter; for instance, I visited Indian houses, which some of the other commissioners did not. I visited the Ponca camp in Dakota, which other members of the commission did not, so far as I know; and, of course, I had a great many conversations with people which other members of the commission did not have. All these things do not appear in the minutes, but were perhaps a part of the information upon which I came to the judgment I formed.

Q. How many houses did you visit?—A. I was in, I think, three or four. The night before we left the Territory I went out walking about five o'clock. I had been troubled a good deal with neuralgia while I was there, and, feeling a little better, I went out for a walk. I walked, I think, for about half a mile straight in front of the agency buildings, and came to two or three Indian houses. The Rev. Mr. Riggs was with me. We started out for a walk without any special intention of going there, but having started, feeling better, and it being pleasant, I said, "Let us go and see some of the houses," and he walked on with me. I went into three houses, I think; Mr. Riggs speaking in Dakota, and making himself understood to the Indians.

Q. That was in the Indian Territory?—A. In the Indian Territory; so that I saw of the houses perhaps more than any other member of the commission, though within sight of the agency, off on the prairie around, some forty houses might be counted, and I do not know but more than that; and then we rode by some going there and coming away from there which were not in sight from the agency; and I understood that some of the dwellings were as far out as twelve or fifteen miles, at least a large number of miles for a walk.

Q. Did you make any observation in regard to them that you wish to have recorded here?—A. I made an observation in regard to their houses in general, so far as I saw, that there appeared to be none or very little cultivated land about them of any sort; no standing corn-

stalks that looked as if the Indians were doing anything for their personal support in the way of agriculture. The Indians seem to have been employed, so far as I could ascertain from talk with the agent, largely in working about the premises. The buildings at the agency are numerous and apparently in very good condition, and a good deal of money has been expended upon them. The agent at present there seems to be an active business man and was developing the products of the place; that is, he had limestone from which he was making lime, and clay from which he was making brick for the building of the school-house, and he seemed to be a man who was rather energetic in pushing himself. At the same time, from inquiries of this gentleman, and I know nothing about him more than I ascertained from himself there—

Q. You are speaking of the agent?—A. I am speaking of the agent now. It seemed to me, his experience in life, as narrated to me, having served during the war partly as a member of the secret service in finding out and discovering and detecting the machinations of the Knights of the Golden Circle, and their haunts in Northern States, was that of a man who, if he chose to exercise it, would know how to bring influences to bear upon Indians which a man like myself would not be able to discover or trace, in order to fix their opinions.

By Secretary SCHURZ:

Q. Is that what you call in the report "other important considerations"?—A. No, sir; I will explain what these are, if it is desired, when we come to that. I will say here that for myself I have no acquaintance with Indians or Indian character, practically. This is really my first experience among Indians as Indians, but the Indians in the Indian Territory did not strike me as nearly so energetic or hopeful or cheerful in temper as the Indians we saw in Dakota, although it was unquestioned that they were much better off. They appeared to be well provided with clothes, and as far as I have any reason to know they had plenty of food. I did not hear any complaints in that respect.

The CHAIRMAN. If there is nothing further you wish to state as to what occurred in the Territory, you can go on and state what occurred in Dakota when you got up there, if anything that you desire to state.

Q. (By Secretary SCHURZ.) Is there any doubt in your mind as to whether the Indians in the Indian Territory really desire to stay there?—A. There is some doubt in my mind, that is whether they would desire to stay there if they had not committed themselves, under the idea that they could not go away.

By the CHAIRMAN:

Q. Did this idea ever suggest itself to you. I have lived in the West a good many years, both in Ohio when it was new, and in Iowa since it is new. I have found as an almost universal experience that newcomers, as we call them, tender-feet, as they call them out in Colorado now, when they first come to a new country, breaking up all old associations and all old acquaintances and friendships, become, perhaps homesick is the best word to express it, for a while until they form new associations and become accustomed to the new country in which they settle; and under the influence of that feeling it is the experience of all new countries that many of those who go to it return, and they almost all go back, having returned to the old country, for after they go back to the new country, those who remain twelve months, eighteen months, two years, or three years become reconciled and satisfied and cannot be induced again to leave the new country for the old. Now, do you suppose that is the process that these Indians have been undergoing?—

A. I have no doubt that my observation everywhere, as well as in what little I have had in the West, is that it is the quality of human nature to adapt itself to the circumstances that it is compelled to be in. We used to hear a good deal said, and there was a great deal of truth in it in some respects, to the effect that the negroes were contented in slavery, that they were used to that sort of life and did not want any change.

Q. I am speaking not of men who cannot change their condition, but of men who can and do. This thing has obtained very largely, according to my observation, among the early settlers of the Western country. I have been through it twice myself, and therefore speak of what I, to some extent, know, that breaking up old associations is unpleasant and remains unpleasant until you form new associations, both as to persons and places. I think that is the universal experience of all men who have left the older States and gone to the newer States, but in time that feeling wears off and new association of persons grows up, and with that satisfaction.—A. Unquestionably it is so.

Q. Do you suppose that it is so with reference to these Indians? Is it not natural that it should be so with them as with other people?—A. I suppose it is to some extent. I think that the Indians are in a healthier place than they have been, and I think that the past season, from inquiries I made from many individuals around there, has, in that section of the country, been rather a healthy season altogether; that there have been less fevers and less of diseases of the climate—malarial diseases—than in ordinary seasons, and the Indians have escaped that somewhat, and have also become more used to the climate than they were formerly, so that there is not the immediate idea of sickness that worked upon them before that would make them discontented.

Q. They are better sheltered in houses?—A. Yes, sir; better sheltered. In a few months they have got into houses, and, as Mr. Stickney said, White Eagle said he thought these houses were better than the houses they had before, and he mentioned the point that the houses up in Dakota had earth roofs, and these were shingles.

By Secretary SCHURZ :

Q. You said you had a doubt as to whether they wanted to stay there. Upon what observation is that doubt based? Did any Indian tell you that he did not want to stay there?—A. No, sir.

Q. Did any Indian intimate to you that he did not want to stay?—A. No, sir.

Senator DAWES. Please let the witness state on what he based his conclusion.

Secretary SCHURZ. I want to ask one more question. (To the witness.) Did anybody tell you of any Indian who did not want to stay?—A. A person who accompanied the commission said that there was a woman—two women—one, it is thought from the description he gave of her, was the widow of Big Snake—who did rise as opposed to remaining there when that question was put. I did not observe it myself. That is all I heard.

Secretary SCHURZ (to Mr. STICKNEY). In the course of the conversation we had yesterday, did you not mention that the wife of Big Snake herself wanted to stay there?

Mr. STICKNEY. I said to the agent, Whiting, that I supposed Big Snake's wife would not be contented to stay there, having had her husband killed in the way he was, and his reply was, "No; she does not want to leave; she is willing to stay here too."

Senator DAWES. You did not see her yourself?

Mr. STICKNEY. No.

Senator DAWES. Mr. Allen heard the opposite.

Q. (By Secretary SCHURZ.) What was your doubt based upon?—A. My doubt was based upon this: that they have consented to stay there under the condition of mind in which they were from never having had an opportunity to expect from the government that they could go back, and various things, the way, the expression of the Indians, made me think that they felt themselves under some sort of an obligation. I have also had a mistrust that from the effect of the system of Indian police, in which the agent has the appointment and dismissal of men who enter into the council of the Indians, and who were not chosen by them as their representatives or members at least, but who may be used very well perhaps as spies for inducements, it was not at all certain in my mind that the Indians would remain in the opinion they were now if they had a free option given them. Another thing, I thought perhaps another season, if it should be sickly, as it had been before, and not so favorable a season, might also dispose them to go back. I thought their present condition of mind is possibly a temporary condition, and that it is somewhat based upon conditions of choice which it was not fair that they should have.

Q. So your doubt was rather based upon philosophical reasons, as I understand you?—A. Yes, sir; rather than upon any information.

Q. Do you remember that you asked White Eagle the question, "If the Great Father wanted to send you back there and give you all you had before, would you want to go or stay?" and that White Eagle answered: "If the Great Father should make that for me, I should think he would have me wandering around, and for that reason I should be unwilling to go, and should want to remain here"?—A. Yes, sir.

Q. Then you asked him the question, addressing him through the interpreter:

"If the Great Father should give him a strong paper for that land would he be willing to go back there and remain permanently?" White Eagle said: "I would remain here. The matter is finished and so I will stay here."

Now come some other philosophical reasons, too:

Mr. ALLEN. Ask him if the houses they have here are as good as those they had in the old home.

White Eagle said: "We think that these houses here are a little good"; meaning probably a little better. "Those houses up there were bad—they had dirt roofs. These are better than the others."

Mr. Allen asked: "Do they raise as large crops as they did up there?"

White Eagle said: "In that land there were insects that destroyed the crops; in this land there are no insects," meaning grasshoppers, "and no birds to hurt the crops," meaning blackbirds and crows.

Do you remember further that General Miles asked the question:

In case Congress fails to appropriate \$90,000 [that is the pecuniary consideration in the agreement], but allows them to remain here without the \$90,000, what effect will that have upon the tribe?

That was not answered by White Eagle, but by Standing Buffalo to this effect:

Even if they did not wish to give us that money we would wish to remain here and work for ourselves.

Then Mr. Stickney asked the question: "Does he speak for all?" and the record says:

ANSWER FROM ALL.—We speak with one heart.

Then General Miles asked the question:

If no money is appropriated, but the privilege granted of remaining here or going back to their old homes, how many would remain here, and how many would go back to Dakota, supposing it to be left optional with them, and they to be perfectly free to do as they please?

Standing Buffalo answered:

We think that if we wen tback to Niobrara we would receive no tools and no rations, and so we would prefer to remain here.

General MILES. But supposing they received the same treatment in every way—houses, rations, tools, everything—at Niobrara as here, what then would they do? I want to get at the bottom of their hearts in this thing.

STANDING BUFFALO.—Even if the Great Father should give us all those things up there we would fear wandering around, and would prefer to stay here.

General Miles said: "Ask White Eagle," and White Eagle answered: "I think the same."

General MILES. Ask him if he is sure that all his people think the same about this as he does.

White Eagle said: "Even if the Great Father should be willing, it is a very abominable thing for us to be going about doing nothing, and so we want to stay here."

General MILES. Ask him if he is sure that all his people think the same way;" and White Eagle replied: "We have talked with a good many of them, and they all talk the same way."

Mr. Stickney asked: "Does he know anybody of a different opinion," and White Eagle said: "All are of one opinion."

General Miles asked:

If there is any man in this room who would go back to Dakota, if assured the Great Father would grant the same privileges as now given here, and they should not be disturbed, let him speak out; if he would want to spend the remainder of his days there, with a firm title to his land, and the conditions the same.

Then it was that Peter Primeau, the chief of police, said—and you see he is in the rear and not in front of the whole demonstration:

If the Great Father was to say to me, "Go, you can go back to that place," even if he was to give me \$20,000 I would not go.

Standing Yellow said:

What these chiefs say they say for us, and we agree to.

Bear Scar said:

We young men sent the chiefs to Washington, and they have come back with good news. I have put a big stone down here, and will sit upon it. I prefer to stay here.

Does Mr. Allen remember this?—A. I do.

Q. Does that look as if they were very doubtful in their own mind?—

A. I will say that is only a part of the testimony; and with regard to that I do not propose to make an argument or statement before the committee by which I cannot state what occurred in another place in the record.

Q. Does Mr. Allen show anything contradicting this from anybody? Does he remember anybody in all these proceedings in this whole record who said that that was not his mind?—A. No, sir.

By Senator DAWES:

Q. Mr. Allen, do you know why you are brought before this committee to testify, from a copy of your report to the President, without the committee being permitted to have a copy of that report?—A. No, sir; I do not. I know nothing about the matter, except, having received a summons to come here, I appeared.

Q. Is there anything in your report that requires it to be withheld from the committee, and that you should be questioned here before the committee as to such parts of it as they please to inquire of?—A. I have no knowledge on the subject, sir, except it may be desired to commit me to consent to a part of the evidence, without the whole of the evidence upon which the conclusions I came to are based, and to assume therefrom that my conclusions are erroneous.

Q. You heard Mr. Stickney's testimony?—A. I did.

Q. Is there anything in that in which your recollection differs from his?—A. There were points of detail as he went along where my recollection differed from his that I cannot now recall immediately. Whenever his testimony differed from the record, it would appear from the record itself when printed. If I had his testimony read to me I could state the points. I do not remember them.

Q. Does any occur to you now?—A. There were errors of dates, and as to the progress of things in council and the consecutiveness of things that he stated wrong.

Mr. STICKNEY. As I said, I might have stated them wrong.

The WITNESS. I attempted to correct him several times.

Senator DAWES. I was not speaking with the idea of finding any difference.

Secretary SCHURZ. Mr. Allen said he was going to explain to the committee what those prominent considerations were which induced the Indians to accept the best terms they could obtain.

Senator DAWES. If you will allow me to put one or two other questions I will then hand the witness over to you.

Secretary SCHURZ. Certainly, I beg pardon.

Q. (By Senator DAWES.) You spoke of the present agent and his previous education and experience before he came into the employment of the government as an Indian agent. Will you not give us that in a little more detail? What did you mean by his previous mode of life having some effect upon his present habits of mind?—A. I only know he gave at the table some little sketch of his life at one time, and stated that during the war he had a commission of some sort given him and was detailed by General Howard, I think, to the secret service of the Army, if that is what it was called, to inquire into and search out the haunts and plots of what he described as the Knights of the Golden Circle, and he gave us interesting reminiscences of his shrewdness and success in discovering their haunts in the woods of Michigan and other places.

Q. And from that you inferred what?—A. From that I inferred that if he was a man who wanted to influence the minds of the Indians in any way through agents of his own indirectly, he would know how to do it in ways which perhaps it would not be easy for a person not acquainted with Indian affairs to detect.

Q. He would be just the man to do it if he wanted?—A. I do not wish to say that I thought he had done any such thing, but I meant to say that it occurred to me that he was a man who would be able to do it if he did want to.

Q. If there was any such work to be done you think his early education would fit him eminently for it? Was that what you meant?—A. It seemed to me so.

By Secretary SCHURZ:

Q. Did you observe in any way anything improper in his conduct?—A. I did not have an opportunity to see much of his conduct with the Indians. He made one remark to me which struck me as a peculiar remark to make; and it struck me that he was a man who proposed to carry his points. Indeed he said that he did not propose to have anybody on the reservation who thought he was a bigger man or more competent to run it than he was; it was not in accordance with his ideas of business; which was a business-like communication; but the remark to which I referred, which struck me with peculiar force, is this: he was

talking about Indian squaws cutting down the pecan trees to get the pecan nuts, and thus ruining the tree and the whole crop for the future, and he said he had been able to save some trees that were about the agency building by saying that any Indian who cut down a tree he would shoot.

By Secretary SCHURZ:

Q. Did he shoot any?—A. He did not say that he did, sir; but he told me that was what he told them, and that is the way he saved the trees around the agency.

Q. Do you say that from the fact that during the war he had been hunting out the Knights of the Golden Circle, he might be looked upon as a man that might do dark things? Is that it? Do you think there was anything objectionable in hunting up the Knights of the Golden Circle?—A. Not at all. I think it was a good thing to do. That does not imply, Mr. Secretary, that I think it would be a good thing to do to rule Indians who are entirely in the power of an agent, so to speak, when he exercises an arbitrary authority, by the same methods by which a man was employed to detect traitors against the government, if you choose to call them so.

Q. Do you think it a dangerous thing to appoint a man who has been doing that kind of service, and who has done it well, to a responsible position in the Indian service?—A. That depends upon other conditions. It might be dangerous and it might not. It depends upon what he was wanted to do.

Q. I understand you to say that, for the reason that Mr. Whiting had been employed in the military service to hunt up the Knights of the Golden Circle, you concluded in the first place that he might be apt to exercise upon the Indians an influence which you would not be able to detect, and in the second place that was strengthening your doubt as to whether the Indians really wanted to stay there?—A. My statement in regard to that matter is that these facts in regard to his character which he told me, made me think he was a man who if he wanted to accomplish a purpose of any kind would be able to do it; that is all.

Q. Did you see any reason to suspect that he had done anything of the kind? Did you hear any Indian say so?—A. I heard no Indian say so; I heard nobody say so. I have understood, however, that with the appointment of the present chief of police this whole change of mind on the part of these Indians has come about; since this agent went there last April; since which time the present police have been appointed, and that it was common talk about there that this Pete Primeau, who I understand was not a chief before or a man of very much influence among the Indians, had been the prime mover in the whole business.

By Senator DAWES:

Q. The man who would rather give twenty thousand dollars than lose his present position—is that the man?—A. He is the man who said he would not go up to Dakota for twenty thousand dollars. He did go to Dakota as a member of the delegation, but when the delegation met the others and they made speeches before us to Standing Bear's party in Dakota, he declined to talk, and Standing Bear made some remark, or somebody did, as if demanding that he wanted to ask him some questions about the killing of Big Snake or some matter, but he declined utterly to talk before us to these Indians up there. The other two made speeches.

Q. This chief of police was then one who volunteered to go to Dakota?

—A. He was very anxious to go I was informed, and he was allowed to go up with the others.

By Secretary SCHURZ:

Q. Do you mean to say that the change of sentiment of the Indians on the Ponca Reservation was brought about in any way by the organization of the police force?—A. I mean to say I do not know whether it was or not, but I think it is not impossible that it may have been.

Q. Did any Indian in your proceedings give any intimation of that kind?—A. I do not recall any now. I have read it very carefully, and I find nothing.

Q. Was there any other evidence that would point in that direction? I mean any expression of any Indian that you heard that he had been prevailed upon by the police to change his mind?—A. No, sir; but there is this concerning the position of the police among the Indians which struck me very forcibly, and I will say gave me some very grave doubts as to the wisdom of the Indian police in managing Indian affairs. The Indians, so far as their present condition and rights and other immediate relations are concerned, are absolutely in the power of the Indians agents, with no appeal, except through long process, to a person thousands of miles away, and they are under the direct control of the agents. If an agent employs an Indian police it is in his power to select the worst and most treacherous men in the tribe for that purpose. It is in his power to reward them for reporting to him anything that is going on in the tribe that may not be according to his idea of how the Indians should feel or should conduct themselves; and in that view of things, and of the fact that I heard that this chief of police was of recent appointment—since this agent went there—and that it was soon after his appointment that the Indians seemed to think they had better change their minds about what they should do, made me doubt—I do not say forced the conclusion upon any one, but made me doubt as to the spontaneity of this change.

Q. Do you say this from any experience with the Indian police system anywhere?—A. No, sir; only from an observation of those facts. It was well known, I suppose, when I was appointed on this commission that I was not familiar with Indian matters practically. It was known that I was not put on as an expert.

Q. So you admit that your familiarity with Indian matters is very limited, and you are rather an amateur?—A. Yes, sir; but I wish to say that the other members of the commission were all of them very experienced men in Indian affairs. I do not speak for the commission; they can speak for themselves; but the commission was not together for three weeks without having more or less conversation.

Q. Do you mean to say that the commission shared your suspicions with regard to the organization of that police and its effect?—A. I do not mean to say anything about it. They can speak for themselves. I am not testifying for them.

Q. Is it not true that the change of sentiment coincided in a great measure with the change they found; that their health was better; that the land was better; that they raised better crops?—A. I have already spoken of those considerations, and perhaps it was wholly on account of that; I cannot say.

Q. You said that you were going to give some explanation of what was meant by the "other prominent considerations," which had brought about that change of sentiment?—A. My understanding of that expression is that in that letter sent to you they expressed a desire to dispose of their own lands. My idea was that they expected to get some-

thing for them, and it was the consideration they would get besides being obliged to stay in that country any way, so far as the government had ever informed them of their chance, they had better get something for the land which they could never make any other use of, and it was the idea of getting a large sum of money which from my talk with people who are familiar with Indian affairs very much more than I am, is a matter of a good deal of influence with Indians on any matter, and that that had an influence in their minds in writing that letter, as they had better stay there and get something than stay there and get nothing, and hold on to a claim for land which they thought was never likely to be admitted by the government.

Q. So, if I understand you, the phrase "other prominent considerations" means that they would not stay unless they could get money for it?—A. That is one of the principal points.

Q. Have I not read to you here expressions over and over again in which they said they would stay even if they did not get a red cent, when they told you so?—A. You have read what is in the testimony I suppose.

Q. Is not that true?—A. So far as I know it is essentially the testimony as I remember it. That is an essential part of it.

Q. What becomes of "other prominent considerations," then? It would seem, then, according to the testimony—

Senator DAWES. Suppose you let the witness answer what has become of it.

Secretary SCHURZ. Certainly.

The WITNESS. There are a good many things that do not appear in any part of the testimony the Secretary has read, I desire to say, which were influential in determining my judgment. The case is this in my mind: The Indians having no hope of being able to get back to their old land, and having a hope that if they consented to remain where they were they could get something in payment of their old land, expressed a desire to do so; came on to Washington and made an agreement with the government to do so. Having done that, they would not profess any other mind on the subject; the past was past, as White Eagle said in the conclusion of his remarks upon this matter, which the Secretary has not read: "I have put my hand to the pen, and when an Indian has put his hand to the pen he considers that he has done a precious thing."

Q. (By Secretary SCHURZ.) Mr. Allen is, as he says himself, inexperienced in Indian matters. Does he mean to say that White Eagle meant by that that having put his hand to the pen, even if the conditions on the other side were not fulfilled, he would still consider himself bound, and that was the reason why he would stay?—A. I do not understand the circumstances to be such.

Q. Is it not rather that by putting his hand to the pen he had declared his sentiments, and those sentiments remained the same? Is not that it? That is my experience of Indian affairs, that when the agreement on the other side is not held, having put his hand to the pen is no restraint on him to withdraw his hand from the pen. But does not White Eagle himself say for all the other Indians there, that if these conditions are not fulfilled it would be all the same, they would want to stay? The report says: "Their chiefs and headmen agreed to remain in the Territory." Does Mr. Allen mean to say that when they signed that letter of October 25 it was the chiefs and headmen alone who agreed to remain in the Territory?—A. I mean that, so far as the men who signed the letter and made the request were concerned.

Q. That will not do; for here it is. The paragraph is so framed as to convey the impression that after their chief men had agreed to remain in the Territory and had signed their names to it, a majority of their people only acquiesced and indorsed the action of their chief men. Now I ask the question whether Mr. Allen is not aware from all the testimony that was taken before me and him here, and from all the testimony that was taken in the Indian Territory, it appeared that the chiefs and headmen were not the only men who got up that letter of the 25th of October, but were merely the representatives of their tribe?—A. My understanding of that clause in that conclusion is simply that this expression having been made through their chiefs and headmen they held to it.

Q. No, that will not do. This paragraph.—A. Then if it will not, I do not care whether it will do or not; that is my understanding.

Q. The paragraph conveys the impression that the chiefs and headmen came to the conclusion to stay, and then they signed an agreement, and then the rest of them only from motives of integrity acquiesced and indorsed the action of their headmen. What I was asking is whether Mr. Allen does not know from all the testimony that was taken here that as early as before the 25th of October, not the chiefs and headmen alone, but all the Poncas there had a consultation among themselves, and that the chiefs and headmen came here as the representatives of their tribe, to represent their sentiments upon that matter, and that, therefore, not the majority of them acquiesced in what the chiefs and headmen had done when they signed that paper here in December, but that in October the tribe declared already that they wanted their chiefs and headmen to come to Washington for the purpose of doing this very thing?—A. That was a pretty long question.

Q. It is very simple.—A. As I get it the question is—

Q. I will restate it once more.—A. Is that a statement followed by an interrogation point?

Q. I will say once more, this paragraph here conveys the impression that their chiefs and headmen first desired to remain in the Indian Territory, and then came here and signed a paper to that effect, and then from commendable motives of integrity the rest of the tribe only acquiesced and indorsed the action of the chiefs and headmen. Now I ask whether Mr. Allen does not know that all the testimony taken before me in December, and taken before him in the Indian Territory does show that it was not the chiefs and headmen alone who got up the letter in October, 1880, but that in writing that letter here, and in coming here in December, they represented their whole tribal assemblage, and that they declared so over and over again; that there was not a member of the tribe who was not of the same mind?—A. I will state again more fully what my understanding of this part of the conclusions is. It, perhaps, is not framed as I would have framed it, but I consented to it with this understanding of it. The beginning of it is: "The remainder of the tribe were greatly discouraged in their efforts to return; and, as they finally despaired of regaining their rights, under the belief that the government would not regard their title to the land in Dakota as valid, and that they could obtain a stronger title to the land in the Indian Territory, as well as other prominent considerations, they decided to accept the best terms they could obtain." That refers to the whole remainder of the tribe in the Indian Territory, and expresses the basis upon which the Secretary seems to proceed, and is the consent of the commission to that fact, that they did, the whole of them, express their willingness to remain in the Territory. "There-

upon," to go on with the quotation, "their chiefs and headmen agreed to remain in that Territory." That refers to their chiefs and headmen as their representatives who wrote the letter to the Secretary and came to Washington and signed the agreement. Then, "having once committed themselves in writing to that course" —

Q. That was here?—A. That was here, and by the letter also. Then when we went to them and asked them what they wanted to do, whether to stay there or return, "they, with commendable integrity, regarded their action as sacred as far as they were concerned;" that is to say, that they had put their matter of option out of their minds, the thing had gone so far that they would not reconsider the question, "and a majority of their people acquiesced and indorsed the action of their headmen," which refers to the fact of the question being put to them by this commission as to whether they indorsed and acquiesced in the action of their headmen. That is the understanding of that full paragraph upon which I signed it.

Q. Now it comes to this: The Poncas in the Indian Territory resolve among themselves that they want to remain in the Indian Territory. They instruct their chief men to come to Washington and express that desire. Their chief men do so, and make an agreement, and then go back, and then those who had sent the chief men here, as this report expresses it, from a commendable motive of integrity acquiesce in and indorse the action. Now is it not clear to every one who understands human language — —A. I do not want to be obliged to any one, and if that is the Secretary's argument addressed to the general public, I do not want to be a party to it. I want to be asked a question, and to answer it.

Q. I desire to ask only one question, and that is, whether it was the prominent fact and the most important fact that became clear through the proceedings in the Indian Territory, that the Poncas there were really unanimous, wanted to stay, and insisted upon staying, according to the report here? Was not that the most prominent fact elicited there?—A. The prominent fact is, I will not say whether it is the most prominent fact or not; I will state that it is a fact, that they said they now desire to stay in the Indian Territory, under the conditions and circumstances upon which their decision had been asked.

Q. Is it not a remarkable feature of that fact that they declared they would not go even if they were permitted to do so, and they would not go even if they were to get the same money if they went that they would get if they staid?—A. That declaration might have had some effect upon some minds under the circumstances.

Secretary SCHURZ. The point I would set forth is this prominent fact, that they reiterated again and again; they wanted to stay, and utterly refused to leave. Even if they could get the same money that was promised them in their agreement if they staid they would not leave; and that fact is withheld from the report because their consent to stay is only introduced here as a mere acquiescence in the decision of their chiefs.

By the CHAIRMAN:

Q. Does the report you have made to the President embody all your observations of what occurred on your visit to the Territory?—A. By no means.

Q. Do you not suppose that that being the case it is not only legitimate, but important, that the commissioners have the opportunity of making any statement here that was not made in their written report

to the President, so that the Congress which finally acts upon the matter may have every possible means of information in regard to this case?—A. I should think it was morally proper for the Congress to seek every means of information that it desires. The commission, so far as speaking for myself alone, have submitted what they considered to be the essential and governing facts in the matter and their conclusions upon it. I do not suppose that any commission or any committee which has been engaged on a business for nearly a month, its whole time, is able to embody in any report of reasonable length all the observations they made. It has to select what it considers the important points and statements.

Q. It did consider the important part of it?—A. Yes, sir.

Q. And yet it did not suggest itself to you that it was illegitimate with the tribunal that is finally to pass upon it to have them placed outside of the written report, and give observations that they may have made that might tend to throw light upon the general subject?—A. Morally proper, sir. I do not wish to be understood as finding any fault. I was asked if I knew why I was summoned here.

Senator DAWES. I should like to say that we could tell better what was outside of the report if we could tell what was in the report.

The CHAIRMAN. I suppose that matter is with the President of the United States.

Secretary SCHURZ. It will come to Congress without delay.

Q. (By the CHAIRMAN.) General Miles was one of the commissioners. You are aware that he has business in New York, I suppose, as a member of a court-martial?—A. I am aware that he told me some time ago several times that he was president of a court-martial that was summoned to meet in New York.

Q. You are aware that he wished to leave Washington?—A. At what time?

Q. Just as soon as he could get away after making the report.—A. No; I did not know he wanted to go as soon as he could get away, because the report was made two or three days ago, and yesterday I saw him, and understood the court-martial did not convene until the 3d of February again. He told me he was going to Boston in the mean time, but he did not express any desire of getting away immediately, to me.

Q. That shows how mistakes happen by mere misunderstanding. He was at my house Thursday night waiting for me until twelve o'clock to get leave to go, that he might not be compelled to attend the committee to-day. He was extremely anxious to go, and went away with my permission.—A. That was not within my knowledge.

Q. We often get a wrong conclusion by acting without a full knowledge of all the facts. General Crook has left?—A. Yes, sir; he was anxious to get away; I will say so.

Q. My dispatch for the committee to overtake him failed to reach him. I think you have said that the mere fact of serving as an agent of the government during the war in investigating the Knights of the Golden Circle did not necessarily injure in your estimation this agent?—A. O, no, sir; I expect there were some very good men engaged in that business.

Q. Do you not think that in the estimation of those who appointed him to that work he was appointed as an intelligent man and not a dull one?—A. Yes, sir.

Q. Would you not consider it advisable to have a bright and intelligent man as agent of these Indians instead of a dull, stupid one?—A. By all means.

Q. A bright, intelligent man could influence them more readily than a dull, stupid one?—A. Certainly.

Q. Upon the whole, then, do you think it was for the interest of the Indians to have a bright, intelligent, or a dull, stupid man?—A. A bright man, a capable man. I have always said that I regarded him as a very capable man.

Q. What evidence has suggested itself to your mind that this agent, in selecting his police force there—a new police force, as I understand, selected by him since his appointment, and not a continuance of the old police force—possibly might have been induced to make that change for the purpose of influencing the Indians to the conclusion they evidently have reached there?—A. I beg pardon; I did not catch the whole of the question.

Q. My question was too long, I know. You have suggested, I say, that the selection of the police force by the present agent may possibly have influenced the Indians in reaching the conclusions they have in regard to remaining there?—A. Yes, sir; that it was a possibility.

Q. He selected a new chief of police?—A. I understand that he did.

Q. He did not follow the civil-service rule of our friend, the Secretary of the Interior, in that regard?—A. No.

Secretary SCHURZ. I do not think it would be applicable to the Indians altogether.

The WITNESS. I do not know whether he did that or not. This man might have been next in point of promotion to the one who was there before.

Q. (By the CHAIRMAN.) A further remark was made by you, that the agent has a great deal of power there; that he selects his police agents, and may select very bad men. I think I understood you to make a suggestion of that kind?—A. I said it was a possibility that he might not select the best ones.

Q. Is not that a difficulty that attends all appointing power?—A. Yes, sir.

Q. Our very excellent President that is, and our very excellent President that is to come, will have just that difficulty?—A. Yes, sir; but subject to restraint which an Indian agent is not, I think—the immediate restraints of law and of public opinion.

Q. If there is any law regulating the appointment of officers by the President, I should like to know what it is?—A. I referred in that remark not so much to the law governing appointment as to the law governing their conduct, their personal control, the common law, which there is nobody else to apply or enforce but the agent himself.

The CHAIRMAN. That is partially so, undoubtedly, and yet he is responsible to the head of the entire machine at Washington here, the Commissioner of Indian Affairs.

The committee adjourned.

FEBRUARY 26, 1881.

The committee met pursuant to call.

NELSON A. MILES sworn and examined.

By Senator DAWES:

Question. General Miles, you were one of the commission recently sent by the President to examine into the affairs of the Ponca Indians, were you not?—Answer. Yes, sir.

Q. And made a report to the President, which has been submitted to Congress?—A. Yes, sir.

Q. There were some points in the report which you indicated without giving any reasons for the conclusions to which you arrived, that the committee thought might be useful, as well as interesting, to get your views more fully upon. Will you be kind enough to tell the committee in detail just how you found the feeling of the Poncas who were in the Indian Territory, about remaining there permanently?—A. The feeling is substantially given in the testimony of White Eagle, and it seemed to be pretty generally the opinion of the Indians there. They had remained in that Territory for two or three years, and had come to the conclusion that they were obliged to remain there permanently. They are people who had tried to get back to Dakota—had had a good deal of trouble; some of them had been arrested; one had been killed. A delegation had been to Washington once or twice, and they were told that they must remain in that country, that they could not go back to Dakota, and, as I understood it, they came to the conclusion that that must be their permanent home, and they must get a title to that land if they got title to any, and in counseling among themselves they came to the decision that it was better for them to get a title to that land there than not to have any, or to be without any title. In that spirit and under that impression they sent to Washington to have their affairs "made straight." In response to that communication, a delegation of them came on to Washington, fully empowered by the tribe to settle up their affairs, and they made an arrangement, an agreement, to sell the land in Dakota and accept the situation in the Indian Territory, and to receive valuable considerations, amounting in all, I think, to some \$90,000; they signed an agreement to that effect, and went back to the Territory. The result gave satisfaction to the tribe in this way, as I understand it, that they were glad that they were to receive some title to land, and that they would receive a large moneyed consideration, and that the affair, so far as they were concerned, had been arranged. It is the rule among the Indians, where their chiefs act for them, after counsel, that they acquiesce cordially. I have never known the acts of the chiefs in a case of that kind to be repudiated by the tribe. As far as their condition is concerned there, it was midwinter when we were there, quite cold, and they had been receiving quite large supplies of annuities—very liberal supplies—much more liberal than was given to the neighboring tribes, particularly the Nez Percés.

By the CHAIRMAN:

Q. How many do they number?—A. The Nez Percés number about 350. Their appropriation is \$15,000. I do not know how many Poncas there are in the country. We only got together about 245 or 250 after giving two days' notice. It was reported that there were 520 in the Territory. We did not see that number or anything like that number, although notification was sent for them all to be there. But, supposing the highest number to be 520, the proportion of annuities to the number is much larger than \$15,000 to 350 persons, as the Poncas receive \$53,000; and then there has been expended some \$10,000 on a school building, and I understood some other appropriations out of funds for incidental expenses, besides; so that the appropriation of supplies was much larger than it was to the neighboring tribe, in proportion to the number.

By Senator DAWES:

Q. Their recent treatment by the government has been, as compared

with the other tribes, unusually good?—A. I speak of that particular tribe merely—the tribe adjoining them—as compared with which their treatment has been exceedingly liberal.

Q. Was this conclusion of theirs, that it was better, on the whole, to remain where they were, a conclusion to which they had recently come?—A. Yes, sir, as I understood it.

Q. How recently, did you understand it?—A. Well, within the last year.

Q. Up to the present year, did you understand that they were of a different opinion?—A. Yes, sir. As I understand, they had exhausted all efforts known to them to get back to their country, and they had tried by means of their friends, and had failed, and, as is stated in White Eagle's testimony, they were under the impression that the title to their land in Dakota was disregarded by the government; that it was null and void—absolutely worthless. They had lost their cattle, their farming utensils, their household furniture, and were obliged to leave Dakota. They were afraid, I thought from what they said, of being removed again or being liable to be moved again, and they had desired to get a strong paper—they emphasized the term frequently—"a strong paper" to land in the Territory. White Eagle stated that in his remarks here in Washington.

Q. Do you think that these reasons have had a controlling influence in inducing them within the last year to come to the conclusion that they had better remain in the Territory?—A. I have no doubt of it in my own mind. I judge so from remarks made in the evidence of White Eagle. He was told here by the President, by the Secretary of the Interior, and by the Indian Commissioner that they must remain in that country, it was impossible to go back, and they were told here in this committee that their affairs were not straightened; that they were unsettled, and they were given really no positive encouragement that they could go back, or assurance that they could go back. Their friend, as they called him, Mr. Tibbles, had gone down into that country and he told them the way they could go back was by stealing away at night and getting back a few lodges at a time, a very risky enterprise as they were already aware. It was after that that they came to the conclusion that it was better for them to accept what terms they could get and make the best terms they could. If you will allow me to refer to the testimony of White Eagle a moment, I think he explains that matter clearly.

Q. Are you familiar with the pamphlet?—A. I am not, sir.

Q. You will find White Eagle's testimony there. (Handing a copy of the testimony to the witness.)—A. (Examining.) The testimony is partly given on the 15th and 16th pages of this pamphlet, and on the 24th and 25th pages.

Q. Unless you want to go further in that line I will put another question to you, unless you would like to refer to it a moment.—A. No; I will just read one or two answers here.

By the CHAIRMAN:

Q. On what page?—A. On the 25th page, White Eagle was asked the question:

At that time did they regard the treaty giving them their land in Dakota as null and void?

WHITE EAGLE. The whites caused our title to that land to be destroyed, and because I wanted to get more money I desired to sell.

General MILES. I want to know if he thinks he can get any stronger title to this land than he had to that land in Dakota?

WHITE EAGLE. Because I did not have a good title to that land I was brought here, and because I did not wish to have a similar title to this land—one easily broken—I sent to the Great Father. I wanted for all these people a good title to this land, and so when I went to the Great Father I asked for it.

General MILES. Did the men who signed this paper, and who held up their hands yesterday, imagine they were getting a better title to this land than they had to the Dakota land?

ALL THE INDIANS ANSWER. Yes.

By Senator DAWES:

Q. Did you find any evidence that before they came to the conclusion to make the best terms they could with the government it had ever been communicated to them that they had any choice between Dakota and the Indian Territory?—A. I did not; their answers indicated the reverse.

Q. Did you, from all you saw and heard there, come to the conclusion that if that free choice had been presented to them before they came to this conclusion they would have still retained the desire to go back?—A. I came to that conclusion.

Q. How many of the tribe did you meet of those down there, did you think?—A. In the Indian Territory?

Q. Yes, sir.—A. I directed one of my staff officers to count them, and he reported 245, I think, was the number.

Q. Were they all males?—A. They were men, women, and children.

Q. What portion of them were males?—A. I could not say.

Q. In general terms, were they half or more than half?—A. Not adult males.

Q. In what proportion were they adult males?—A. Perhaps one-fourth or one fifth.

Q. One-fourth or one-fifth of the 245?—A. Yes, sir; one-fifth; possibly one-fourth; I could not say definitely.

Q. Notwithstanding you found the Poncas in the Indian Territory had at the time you visited them come to the conclusion that it was best for them to accept the terms of the government and remain there, you still recommended to the President in your report that they have for a year free choice in any final settlement of a home in the Indian Territory or in Dakota as they might choose, did you not?—A. Yes, sir.

Q. Will you give us a little more in detail than you were able to do in that report the reasons which led you to make that recommendation, notwithstanding you had found the Poncas down there willing to stay there?—A. Under every law of our government persons who were authorized to select homes are not limited as to time. A foreigner coming to this country is not limited as to time, although the government is under no obligation to him. In this case I considered that their claim to a small piece of land was as good as that of any person, and that the government was also under some obligation to them, and the mere fact that they had consented to remain in that country under the circumstances which they did consent, did not convince me that it was necessary to cut them off as to time at once.

Q. From a choice, you mean?—A. From a choice. I thought a year was little enough for them to decide, and in order that there might be no trouble in the future; that they would have no excuse for saying that they had not a fair opportunity of selecting between the two points, as that was the only choice that we did give them, or at least the only choice that was recommended.

Q. The only choice that was recommended they might choose?—A. Out of the whole country there were only two points recommended, one in Dakota and the other in the Indian Territory.

Q. Were you of opinion that those in the Indian Territory might change their mind when they found the hand of the government off from them, and still desire to go back to Dakota, and did that enter into your conclusion?—A. Not to any great extent. It did not influence me as to coming to the conclusion; I was influenced in that respect by what I considered fair and just to those people. Another consideration was, I had lived in that district of country; had been in Kansas several years, and had been in the Indian Territory in command of troops, and knew something of the climate there, and the effect upon men and animals. I understand last year was a very dry season and it was remarkably healthy as far as the effects of malaria are concerned, but possibly there might be a difference in another spring, disease might come upon them as it had in years before, and they might possibly change their mind; they might find that the country was still unsuited to them; and as I had been in that country longer than they have and knew perhaps more about it, in order to avoid any difficulty that might occur in case the next following season should be an unhealthy one, and disease should come among them, as it does among not only Indians but white men, I thought that they might be discontented, and we might have the same complaint, or the same cry, for relief that we had the last year.

Q. You recommended that there should in the mean time be free intercourse between the remnant of the tribe in Dakota and those in the Indian Territory; what was the object of that?—A. I do not believe in surrounding any people with an impassable wall as to their communication, particularly between relatives.

Q. Were you of opinion that after such free intercourse the conclusion which they came to would be more likely to be a permanent and an abiding one?—A. I thought it would be more satisfactory.

Q. And if this free intercourse should result in all going to the Indian Territory, or all going back to Dakota, it would in your opinion be more likely to be permanent?—A. I thought it would likely be more permanent, and it would be satisfactory to the Indians; at the same time we would have the satisfaction of knowing that we had given them a fair opportunity of judging for themselves.

Q. Do you see any great difficulty in the government's coming to an amicable agreement with them, either in the Indian Territory or in Dakota, as they might choose? Is there any great difficulty in doing that?—A. None.

Q. Would it be more expensive to the government to finally locate the whole tribe, if they should choose, either in the one place or in the other? If so, which place do you think would be attended with greater expense?—A. I do not think there would be any additional expense. I do not think there is any necessity for any additional expense in locating them, either those who choose to remain in the Indian Territory or those in Dakota, or if they chose to remain all in one point. They have the means of going from one place to another if they were allowed permission to do so.

Q. I do not allude at this moment to the mere expense of transmission, but the expense of a final just settlement with them of all proper claims on their part for redress. Would that final settlement in your opinion be attended with any greater expense in the one place than the other?—A. I do not see any necessity for it.

Q. No great difference?—A. No difference.

Q. Do you think that those Poncas could ever be as well acclimated in the Indian Territory, in reference to their future prosperity, as they would be at their old home, where they were born and brought up?—A.

I do not, most decidedly not. They are natives of Dakota; they are accustomed to that country and to that climate, and moving them to a southern climate they must necessarily degenerate. It is the experience of nearly all the tribes that have been moved down there from the north that they were dissatisfied, and they have not prospered as well as they would have done, I think, if they had been allowed to remain in their country; for the most prosperous Indians I know of in the Indian Territory are Indians who have been removed from Southern States, where they are in the same latitude in which they have been living for hundreds of years.

Q. Then, if the government should look to the future welfare of the Ponca tribe alone, you would be decidedly of the opinion that they should be returned, if they were willing, to Dakota?—A. I should, if they desired.

Q. I said if they desired. Then if no greater expense would be involved in a final settlement with them in the permanent location on their old reservation than there would in the Indian Territory, and if their future welfare would lead most decidedly to that result, do you see any objection to it?—A. I do not.

Q. May I ask you what effect upon the dignity of the United States Government to keep the Indian Territory for its legitimate purpose would the removal of the Poncas back have upon that question?—A. I do not think the moving of the Poncas into the Indian Territory had any great influence in making it a more permanent home for Indians, and I do not think allowing them to return would seriously damage the government's claim to that Territory. It has been set apart and could not be changed except by positive act of Congress.

Q. If it would not damage their claim, would it, in your opinion, weaken their ability to hold it as against encroachments of white men?—A. If white men have a legal right to go into the Indian Territory and settle there, I doubt very much the ability of the government to prevent them. If they have not a legal right they are simply law-breakers and intruders; and I think the government would err in encouraging them to violate the rules that have been established for reserving that Territory. Whether they have the right or not, the keeping of a small band of Indians in there for that purpose is, in my judgment, without justification and not a fair excuse.

Q. And without effect in solving that question?—A. I do not think the effect amounts to anything as far as the minds of the people who desire to go in there are concerned.

Q. In your opinion what would be the effect upon the other small tribes that have been removed to the Territory if the Ponca Indians should choose to go back, and would go back, with the approval of the government?—A. The only ones that I know of that have been moved there arbitrarily, without their consent, are the Nez Percés and a small band of Northern Cheyennes. Whether the Poncas remain in the Indian Territory or not, the Nez Percés and Cheyennes are certainly not satisfied to remain there, and would get away when they could. I think, very likely, some of them will break away in the spring, whether the Poncas are allowed to go or not.

Q. Some of these other tribes?—A. Yes, sir; the Cheyennes certainly will if they have a chance; nothing holds them there except the fear of the troops.

By the CHAIRMAN:

Q. The Cheyennes are at Fort Reno?—A. Yes, sir; Little Chief's

men. It will make very little difference with the Cheyennes whether the Poncas are kept there or not. If they get a chance to go they will not stop to inquire whether the Poncas have been kept there or allowed to return.

By Senator DAWES:

Q. Were you acquainted with the circumstances under which the Nez Percés were removed?—A. Yes, sir.

Q. Are they now near this reservation occupied by the Poncas?—A. Yes, sir.

Q. Did you see them when you were down there?—A. I saw a few of them; five or six.

Q. Are you influenced in the conclusions which you come to in reference to the duty of the government towards the Poncas by any knowledge you have of the effect of the removal of the Nez Percés? Does that influence your conclusion at all?—A. I think not, except the experience of the Nez Percés, the knowledge that they are discontented there, and so many of them are sick and many of them have died.

Q. Did they make any communication to you while you were down there?—A. They did.

Q. Will you tell in general terms what was the character of that communication?—A. They stated that they had lost many of their people by death since they were moved South; that they were dissatisfied with the country and they had a very strong desire to return to their native country; that their supplies were not sufficient and that they were becoming weaker and getting very much discouraged and disheartened.

Q. Was their country a healthy country relatively speaking for the Indian Territory?—A. I think so, for the Indian Territory.

Q. To come back to the Poncas, it is proposed in all the methods of redress which have been suggested to allot to heads of families, to individual Poncas, certain lands to hold in severalty. What would be the result, in your opinion, if lands were allotted in severalty to the Poncas in the Indian Territory without giving them the choice between that country and Dakota. How would an Indian get along set out on 160 acres of land all by himself, if it was not his own free choice to stay there? What, in your opinion, would he do?

The CHAIRMAN. I suggest that it would be better to get at the facts as soon as possible. We have to form our own opinion at last from the testimony and not from the opinions of others.

Senator DAWES. I will not pursue that any further. In view of the shortness of the time, Mr. Chairman, if you would like to put some questions I think I will stop here, and if anything occurs to me afterwards I will ask General Miles.

By the CHAIRMAN:

Q. Your commission was careful to have taken down fully and as accurately as possible the testimony taken by you at the Ponca Agency in the Territory?—A. The principal part of the testimony was taken down, nearly all.

Q. Was anything of importance omitted so far as you know?—A. I do not remember anything of importance that was omitted.

Q. If I understood you correctly, you stated that you thought the allowances made to the Poncas were greater than those made to their neighbors in the Territory?—A. Speaking particularly of their neighbors, the Nez Percés.

Q. Is that on account of the greater amount paid to them by the government under agreements and stipulations, or from some other cause,

so far as you know?—A. I do not know the cause of the appropriation for the Poncas or for the Nez Percés. I understood it was \$53,000 for the Poncas, and \$15,000 for the Nez Percés. That was my understanding.

By Senator DAWES:

Q. And that portion of the tribe in the Indian Territory had it all?—A. Yes, sir. I understood that those in Dakota had been deprived of that; at least it had been withheld from them.

By the CHAIRMAN:

Q. The amounts expended by the Indian Bureau for the Indians are appropriated by Congress, are they not, so far as your knowledge goes?

—A. So far as my knowledge goes, on the recommendation of the Secretary of the Interior or the Indian Bureau. That is my understanding.

Q. The bureau makes such recommendations as it sees fit, and Congress makes such appropriations as it sees fit?—A. Certainly.

Q. Did I understand you to say that in your judgment the movement for the agreement that was made with the Ponca chiefs here originated among them in the present year?—A. In the present year.

Q. In 1881?—A. Within a year's time.

Q. Within the year past?—A. Yes, sir; not this year of 1881.

Q. Do you desire to be understood as expressing any opinion that the number of Ponca Indians you saw in the Territory, about 245, you think, was the number of the Ponca Indians in the Territory?—A. It is the number that I saw.

Q. But in making that expression do you wish to convey the impression that those were all the Indians that were there?—A. No, sir; I presume there were some others, but as we had sent to have them all gathered, and took particular pains to instruct the runners to bring them all together, as we wanted to see the whole of the tribe, I was somewhat surprised to find only that number.

Q. I notice in this report that the agent states that a census was taken of them about the 1st of January, at which time there were 519, or 520, or 521; something like that?—A. Does he state that he took the census, or was it taken by the Indians? That would make some difference in my mind.

Q. Here it is. Mr. Whiting states: "There are 521 Poncas here now. They are counted every three months. They were last counted on the 1st of January. They then numbered 519 or 520. The count was made during my absence in Washington. It was made by the police force and the issue clerk." Have you any reason to suppose that that census is not accurate other than the fact that you only saw about 245 when you were there?—A. The fact that we only saw about 245, and the fact that the census was taken by Indian police.

Q. And the issue clerk, it is stated here?—A. And the issue clerk. That does not convince me that there are 550 Ponca Indians in that Territory.

Q. You think the climate is unfavorable for the Poncas who were raised in Dakota, and that they could not be acclimated in the Territory. Is it not the fact that white men from regions still further north than Southern Dakota are living and doing well all along the southern border of Kansas, which is substantially of the same climate as that where these Indians are, who are only some 20 miles from the southern line of Kansas?—A. I presume there are some men in Southern Kansas from Dakota. Whether they are doing well or not I do not know.

Q. As to health I mean?—A. I have heard a good many complaints of men who were suffering from chills along the southern borders of Kansas, and I have known of a great many cases of men in the Indian Territory suffering from the same disease; besides, white men can guard against the disease better than Indians.

Q. Taking our whole Northwest, is it not the history of every State we have settled that the first settlers, or those who go into those regions before they become opened up and fairly populated, have all suffered more or less with ague and fever and such diseases?—A. I am not aware of that in Dakota and Montana. I have known cases where men had the disease in their systems that was developed there, but not contracted there, as is the case in Texas, Arkansas, Kansas, and in the Indian Territory.

Q. Is it not the fact now that many Northern men, men from Iowa, for instance, are going through and beyond the Indian Territory into Texas and settling?—A. I have no doubt that may be the fact, and a good many from Texas are going farther north; but my observation is as a rule that those who settle on the same latitude as that of which they were natives, or to which they were acclimated, are more prosperous.

Q. You said something about an impassable wall about these Indians. I do not remember precisely the language; but I want to come to this point: Is it not usual with all Indians, and has it not been heretofore, for a year, to prevent the incoming and outgoing of persons to enter the reservations on which the Indians live? Are they open for everybody to go in and remain and to go out at their pleasure, or has the policy of the government heretofore been to the contrary of that?—A. The policy of the government, as I understand it, has been with the wild tribes, the savage tribes, to keep them closely on the reservation, and not allow any white men to trespass on those reservations. With the Indians who are in a semi-civilized or a civilized condition that restriction has not been as rigid as it has with the wild tribes, and I think very reasonably so. I see no reason why men who are able to take care of themselves, who are loyal and law-abiding, should not have the means of communicating, either by letter or by visiting their friends, that white men have. In this case, where the two portions of the band are divided and portions of the same family are separated, I see no reason why they should not communicate, either by letter, telegraph, or by friendly visits. That does not imply that white men could invade their reservation or be given a *carte blanche* to live there.

Q. Are not these Ponca Indians, and have they not been, in the habit of going up to Arkansas City or some other point outside of their territory in Kansas, on trading expeditions?—A. I think with the permit of the agent, and that permit as I understand is given to certain privileged parties. That was the extent of their visits or journeys, as I understand, and that at any time could be cut off by the arbitrary act of the agent.

By Senator DAWES:

Q. Are they not attended by some white men then?—A. I do not know. It makes no difference whether they are or are not, from the fact that a few of them have been allowed to go up to Arkansas City and trade—it does not follow they have a right to do it, provided the agent is disposed to prevent them.

Q. Or that they could have any communication beyond?—A. Or that they could have any communication beyond, or if they did communi-

cate that that privilege even would not be instantly denied at the pleasure of the agent.

By the CHAIRMAN:

Q. Is that condition of affairs according to your understanding peculiar to the Poncas?—A. I do not know as to the other tribes. From my observation I should judge that there are less privileges to some of the western tribes and greater privileges to those of the eastern portion of the Indian Territory—those that are more civilized.

Q. You have said something about a portion of the Northern Cheyennes now located near Fort Reno being dissatisfied. I understand that it is a portion who are under the command of Little Chief.—A. Yes, sir; Little Chief's band.

Q. Do you know what proportion that band bears to the entire number of Northern Cheyennes at that agency?—A. I cannot say. My impression is that it is a good part of the Northern Cheyennes still remaining in the Territory. I know that quite a considerable portion of the Northern Cheyennes went north under Little Wolf and Dull Knife, and that they are up on the Yellowstone now earning their own living, living without any assistance from the government, and are very contented.

Q. Do you know whether or not fully two-thirds of the Northern Cheyennes, who went to the Territory at the same time with those who left, remained and have been contented there ever since?—A. That may be the fact. I do not know as to the exact number. I know that a portion went north, and at the time of their going it was reported that the Northern Cheyennes were moving north.

Q. This committee had occasion to investigate that matter in the summer of 1879 pretty fully. The Cheyennes were a northern tribe of Indians, and they have all been north originally. Portions of them have gone down into the Indian Territory.—A. Little Chief's band did not go down at the same time the other bands of Northern Cheyennes went down.

Q. That was a separate removal.—A. His band went last.

By Senator DAWES:

Q. When you met the 245 of the tribe down in the Indian Territory, did you endeavor to take the sense of that assemblage upon the question whether they still desired to remain in the Territory when they were assembled together?—A. We endeavored to get at their feeling.

Q. Were you able to get the full and fair expression of what they desired as a body, or through the body?—A. I am not so sure about that.

Q. You are not so sure whether you were able or not? Was there any enthusiastic manifestation given there on their part to remain in the Territory?—A. I saw none.

Q. Was there anything peculiar about the way in which the opinion of those present was taken that you noticed?—A. The first question that was asked, and I think it was a little unfortunate in the way in which it was asked, when our commission had a council with them, was as to whether they approved of the action of the chiefs who had gone on to Washington, and the paper was read to them. Whether they supposed we had come on there to see it ratified or not, and to witness their approval, I do not know, but my opinion is that they had something of that idea; and it was very reasonable that they should suppose that that was our principal business, as that was the first question that was asked them.

Q. To get their ratification?—A. Yes, sir. It would have been something very remarkable if they had not approved the action of their chiefs, whatever that might be. Their chiefs had been committed to

that course, signed their names to the paper, and, of course, their honor to some extent was at stake.

Q. The first question asked them was whether they approved of the action of the chiefs, or in substance that?—A. Let me see the pamphlet and I will get the language a little nearer (examining). The first question was if the action of the chiefs in Washington expressed the wishes of all those who were there at that council. That was the first proposition.

By the CHAIRMAN:

Q. Where do you read?—A. On the 18th and 19th pages.

By Senator DAWES:

Q. How came it to be presented in that way?—A. I did not suggest it. I can only speak for myself in this matter.

Q. I do not know as it is proper for us to inquire who did. Did you have any suggestions from anybody before you left here, any member of your commission, about getting their approval of that paper?—A. I had no suggestion of that kind.

Q. I asked if any member of your commission had. Were there any suggestions?—A. You can probably find out better from the other members of the commission.

Q. Was there not some letter read from some authority here to some member of the commission making suggestions what to do down there?—A. I think there was a letter from the Secretary of the Interior to that effect.

Q. Addressed to the commission?—A. Addressed to a member of the commission.

Q. Making suggestions what should be done there?—A. I think so. The letter will show for itself.

By the CHAIRMAN:

Q. Is the letter here in the printed proceedings?—A. I do not remember whether the letter was copied in the proceedings or not.

Senator DAWES. I do not find it there.

The WITNESS. I think it was a private letter addressed to a member of the commission.

By Senator DAWES:

Q. To one member of the commission making suggestions as to what should be done down there?—A. The importance, in case the Indians approved of the action of their chiefs, to obtain their signatures, or something of that kind.

Q. And this was presented in the first instance to them before you had any opportunity to inquire as to their real sentiments?—A. The question was asked whether they approved of the action of their chiefs.

Q. Was that before you had any conference with them?—A. I think the record of the commission shows that was the first business.

Q. Was the response to that inquiry an enthusiastic one?—A. It did not appear to me to be enthusiastic.

Q. Was it otherwise than enthusiastic, in your opinion?—A. They were asked if they approved of the action of their men who came on to Washington, and if they did so to hold up their hands. A number of the men first commenced to hold up their hands. The chief, White Eagle, stood up and turned around, and motioned to them to hold up their hands. The chief of police, who was facing the audience, was the only one who was enthusiastic, that I saw, in having them hold up their hands to express their willingness. He was an employé of the government there, chief of police.

Q. How did he manifest that?—A. By calling to them to hold up their hands, and making the sign himself, and they responded by holding up their hands, men, women and children, and some very small children at that.

Q. From your experience of the Indians, was the proceeding such as to impress you with the belief that they were heartily in accord with this thing, or otherwise? How did it impress you?—A. It impressed me that it was a response to a call from their headmen amounting almost to a demand, and then it is usual for Indians to indorse whatever their headmen do, and accept it. They are not as free in controlling their acts as white men. The tribal relation, the rules of the tribe, have much to do with the action of subordinates in the tribe.

Q. From your experience of the Indians, do the chief men, or do they not, exercise a very controlling power?—A. Influence.

Q. Did you answer?—A. I used the word influence rather than power; a very controlling, a very decided influence.

By the CHAIRMAN:

Q. I think we will get at the bottom of this matter. By whom were the first questions of which you speak put to the Indians—by which member of the commission?—A. I think the record will show that they were put by General Crook.

Q. He put both the questions to which you have alluded? The first question reads:

We want to find out, in the first place, what their chiefs did in Washington. When their chiefs were in Washington they signed this paper.

And thereupon the paper that they had signed was read. That having been done—

General CROOK (continuing). Now, if this expresses the wishes of all who are here, they are to say so; and if not they are to say not.

And the answer was:

We all hear and understand it.

(The chiefs and others of the Poncas at this point consulted.)

General CROOK. Those who agree to it are to hold up their hands, men, women, and children.

(A general showing of hands.)

General CROOK. If there are any who don't agree to it let them hold up their hands.

(No reply.)

Then General Crook goes on:

Tell them we understand that a short time ago they were very much opposed to staying in this country. If this is so, we want to know what brought about this change of mind.

These are the questions, are they not?—A. Yes, sir.

Q. Which you think were unfortunate in time, do I understand you?—A. Yes, sir.

Q. Was General Crook the chief or chairman, or whatever you may call it, of the commission, or was there any?—A. He acted as chairman. Whether that was his option or the suggestion of some one else I do not know.

Q. Do you wish to intimate that it was at the suggestion of some one?—A. I think it was at the suggestion of some other party.

Q. What party?—A. I should rather not give any names as to what occurred in our own private councils; I should prefer to give my own impressions and my own observations rather than to go into the details of what occurred or what others did.

Q. But if your testimony leaves anything like implication upon others, it seems to me that it would be the better way to get at the real

fact. However, you spoke of a letter of Secretary Schurz. Did you read that letter?—A. I heard it read.

Q. By whom and to whom?—A. I think it was from Secretary Schurz, addressed to Mr. Stickney.

Q. And read by whom?—A. I think it was read by Mr. Stickney; it might have been read by somebody else.

Q. To whom?—A. To members of the commission; but it was regarded as a private letter.

Q. Are we to understand, then, that Secretary Schurz had written a letter to Mr. Stickney, making suggestions as to matters that he desired to have investigated by the commission, and that, although you regard that letter as a private letter, Mr. Stickney read it to the commission?—A. I think Mr. Stickney regarded it as a private letter, not addressed to the commission as a body.

Q. What I want to get at is, whether the letter was read to the commission.—A. My memory is that it was read to members of the commission.

Q. To all of them?—A. The nature of the letter will best explain the substance of it.

Q. I am not speaking of the substance of it now, but of the fact whether it was a matter that was kept concealed, or whether it was a matter that was communicated to the commission.—A. I do not know that there was any secret about it, or that it was kept concealed.

Q. You were advised of its contents by hearing it read?—A. I was informed of its contents.

Q. Did you yourself read it; do you remember now?—A. I do not remember; I think not.

Q. Was it read, so far as you know, to the Indians or to any of them?—A. Not that I know of.

Q. Then it was a letter addressed to one member of the commission, and read by him, as you now believe, to the commission, certainly to yourself, and not to the Indians?—A. Yes, sir; that is my recollection of it; it was a suggestion.

Q. You spoke of some one person there as an employé of the government, I think?—A. Yes, sir.

Q. Who was that?—A. An Indian; the chief of police.

Q. You were careful to exclude from your consultation with the Indians—I have gathered some way, I think from the testimony given here—all the employés of the government?—A. All white employés.

Q. They were excluded from your council with the Indians?—A. Yes, sir.

Q. Was it debated and considered by the commission whether the Indians, who were so unfortunate as to be in the employment of the government, should also be excluded?—A. I do not know that it was debated. Your question is whether it was debated?

Q. Whether it was discussed among the commission, whether it would be proper to exclude an Indian who might be an employé of the government?—A. I do not remember that it was.

Q. You did not, of course, consider the propriety of excluding yourself, being in government employment at the time, from holding counsel with the Indians?—A. That did not occur to me.

WALTER ALLEN recalled.

By Senator DAWES:

Question. I understand that you wish to make a statement or correction as to your testimony given before the committee on a former occa-

sion?—Answer. Yes, sir; I should like to say that at one point in my examination, when I was asked about reasons for certain opinions, the Secretary of the Interior suggested that the reasons were philosophical reasons. I had been under the impression, and from my feelings at the time, ever since that I made no reply to that. I see it is entered that I said "Yes, sir; but not from information." I have no objection to the reply that they were philosophical reasons according to my interpretation of what a philosophical reason is, that it is a process of reasoning upon facts, but the statement that it was not from information, if those were my words, was intended to refer to what he had been asking me several times as to whether any person told me definitely such and such things, and I intended to exclude information which I derived from observation or facts of various kinds that were testified to. I meant by "information" that I was not directly informed by any person such and such a thing was true.

Q. I suppose you have now stated it just as you would like to have it go into the record?—A. In reply to the remark that my reasons were philosophical reasons, I should like to say that they were such reasons as in relation to the opinions of men had to be formed from their actions and their sayings. If that is a philosophical process, and that although nobody informed me expressly that the opinion he stated was not sincere or fully determined, that there were things, facts of observation and of testimony, which led me to doubt whether the Indians had freely come to this conclusion to remain in the Territory, and whether it was a conclusion that would be permanent.

By the CHAIRMAN:

Q. Did you go to your work as a member of that commission with a preconceived idea that this had been the condition of affairs?—A. I went to work with as free a mind as anybody could, I think, who had had any knowledge of the subject. I had not been interested in the Ponca question specially before.

Q. My question is whether you went there with the idea upon your own mind that this thing had really been set up, to use a common phrase of the day, by the Interior Department to a considerable extent, and that the Indians were not acting of their own volition?—A. No, sir; I had nothing that amounted to a conviction that was in my own mind, but I doubt whether it was so or was not so, and it was one of the things which I was to find out. I suppose there was doubt everywhere.

By Senator DAWES:

Q. You stated in part that you had not been connected with this Ponca matter, up to the time you were appointed?—A. No, sir; although I came from Boston, I never had been on any of the Ponca committees; I never had attended but one meeting, and that for a few moments some two years ago, and had taken no special interest in this matter.

By the CHAIRMAN:

Q. Did you share what appears to be a prevalent idea with some persons that all civil employés of the government, high and low, connected with Indian affairs are necessarily crooked?—A. Not at all, sir.

Q. I did not know but that might have been the case, and that it might have had some influence upon your opinions?—A. I have an impression that there has been a good deal of crookedness in the management of Indian affairs, more or less, all along in some way, but it is one of the incidents of the condition of things which cannot be avoided probably.