

L E T T E R
FROM THE
ACTING SECRETARY OF THE INTERIOR,

COMMUNICATING,

In compliance with a resolution of the Senate of the 8th instant, the report of the commissioners appointed to investigate the affairs of the Osage Indian agency, together with the evidence taken by the board, and the separate findings of the individual members thereof.

DECEMBER 20, 1875.—Ordered to lie on the table and be printed.

DEPARTMENT OF THE INTERIOR,
Washington, December 17, 1875.

SIR: I have the honor to acknowledge the receipt of the following resolution, passed by the Senate December 8, 1875:

Resolved, That the Secretary of the Interior be requested to transmit to the Senate the report of the commissioners appointed to investigate the affairs of the Osage Indian agency, together with the evidence taken by the board, and the separate findings of the individual members thereof.

In answer to said resolution, I transmit herewith copy of communication, dated the 17th instant, from the Commissioner of Indian Affairs, together with copies of the following papers:

No. 1. Report of proceedings of the commission, dated Saint Louis, Mo., September 9, 1875.

No. 2. Abstract of charges set forth in the petition to the President, and the memorials presented to the commission in general council, and the evidence taken thereon.

No. 3. Findings and recommendations of the commission, signed by Commissioners Van Vorhes, Kemble, Hawkes, and Hodges, and statement by Commissioner Neal of partial non-concurrence in recommendations, and additional recommendation made by Commissioner Hodges.

No. 4. Evidence.

Also, the minutes of the proceedings of said commission.

Very respectfully, your obedient servant,

B. R. COWEN,
Acting Secretary.

THE PRESIDENT OF THE SENATE.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., December 17, 1875.

SIR: I have the honor to acknowledge the receipt, by reference from you, of a resolution of the Senate, dated December 8, 1875, calling for

the report of the commissioners appointed to investigate the affairs of the Osage Indian agency, together with the evidence taken by the board, and the separate findings of the individual members thereof, and, in compliance therewith, I have the honor to submit a copy of the original papers, viz :

No. 1. Report of proceedings of the commission, dated Saint Louis, Mo., September 9, 1875, addressed to the honorable Secretary of the Interior.

No. 2. Abstract of charges set forth in the petition to the President, and the memorials presented to the commission in general council, and the evidence taken thereon.

No. 3. Findings and recommendations of the commission, signed by Commissioners Van Vorhes, Kemble, Hawkes, and Hodges, and statement by Commissioner Neal of partial non-concurrence in recommendations, and additional recommendation made by Commissioner Hodges.

No. 4. Evidence.

Also, the minutes of the proceedings of said commission.

The resolution of the Senate is herewith returned.

Very respectfully, your obedient servant,

J. Q. SMITH,
Commissioner.

The Hon. SECRETARY OF THE INTERIOR.

No. 1.—REPORT OF PROCEEDINGS OF THE COMMISSION.

SAINT LOUIS, Mo., *September 9, 1875.*

SIR: The undersigned, special commissioners appointed by you to "investigate affairs at the Osage Indian agency," our instructions bearing date Department of the Interior, Office of Indian Affairs, Washington, D. C., July 17, 1875, having, in conformity thereto, visited the Osage agency and made the investigation required, do now present the following

REPORT.

In obedience to the call of the chairman, Hon. N. H. Van Vorhes, the following members of the commission met in Chicago, August 7, 1875, to wit: N. H. Van Vorhes, chairman; E. C. Kemble, secretary; Henry S. Neal, and Henry F. Hawkes.

The chairman announced the receipt of a communication, dated Office of Indian Affairs, Washington, D. C., August 2, revoking so much of the instructions before that time given the commission as referred to the claim of C. N. Vann and Wm. P. Adair against the Osages for the sum of one hundred and eighty thousand dollars, (copy appended, see "Documents and memoranda," 2,) and requiring the papers referring to the same to be returned. It was also found, upon an examination of the papers referred to in the instructions to the commission, that a petition to the President from the Osages, dated May 9, 1875, was not among the documents received by the chairman. A telegram was accordingly sent to the Acting Commissioner of Indian Affairs, asking that it be forwarded. If sent to us, it was never received.

On the 9th day of August the above-named commissioners started for Lawrence, Kans., *en route* for the Osage agency, to examine the accounts of the agent at the office of the Central Superintendency, as

also to procure statement of his bank-account in the designated depository at Lawrence. Before leaving that city we caused public advertisement to be made of our business, and invited any and all persons who could give information in regard to the management of affairs at the Osage agency to make the same known to us, that we might take their testimony. Upon our arrival at Coffeyville, the terminus of the Leavenworth, Lawrence and Galveston Railroad, we again gave the same public invitation. Not hearing of any to be offered, we proceeded the next day by carriage to the agency, distant sixty-five miles.

The day following our arrival we were waited upon by the governor of the Osages, who presented a letter signed by himself, dated "Executive Department, Osage Nation, Osage agency, August 14, 1875," setting forth that, as chief executive of the Osage Nation, "he had the honor to inform the commissioners" that W. P. Adair, of the Cherokee Nation, is employed as counsel on the part of the Osage people in the investigation about to be commenced. (See "Documents and memoranda," 3.)

He also expressed the wish to have the Indians meet in general council with the commissioners, which was assented to, and arrangements made for a meeting that afternoon. To his written communication reply was made that as the Commissioner of Indian Affairs had not only, in his communication to William P. Adair, refused to recognize him as attorney for the Osages, but had notified him not to participate in their councils, or in any way to interfere in their affairs, the commission could not allow him to appear as attorney in the investigation, but was not unwilling that he should render those persons who might desire it any assistance in his power, in an unofficial way, in preparing their charges against Agent Gibson. (Documents and memoranda, 4.)

At the further request of the governor, a copy of so much of our instructions as relates to the business remaining in our hands was furnished him. In the afternoon of the 14th we met the Osages in general council to the number of about four hundred, including all the principal chiefs and councilors and leading men. It was observed that the Indians had arranged themselves into two parties, sitting on the ground and grouped about their respective leaders, those upon one side representing the class opposed to the agent, and those upon the other, not quite so numerous, favoring him. Two interpreters were therefore appointed in addition to the Government interpreter, to represent each interest concerned. The commissioners carefully explained the object of their visit and invited statements from all present who had testimony to offer or anything to say. The governor presented a written address and formula of charges against the agent, (see Documents and memoranda, No. 5,) and was followed on the other side by Chetopa, the chief councilor of the nation, speaking for the party favorable to the agent. The whole afternoon, as well as the succeeding Monday and Tuesday until noon, were given to them in general council, and speeches were made by many of the chiefs and leading men. It was then announced that the commission would meet in the afternoon to commence taking testimony in support of the charges, examining each witness separately.

The governor and his party were anxious that we should try the agent for having "interfered with our high privilege of making our free and voluntary choice as to the particular orthodox religion, religious denomination or church, that may suit the consciences of my people," and addressed us a lengthy communication upon the subject. (Documents and memoranda, 6.) This was answered by a request that all evidence might be furnished showing the interference of the agent with the religious rights of any person upon the reservation. A carefully prepared list of

what are entitled "specifications," under charges already presented, but which are mainly a clearer and more orderly setting forth of the original charges, (doubtless prepared under the direction of W. P. Adair, esq.,) was laid before the commission. (Documents and memoranda, 7.)

On the afternoon of the 17th of August we commenced the examination of witnesses under the solemnities of the judicial oath. Pending these proceedings it was understood that Charles W. Blair, esq., a prominent lawyer and skillful advocate, residing at Fort Scott, Kans., had been sent for to conduct the examination of witnesses upon the part of the complainants, and do whatever else was necessary, upon their part, in the investigation. The following day that gentleman, with Lucien B. Bell, esq., of Vinita, Ind. T., an attorney belonging to the Cherokee Nation, appeared and asked the privilege of representing the complainants, which was granted them. There were also admitted to the room in which the commission held its sessions the governor and Chetopa, as respectively representing the two parties into which the Indians were divided, together with the interpreters for each, the agent being present in person. The attorneys of the complainant conducted the investigation, and called such and as many witnesses as they saw fit to examine, each of whom was duly sworn and examined, his testimony reduced to writing, and he required to attest the same.

We also examined such witnesses on behalf of the agent as he requested and such other persons as we were advised, or had any reason to suppose, could give us any information whatever, or could throw any light upon the matter we were inquiring into. Not a single person refused to appear before us, or to freely testify in any matter or thing he was interrogated upon.

The examination of witnesses continued until the 31st day of August, and was as exhaustive as it was possible to make it. The depositions taken are herewith transmitted, to which we invite your careful examination.

An abstract of all the evidence digested, with reference to the particular charges and specifications, is given below.

The commissioners deemed it expedient, in classifying the evidence, to vary the order and scope of the original charges, adding to them in number so as to admit new matter brought out by the evidence.

No. 2.—ABSTRACT OF CHARGES SET FORTH IN THE PETITION TO THE PRESIDENT, AND THE MEMORIALS PRESENTED TO THE COMMISSIONERS IN GENERAL COUNCIL, AND THE EVIDENCE TAKEN THEREON.

FIRST CHARGE.—Showing partiality in the distribution of money, goods, and rations, and issuing them irregularly, and in giving out wagons and orders for the digging of wells.

EVIDENCE.

Gov. Joe Pawnenopashe testifies that he saw rations issued irregularly at Salt Creek Station. The day they were issued some would be absent and would not get them at all. Gave away army coats and shoes, for which they had no use, to myself and others who asked for them. Gives more to people who follow his advice than to those who oppose him. Has shown partiality in the distribution of wagons. Gave a Little Osage a wagon who did not have a patch of ground cultivated

larger than a garden, (this was Oke-sheah;) seven or eight men in his band, who have eight or ten acres fenced, have not received wagons.

Mr. Osborn told him the reason they did not get wagons was because they had none; would get them next year. Conseala also got a wagon. No ground fenced. Agent told him he would have these wagons taken away; this was not done. Gave him a wagon when he had not the requisite ten acres fenced. Afterward states that Conseala got his wagon from the superintendent at Lawrence.

Jos. Revardie deposes: Went up to Cana Station for rations; was refused with several other half-breeds; was on a committee to see Gibson about it. He said he could not do it; was against his orders; finally received rations, they working for them. On cross-examination he stated, agent was not in the habit of giving employes rations.

Geo. Tinker was discharged, he being a white man, and having two Osage wives living, (not with him,) both of whom drew rations.

Julien Twombly deposes that he asked the agent to give him an order for a well; he told him no more were to be dug; afterward a neighbor got an order for one.

Isaac T. Gibson deposes that when he refused the well-order to Twombly he thought all the wells assigned to Cana district had been given out. Thought the educated well-to-do half-breeds could dig their own wells. Denies the charge of showing favoritism, &c.

Sam. Beiveneux thinks the agent has shown partiality in the breaking of prairie, digging wells, granting bedsteads, chairs, &c.

SECOND CHARGE.—Does not let the national council and the Osage people know what is being done with the money, and claiming the right to annul and override the enactments of the council.

EVIDENCE.

Gov. Joseph Pawnenopashe deposes that the council asked for houses to be built for the chiefs and head-men; this the agent declined to do; he tried to prevent Augustus Captain, Watianka and Hard Rope from serving in the council.

Augustus Captain deposes that the first meeting of council after the return of the delegation from Washington determined how much money they would use, and in what way; this they did. He did not comply with our wishes.

They also appointed half-breeds to take the place of white men employed as station agents. He did not take them; the Osage people know nothing about the business of the office.

Cross-examined: Has been authorized by the agent as one of a committee of half-breeds to examine the agency books; had never availed himself of the privilege.

J. A. Chase deposes that the council appropriated fifteen hundred dollars (\$1,500) for its support; and then drew orders on the agent amounting to forty-five hundred dollars, (\$4,500); the agent refused to indorse all of these orders; paid them to the amount of the appropriation, (\$1,500,) and indorsed \$1,500 more to be held by the owners till the next annuity payment.

I. T. Gibson deposes: Am not required by the Government to account to the Osage authorities for the expenditure of money. Have always been willing to do so. Have asked the council to appoint a committee to examine into the business of the office; corroborates Mr. Chase, as regards the council orders. Had authority from the Commissioner of

Indian Affairs to appropriate three thousand (3,000) dollars to payment of council expenses. They continued in session until their per diem amounted to fifteen hundred (1,500) dollars, which was all that would be set apart for their expenses, knowing that they would receive a like sum at the next annuity payment. Approved orders to the amount of three thousand dollars, and stopped.

THIRD CHARGE.—Advising the half-breeds to separate themselves from the nation and draw their proportion of the national fund, reporting that he could have it done, and on their refusing telling the full-bloods they had been trying to do so.

EVIDENCE.

Augustus Captain deposes that a petition was sent down to him from Cana, advising the half-breeds to draw their funds separately and withdraw from the full-bloods; he refused to sign it; was in the agent's handwriting, and bore his signature.

Charles Choteau deposes that he asked Agent Gibson to draw up a petition for the half-breeds to withdraw. He said he would if we wished it. He said it would have to be approved by the Secretary of the Interior. He drew it up. It has never been signed and nothing more was done about it. Agent's name is not signed to it.

I. T. Gibson deposes: He drew the petition at the request of some of the half-breeds. Had no further agency, but believes it would be better for them if the more intelligent of them would withdraw and become citizens of the United States.

FOURTH CHARGE.—Refusing to recognize Joseph Pawnenopashe as governor of the nation and trying to put another man in his place, and endeavoring to divert the salary of the governor as provided in the treaty of 1865 and 1867, to other purposes.

EVIDENCE.

Gov. Joseph Pawnenopashe deposes that the agent has always paid him his salary allowed him by Commissioner Smith. He also states on cross-examination that some of the Osages object to his receiving a salary. Others accuse him of being bribed by agent; that the agent told him he gave him this to enable him to go around among the people and induce them to settle down and become civilized. Has not been around among bands, but has advised them in council and when he met them by chance. Disregarded his wishes in selection of delegates to the Ocmulgee council. The only commission as governor he has is one signed by the agent.

J. A. Chase deposes: The governor does not sustain the position of head chief of the nation, as was their former usage.

I. T. Gibson deposes that Governor Joe was first commissioned by Superintendent Taylor, afterward by me. Many persons of the nation oppose his being governor. He has opposed civilization. His last election was a fraud. Has been paid his salary, \$500, by Superintendent Hoag out of the funds appropriated for the civilization of the tribe. The original copy of the treaty states that the \$500 therein provided shall be paid to the *chiefs*, not *chief*.

Strike Ax, chief of Strike Ax Band, Little Osage, deposes that if the governor would work to induce the Indians to civilize, would be

willing to have him paid a salary, otherwise not; thinks he does not earn it.

Dick Holstien, chief councilor, White Hair band, deposes same as Strike Ax.

Racing Man, chief of his band, thinks the governor has not earned his salary.

Chetopa, chief councilor, thinks the governor should have a salary if he would endeavor to have the people accept civilized habits. Does not think Governor Joseph Pawnenopashe does this.

George Beaver, chief of Beaver band, wants the governor paid his salary.

FIFTH CHARGE.—Discharging employés for signing petitions for his removal, and for Catholic schools and missionaries, and on account of their religious belief, and put them to great inconvenience and suffering by doing so.

EVIDENCE.

Governor Joseph Pawnenopashe deposes, on cross-examination, that William Penn told him the reason that he was discharged was that he had drank too much whisky. Big Heart said the reason he was discharged was because he wanted to comply with the rules of the council; and Revardie said because he signed petitions for Catholic schools and missionaries.

Joseph Revardie deposes that when he discharged him it was because he had signed petitions such as he had signed. Knows of no other than those for Catholic schools and missionaries; was turned out of his house in winter; children nearly froze to death *en route* to Cana.

William Tinker deposes that he was discharged for signing petitions for Catholic schools and missionaries, and against the agent. On cross-examination says, agent told him he must either prove or retract the charges in the petition he signed against his character.

Julien Twombly deposes that he was clerk for Hiatt & Co. Gibson told him that any one who would sign such petitions as he had signed was not a fit man to trade with poor ignorant Osages. In a week or two was discharged by Hiatt & Co. (Hiatt told a member of the commission that Gibson never asked him to discharge Twombly, but he did so as he no longer needed his services.)

Cross-examined: Agent told him he had signed petitions for his removal, charging him with having bribed the Indians, &c., and that he must either retract or prove them.

I. T. Gibson deposes that he never thought of such a thing as discharging employés for their religious opinions or for signing petitions for Catholic schools or missionaries. Revardie and Tinker were discharged for signing petitions reflecting on my character and integrity, and declining to prove or retract the same. I required them to prove or retract. Twombly was discharged by Hiatt & Co.; had nothing to do with it.

Samuel Cornor deposes that he told Revardie to stay in his house as long as he wished. He was not turned out. Callahan was discharged because they no longer needed his services.

SIXTH CHARGE.—Having vouchers signed in blank or filled out in pencil, and when remonstrated with by the parties signing declining to pay them unless they would so sign; and requiring them to sign receipts without explanation.

EVIDENCE.

Governor Joseph Pawnenopashe deposes that at the old agency at Cana he gave them bills to look over, which the interpreter declined to interpret, and they signed them not knowing their contents.

Joseph Revardie deposes that he signed three vouchers in blank, only one of the set being filled out; asked to have them all filled out before he signed them, but was refused. The clerk said that was not the way of doing business; insisted that they should be filled out, but was refused.

Wm. Tinker deposes that he signed vouchers in blank; signed all four in blank. That was the custom.

E. H. Hill deposes that he signed vouchers in blank. Saw other men sign vouchers in blank.

J. Edwd. Finney deposes that he saw vouchers signed in blank; understood that was the custom.

Alfred H. Canville deposes that he signed vouchers in blank; signed of one set three in blank; one had his name already signed in pencil; did not get my pay then on them; afterward got it at the agency by signing another set of vouchers. (See settlement of his account, hereto annexed, as taken from the agency books.) Was paid all that was due him at said settlement.

Cross-examined: Supposed the reason that his name was signed to one of the vouchers was to show him where to sign. No explanation was given by the subagent. It did not imitate his signature. (See his testimony under charge 17.)

Patrick Rogers deposes that he signed vouchers in blank. (See his testimony under charge 17.)

J. E. Campbell deposes he signed vouchers in blank. (See his testimony under charge 8.) Has seen vouchers filled out in pencil both at Cana Station and the agency.

James Biyheart deposes, has signed vouchers several times in blank; such was the custom.

James A. Coffey deposes, he signed vouchers in blank. Signed one set for supplies amounting to between \$700 and \$800. Gibson gave me the vouchers himself to sign. General custom of late is to have them signed in blank.

Gabriel Hay deposes he signed vouchers in blank.

Francis Labadie deposes he signed vouchers in blank.

Charles Hendricks deposes he signed vouchers in blank.

J. A. Ghase deposes and admits that it was the custom to have vouchers signed in blank up to the time of the receipt of the circular from the Treasury Department forbidding it.

I. T. Gibson deposes that it has been the custom to take vouchers in blank, when not convenient to fill them up before signing, up to the time we received a circular from the Treasury Department forbidding it.

SEVENTH CHARGE.—Drawing checks for a larger amount than was actually paid, and not properly accounting for the difference.

EVIDENCE.

E. H. Hill deposes that a check was drawn to his order for a larger amount than he received, cashed for him by Ed. Finney. Check was for \$46.19. He received \$44.33. (See abstract of his account taken from the agency books and joined hereto.) Was present when other

checks were paid, drawn for larger amounts than the men received. They overran from \$1.50 to \$10. The subagent, Hobson, stated that the reason the checks were for a larger amount than they should be was that the clerk at the agency was careless, and he knew into whose hands they would fall, and therefore felt safe. Checks were drawn in favor of Columbus Bowles, Robert Peebles, Samuel Shelby and others for more than was due them. Hobson kept the money overpaid on these checks. Did not understand that Finney, who cashed the checks, kept any part of the money or divided it with Hobson or derived any benefit from it.

Cross-examined: Got all that was due him. Lost no time while at work. Pay was part of the time forty dollars, then thirty-five dollars per month.

J. E. Finney deposes: Cashed checks for less sums than they called for at Hickory Station. Credited the difference to Hobson, station agent, in this way: A part to Peter Hobson's order account, a part to I. T. Gibson's order account, and I paid him forty dollars cash. Thirty-eight dollars of this he gave to a man for a pony. His name was Vinning, who had been in the employ of the subagent. Difference in checks cashed by him was from \$1 to \$10.

Cross-examined: Went to the agent's office and it was explained that the mistake was not at the agency, but was between Hobson and the men. He might have told the clerk that Hobson had paid some one more than the checks they held called for, though I don't recollect it.

J. A. Chase deposes that no funds have been misappropriated. None have been expended irregularly. Have always been spent in conformity with the tabular statement accompanying them. (See charge No. 18.) He also states that the agent made out the checks from his tickets, and that there was no instance in which a greater amount was set out in the checks than was due the parties. In the matter of the checks drawn for larger sums than was paid the men, that they were made out in conformity with the tabular statement of the Indian Bureau, dated 1850, which is based on the month containing thirty days. About the middle of the summer of 1874 they received new tables, computing salaries by the year. The difference between the amounts the checks called for and the amounts paid arose from the difference in these tables. Has figured on some of them and found the difference to be the exact amount of the difference on the basis of the two sets of tables. In the case of Hill, was reported by Hobson as hired at thirty-five dollars, when for a portion of the time it should have been forty dollars per month. Explained this to the satisfaction of Finney.

I. T. Gibson deposes: Never heard of checks being drawn for a larger amount than was due until this investigation.

EIGHTH CHARGE.—Sending false vouchers to Washington. Entering on said vouchers other articles than those actually furnished.

EVIDENCE.

J. E. Campbell deposes: Sold about one hundred and fifty dollars' worth of supplies for the Indians at Cana Station. Hobson was station-agent. Came to me and wanted me to add to the voucher for the payment of these goods, the sum of two hundred dollars for one span of mules purchased of Joe Bowers, an employé, (as he could not buy them of him on that account,) and to enter it on the voucher in equivalent proportions of coffee, sugar, and flour. This I did, entering it on the

vouchers in pencil, and I paid Bowers two hundred dollars for his mules, which were given to Nopowalla, chief of the Little Osages. This was a few weeks after the voucher for the goods actually sold was made out, but these articles were entered on the same voucher as coffee, sugar, and flour.

Told Chase afterward about this transaction in presence of Gibson; do not know whether the agent heard him or not. Consented to do this to get his pay for the goods actually furnished by me, as clerk for Alexander Beyatt, was paid by check for about one hundred and fifty dollars. Hobson told me I knew Nopowalla had received the mules. I thought it was all right. Signed Alexander Beyatt's name to the voucher. Hobson claimed that it was the agent's wishes that it should be entered as rations. Only one of the vouchers was filled out in pencil, as coffee, sugar, and flour.

J. A. Chase deposes: (See abstract of his testimony under charge No. 7.) Never knew of the mules being entered as coffee, sugar, and flour until he heard Campbell testify. He exhibited the vouchers in testimony, which show that Beyatt was paid one hundred and forty-four dollars and fifty-six cents (\$144.56) for supplies, and two hundred dollars (\$200) for one pair of mules for Nopowalla. Has no recollection of there being anything entered on the voucher in pencil. Has no recollection of any voucher being altered after it was signed. (See No. 18.)

B. K. Wetherell deposes: Was carried on the rolls one month when he was at work for the Leavenworth, Lawrence & Galveston Railroad. Did not consider myself in the agent's employ during that month. Had a horse crippled in the service of the agency; was paid in this way. Knows of no misappropriation of funds. Was paid one month's pay while at work for the Leavenworth, Lawrence and Galveston Railroad in lieu of a horse crippled in the agency service.

B. K. Wetherell recalled: Thinks the agent knew he was in the employ of the railroad during the month he was paid.

I. T. Gibson deposes: Never heard of any case of the kind until Campbell's evidence. There was no occasion for it. Never instructed my subordinates to do such a thing. Corroborates Chase's testimony in regard to Wetherell being employed that month as trail-agent, to pay for a horse.

J. A. Chase deposes: Wetherell was employed as trail-agent. He worked two months, and was then employed by the Leavenworth, Lawrence and Galveston Railroad Company, when he could, during the third month of the quarter, perform about the same services for the Osages that he had been performing. The agent agreed that if he would still do the work for the Osages, he would pay him for the third month. This he did, and signed vouchers for three months, and he abandoned his claim for the horse.

NINTH CHARGE.—Letting contracts without proper advertisement or notice; not giving the contract to the lowest bidder, and showing favoritism in the giving of contracts.

EVIDENCE.

Eugene Callahan deposes that he bid for a contract to haul rails at seventy-three (73) cents per hundred (100,) which was let to John Keepers at one dollar (\$1.) Did not state in his bid how many he could haul. The advertisement called for proposals to haul 75,000 rails, to be hauled in three months. Had one team and about one hundred dollars in

money at that time. A Mr. White joined him in the bid. Rails were to be hauled in all parts of the nation.

Thomas A. Wills deposes that he has had knowledge of the administration of the agency for two years. Never knew of any partiality in the letting of contracts; has had considerable business with the agent; thinks him honest.

J. A. Chase deposes that the Callahan bid was informal, and therefore could not be received. Did better to let Keepers have the contract; knows of no contract being let without advertisement, except when the exigencies of the service would not permit. Has not been furnished by the Interior Department with an official list of newspapers authorized by the Government to advertise contracts. Contracts have always been let to the lowest responsible bidder; have always taken a bond or guarantee. Explains the Keepers contract as being the best for the service, taken as a whole, viz, in connection with a bid for breaking prairies. The larger part of the supplies have been purchased in open market, the exigencies of the service justifying it.

I. T. Gibson deposes that Keepers's contract was let to him as, on the whole, it was the cheapest and best.

John Keepes deposes: Gave no pecuniary consideration, nor promised any, to any one for his contract; won't make much money out of it, if any; have sublet a part of it, but the men have quit work in most instances; neither the agent or any employer has any interest in the contract.

I. T. Gibson deposes: The reason the contracts have not been more fully paid is that the superintendent made an annuity-payment of sixty-three thousand dollars instead of forty or fifty thousand, as he understood from the Commissioner of Indian Affairs would be made. All contracts have been approved at Washington. Contracts have always been let to such persons as would accrue to the best interests of the Government and nation. No contracts have been let except in conformity with the requirements of the Indian Bureau. No work has been done other than on contract when it could have been more advantageously done by contract.

TENTH CHARGE.—Preparing a petition in his own behalf, and having it signed by women and children, promising them a pecuniary reward, and by others through fear, also forging signatures to the same.

EVIDENCE.

Augustus Captain deposes that, when in Washington with the delegation, he saw a petition sent by the agent; that afterwards a number of persons whose names were on it got up in council and stated that they had never signed or seen it.

I. T. Gibson deposes: Never had women or children sign a petition; never offered any bribe. The whole charge is baseless and untrue. Mother Choteau signed it against his remonstrances and wishes; insisted on doing so, saying she had a right to. Never said he would throw away any one who would not sign his petition, and make them live with the Cherokees.

ELEVENTH CHARGE.—Endeavoring to prevent the Osages from sending petitions to the President.

EVIDENCE.

Augustus Captain deposes that he can't state that he has ever

tried to prevent our sending petitions to Washington; could not do so if he wished.

The Indians not hearing from their petitions thought the agent had stopped them.

TWELFTH CHARGE.—Removing hereditary chiefs and putting other men in their places; setting chiefs at variance with each other; making the Osage people have contempt for their chiefs and councilors; dividing the six bands into eleven; making new chiefs and councilors against the wishes of the people.

EVIDENCE.

Gov. Joseph Pawnenopashe deposes that the agent has thrown away Hard Rope, Augustus Captain, and Watianka; that is, that he would no longer regard them as councilors. Did this shortly after the delegation returned from Washington. Some of the little chiefs he has looked up to as head chiefs, as Saucy Chief, Nekah-Kepah. Made Chetopa chief councilor. Did not want Augustus Captain, Watianka, and Hard Rope to serve in the council. Has heard that he deposed George Beaver as head chief of his band.

James Big Heart deposes that the agent told him he had deposed George Beaver as chief of Beaver Band, and put Mother Choteau in his place. It is not customary among the Indians to make women chiefs. Have always been friendly to the agent.

Cross-examined: Agent told me he did not wish to recognize Beaver as chief because he had forged the names of his band to a petition they did not know anything about.

Rosana Choctaw deposes that she was regularly elected second chief of Beaver Band at a council, against two other candidates, and was so notified by the members of the band; accepted the office with great reluctance; regards George Beaver as head chief of the band; thinks the agent so regards him.

Augustus Captain deposes that, as he understands it, when the chief of the band died, the chiefs and the majority of that band selected the oldest son as his successor; the agent recognized the youngest as head chief.

Cross-examined: During the interval between the death of old Clanmore and the council, the younger son was recognized chief. Witness was promised a pony for his influence in favor of the oldest son; had ponies given him before.

J. A. Chase deposes that he knows when the chiefs and headmen of bands were opposed to civilization, individual members of said band have withdrawn from the band and made bands for themselves, and have been enrolled as chiefs.

I. T. Gibson deposes: When I commission a chief, and his conduct is such as to justify it, and he shows himself opposed to civilization, I claim the right to depose him; made George Beaver chief of his band at request of his father; told some of the band he proposed to recognize the second chief as head of the band because George went away some thirty miles and signed the Adair memorial, against the wishes of the band; signed for the whole band; recognized the son of Clanmore as chief of that band, at the request of several of the leading men, and on the representation of Colonel Coffey and Mr. Corner, that the old chief had so designated him on his death-bed; did not know that there was any other son; no objection was raised until a few weeks ago.

Racing Man deposes that he was fourth chief of the Black Dog band;

the head chiefs opposed civilization; he withdrew with three hundred persons; after a time was recognized by the agent; part of them of Big Chief, part of Black Dog bands; they were the ones that wished to settle down and civilize; the matter of his recognition as a chief of a band was referred to the superintendent and approved by his chief clerk in his absence.

Big Wolf, third chief Beaver band, deposes that George Beaver has gone wrong, and that they are going to throw him out. Every one is satisfied with Mother Choteau.

William H. Corner deposes that he and Colonel Coffey were present when old Clanmore was on his death-bed; he designated his son, young Clanmore, as his successor. I told the agent, and he has since recognized him as chief. Young Clanmore called a council of his tribe, and they all thought he ought to be head chief. He is the choice of the people.

George Beaver deposes that he feels that he is still head chief of his band; agent does not recognize him as such. Some of the band do not recognize me as chief; about twenty families do; called the council at which Mother Choteau was elected; she was duly elected.

THIRTEENTH CHARGE.—Employing white men when Indians and half-breeds could do the work equally as well.

EVIDENCE.

Gov. Joseph Pawnenopashe deposes: We have half-breeds that understand carpentering, blacksmithing, and farming, viz, Joseph Rivardi, Antoine Deloria, Edward Penn, and Wm. Nixon. Half-breeds have complained to him that the agent would not employ them; as Big Heart, Penn, and Rivardi.

Charles Hendricks deposes that when he went down to the Big Chief and Black Dog bands to break prairie he had a half-breed with him. One of them had to leave. The chiefs preferred him to the half-breed. The Indians prefer to have white men rather than half-breeds do the work.

J. A. Chase deposes that when he first came to the agency the majority of the employes were mixed-bloods. The agent determined gradually that their inefficiency was such that he would rather assist them in farming and put white men in their places. That the agent removed some half-breeds (names, James Big Heart and Wm. Tinker) and supplied their places with white men, for incompetency, as the agent, and his bondsmen are responsible for the actions of his subordinates.

I. T. Gibson deposes: Has taken great pride, in his reports to Washington, in showing how much work the Indians have done. Has tried to employ them in mechanical pursuits, but they have not been found competent to do the work. They will not stick to their work. They do better at farming. He is trying to have young half-breeds learn mechanical work, so as to eventually do all the tribe may require.

FOURTEENTH CHARGE.—Interfering with the religious predilections of the people, and endeavoring to proselyte them to his own peculiar belief.

EVIDENCE.

Rosana Choteau deposes that she is a Catholic; that the agent has never interfered in matters of religion in Beaver band, to which she belongs, or in any manner in the nation, to her knowledge.

Augustus Captain deposes that the governor asked to have the school transferred to the charge of the Catholics. The superintendent stated that the President had placed it under the Society of Friends, and the Government would not allow any sectarian teachers in it. Does not know that the agent has interfered in their religious predilections, except that they wanted Catholic schools and failed; has educated his children in the Catholic mission-school; has not paid their bills or clothed them; supposes the Government does not think if the Catholics wanted to establish a school at the agency the agent would interfere to prevent it; wants the school at the agency assigned to the Catholics; was present when Father Poncelioni preached and said mass in the school-chapel; does not know of the agent trying to proselyte any one to his own peculiar religious views. A priest visited the reservation once in three months; generally as many as forty persons have attended his services. No full-blood performs his duties as a Catholic.

J. A. Chase deposes that he knows of no instance in which the agent has interfered in the religious predilections of any one; knows of no one who does; has not prevented Catholic missionaries from coming to the agency; has given them every facility in his power, and treated them well; has offered to send children to the Catholic mission-school, and pay their expenses; has done so in many instances. There are no full-blood Catholics. There are not five full-bloods in the nation who know anything about religious differences. The Catholic priests here hold services in the chapel.

I. T. Gibson deposes: Has not interfered in their religious matters; has offered every facility in his power to the Catholic priests who have visited the nation in the use of chapel, &c.; objected to the use of the council-chamber once, as the chapel was much more convenient; has given up at various times the usual services to accommodate them; has sent all the children who wished to go to the Catholic school; offered to take them to it and indorse bills for tuition and clothing for payment. The priests have abused him in open services. I have told the children of the agency-school openly if they preferred to go to the Catholic mission they could do so.

Alexander Beyatt deposes: Knows of no interference in religious matters.

Samuel Corner deposes: Has been in the employ of the agent four years; knows of no interference in religion.

William A. Corner deposes: I am a Catholic. Some Osages want Catholic schools and missionaries. There are a few full-bloods who have been baptized into the Catholic Church; none of them live up to the rules of the church. The agent has not interfered in religious matters; has never prevented the Catholics from establishing schools or holding religious services. In the beginning was opposed to the agent and civilization, as I had abandoned civilized life; now see my error, and am satisfied with the agent.

FIFTEENTH CHARGE.—Violating his obligations to the licensed traders and interfering with their business and rights.

EVIDENCE.

Governor Joseph, Pawnenopashe, deposes that last fall the agent stopped the traders selling flour, coffee, and sugar; agent had some rations, but not sufficient, and the people wanted to buy from the traders. This the agent would not let them do. Did not explain his instructions not to permit this.

I. T. Gibson deposes: Has not violated his obligations to the traders; has used the traders for the benefit of the Indians; not the Indians for that of the traders. (In regard to council, see orders No. 12.)

Alexander Beyatt deposes: Refused to license him as trader; struck off his name from the cards authorizing the traders to sell goods to the Indians on annuity-account.

SIXTEENTH CHARGE.—Using the national pasturage, hay, &c., and making the men employed by him for the Government herd his own cattle and hogs, and using the property of the nation for his own advantage, and permitting hay, &c., to be wasted. Hogs and cattle died for want of proper care.

EVIDENCE.

James A. Coffey deposes that about one hundred and fifty (150) hogs were purchased by the agent. Fifty in one lot were turned out on the range; many of them died; do not know whether they belonged to the agent or the nation.

Eugene Matthews deposes that the agent had seventy-five head of his own cattle herded with the national herd.

Augustus Captain deposes that he has seen together one hundred and thirty head of cattle belonging to the agent, as he was informed by Mr. Comer, the herder of the nation; agent's brand was an anchor.

J. A. Chase deposes: Had cattle on the range; lost by them; had no extra care from the herders.

Isaac T. Gibson deposes: The winter of 1874-'75 was an open one, and all the hay put up was not required. Some of it was spoiled. The Indians took off the tops of the stacks, and in that way it was open to the weather, and was spoiled. Has pastured cattle on the national range; used such cattle for hospitality and to give away; has sold a few in open market; have been a loss to him. They have been no expense to the nation. Hogs have been no expense to the nation either; have only killed four or five for my own use; rest gave away and stolen by Indians.

John Söclerstrong deposes that the hogs belonging to the agency were fed at the agency-mill during the winter, and none, to his knowledge, died for want of care; some there fed, when in good order were claimed and killed by the Indians.

SEVENTEENTH CHARGE.—Having two or more sets of vouchers signed for the same services, or when the employé was paid only once.

EVIDENCE.

Alfred Canville deposes that he signed two sets of vouchers, one at Hickory Station, one at the agency; was paid only once. (See his testimony under No. 6.)

Pat Rogers deposes that he signed two sets of vouchers for the same work. Chase stated that he had spoiled the first set. Signed the first set P. Rogers; the second, Pat Rogers; he did not destroy the first when I signed the second set; both sets signed in blank, (see his testimony under charge No. 6;) never had but one settlement with the agent; never signed but one set of vouchers paid in full.

Cross-examined. Told me the time I signed the second set to put my name in full; should not wonder if he told me the Government required the signature in full.

Charles Hendricks deposes that he signed two sets of vouchers; received pay only on one; both sets in blank. (See No. 6.) Went to Cana and did not work for ten days; Chase told him he supposed he was at work during this time, and as he was not, he had to have a new set. (See his account as taken from the agency books, August or September, 1873.)

J. A. Chase deposes that the Pat. Rogers vouchers were signed P. Rogers. New sets had to be made and signed to conform to the requirements of the Department. The other set was torn up and thrown in the waste-paper basket.

EIGHTEENTH CHARGE.—Reckless and extravagant expenditure of moneys and incompetency in the management of Indian affairs.

EVIDENCE.

J. E. Chase deposes that the expenditures have always been, according to law, and in conformity with the tabulated statements accompanying them; that he knows this to be the fact, as he has made the abstracts for disbursement for three years. That no voucher has been altered after it was signed, and that no false vouchers have been taken; states that no vouchers have been taken and the parties not paid; no third person has signed for the man in whose name the voucher was made; no vouchers have been signed and the parties received nothing. Explained the Hendricks vouchers by reference to ledger $\frac{3}{8}$ with Hendricks and abstract and vouchers (Abs. A, 3d quarter, 1873, vol. \S 84) showing that in person or by substitute he received the full amount of pay due him and for which he gave the vouchers required; kept memoranda of lost time, and charged "time-account" in case of a substitute being employed; paid the principal; took no voucher from the substitute; keeps his books by first-class double entry; gives a list of the appropriations as contained in tabulated statements. (See Exhibits A, B, and C.) No way of ascertaining from the books how much has been expended for school purposes or school-house, Indian houses, subsistence of Indians, agency buildings, contingent expenses, transportation of live-stock, purchase of same, or for any other specific purpose. So far as specific appropriations have been indicated by the tabular statements, they have been expended in accordance therewith, and an account kept, which is all the Department has required. There has never been a specific appropriation for general building purposes. There is no way in which the commission could arrive at a more accurate statement of the moneys expended than the books show, unless they examined the vouchers, one by one, and took off the amounts paid under separate headings, and even then it would only be approximate.

Samuel Beivenew deposes: Knows nothing against the agent. Does not think there are any Indians opposed to civilization. Thinks the personal dislike of some of the tribe to the agent retards civilization. Thinks because the "governor" cannot do as he chooses with the agent he dislikes him.

Alex. Beyatt deposes: Knows of no misappropriation of money or of fund.

Wm. H. Comor deposes: Has been in the employ of the agent four years. Never knew of any misappropriation of funds. Am a Catholic.

William C. Maston deposes: In the month of December there was due the agent by my firm (R. C. Crowell & Co.) the sum of nine hundred

and seventy-five $\frac{07}{100}$ dollars (\$975.07) for hides, and there was owing us by the agent about twenty-five hundred dollars (\$2,500) for goods and freights. The inspector being expected, Mr. Chase told me he wanted to make a "good showing," and he would like to have a receipt from me for the amount due for the hides, &c. I regarded the transaction on my part in the light of a loan of so much money. If the receipt was placed in the cash-box by the clerk, it would appear as so much money owing the agency. Do not think the agent knew of the reason why the receipt was given. He was not present when I made the receipt.

I. T. Gibson deposes: Knows nothing in regard to a receipt given by W. C. Maston. Submits transcripts of journal and ledger entries, with deposition of former book-keeper of R. C. Crowell & Co., (see Exhibit D;) submitted with confidence that no fraud or deception was contemplated or thought of.

J. E. Chase (recalled) deposes: Took a receipt from R. C. Crowell & Co. for money owed, entering it at once on the agent's books. Counted the receipt as so much cash. The entry was made to have the books appear for payment and not for E. C. Kemble, as no entry at all, in my opinion, would look better to an inspector.

TESTIMONY OF SEVERAL CHIEFS AND LEADING MEN IN REGARD TO AGENT AND THE ADVANCEMENT OF THE TRIBE IN CIVILIZATION.

"Governor" Joe Pawnenopashe deposes: Knows nothing of any misappropriation of funds by the agent. Tribe have made some progress in civilization; some more, and some less.

Rosana Choteau deposes: The band of which she is second chief (Beavers) has made great advancement the past two years. Have farms, from ten to forty acres. Women and children wear civilized dresses, and most all live in houses. Before this, had only a few ponies and buffalo-hides.

Strike-Ax deposes: Am chief of Strike-Ax band, Little Osages. All of my people have farms and crops. Twenty-one have houses. Agent has done all that he could to help us.

"Dick Holstien," chief-councilor of White-Hair band, deposes: All of my band, with few exceptions, have houses; not more than seven families without houses. Agent has helped us a good deal.

Racing-Man, chief, deposes: Have thirteen houses in my band, and good fields and crops.

Old Wate-an-ka, chief-councilor of Big Chief's band, by birth chief councilor of the nation, deposes: I think we are free Osages, and should be allowed to civilize in our own way, and make farms or not as we choose. Thinks they should not be obliged to work for what already belongs to them. We have four houses and plenty of corn. Would have more if we could have our own way. Don't like the agent.

Hard-Rope, councilor White-Hair's band, deposes: Agrees with all Wate-an-ka has just said.

Chepota, chief-councilor of nation, (by appointment of Commissioner Taylor and others:) My people have abandoned the old manner of living in villages; have taken the best lands, made claims, are raising stock and crops, and intend right along to raise their own provision. They had to learn to work, but are making good progress. Want my people to draw their annuity in money. The agent is satisfactory to those who want to civilize. A large majority of Little Osages have farms. Had several brothers in the old Catholic mission-school. They

came away without much knowledge of English. I like the present school better; want the boys and girls taught separately. Commissioner Ewing (of Washington) and Mr. Blair, the attorney in this case, came down to my place before the arrival of this commission. They stopped three nights within half a mile of me. They wanted me to make known to them any complaints I might have to make, and said they would assist me in having them attended to. I told them I would make my talk in general council, and said I did not want to talk privately. They said the Government permitted them to come and talk with us, and said they had come to help my people who had complaints to make.

Little Chief deposes: Was second chief to No-po-walla, chief of Little Osages. Now claims to be first chief. Want the people to settle down and civilize; my people have houses and fields. Have never felt good toward the agent. He has not done for me what I wanted.

White Hair, chief, deposes: Want the people to become civilized. The agent don't like me because I won't do as he wants me. Agent treats me like a little child.

Iah-pa-ke-ha, chief councilor Homminy's band, deposes: Want the people to settle down and civilize, and they are doing so as fast as they can.

Big Wolf, third chief, Beaver band, deposes: George Beaver (first chief) has gone wrong, and we are going to throw him out. Everybody is satisfied with Mother Choteau, (second chief.) We are much better situated than we were a few years ago. We have gone to work, and have houses, fields, and wagons. I like the agent because he helps the poor. All my band are satisfied except George Beaver.

W. H. Cornor, (interpreter:) Was educated at Catholic mission-school; but afterward became as wild as any of the wildest Indians; concluded to reform. These Indians are in a much better condition than formerly. Some of the leading men are keeping their bands back. They don't like the way the agent uses their money; some think he is squandering it. I feel well satisfied the agent is doing the best he can for the people.

Charles Hendricks (white) states in detail the efforts made by the agent through him to have the Indians of the Black Dog and Big Chief bands consent to have land broken up for them, and his difficulty in inducing them to do so. Also states these bands have made great advancement in civilization the past two years. Have good crops and well-fenced fields. These bands are the most backward on the reservation, as they do not like to work.

I. T. Gibson deposes: Have never used the funds of the nation otherwise than in conformity to law, and in accordance with the tabulated statement sent to me from the Department.

An examination of the books of the agency with reference to the blank vouchers mentioned in the evidence of various witnesses, as also in regard to two sets of vouchers, as testified to by A. H. Canville and Pat. Rogers, and of signing without receiving pay, as testified to by Charles A. Hendricks, and of the giving of checks by the agent for larger amounts than were due, discloses the following facts:

E. H. Hill's testimony in explanation check No. 562, drawn December 31, 1874, for forty-six $\frac{19}{100}$ dollars, and voucher 154, abstract A, first quarter 1875: In the settlement of Peter Hobson's account as subagent, he charges himself with thirty-five $\frac{35}{100}$ dollars balance on checks to employes for larger amounts than were actually paid, credits himself with having paid the same to Prince Albert, (colored,) interpreter at Hickory Station, which, together with the difference from other checks

drawn for larger amounts than were due, (viz, nine $\frac{65}{100}$ dollars,) made the amount paid the interpreter forty-five dollars. This does not appear in the accounts of Agent Gibson.

A. H. Canville's testimony: In explanation, check No. 144, drawn April 25, 1875, for eighteen $\frac{17}{100}$ dollars; also, paid N. Varney the several sums of ten $\frac{60}{100}$ and eleven $\frac{35}{100}$, amounting in all to the sum of forty $\frac{92}{100}$ dollars, for which he signed vouchers No. 51, abstract A, second quarter 1874, for twenty dollars and No. 100, first quarter 1874, for twenty dollars—forty dollars.

J. E. Campbell's testimony: In explanation, the voucher shows the transaction in which the mules were bought by subagent for No-powalla to be without fraud; shows that two hundred dollars were paid for the mules, and the fact was so stated in the voucher, which is 101, abstract A, second quarter 1874. No appearance of erasure or pencil-marks on the voucher.

Charles Hendrick's testimony: In explanation, voucher No. 84, abstract A, third quarter 1873, is for services as farmer at Osage agency for the months of July, August, and September, 1873, at forty-five dollars per month. His (ledger) account shows on twenty-first July, 1873, there was due him a balance of eighty-two $\frac{62}{100}$ dollars for services prior to July 1, 1873. He is also credited with the sum of ninety-four dollars transferred from John Osborn's account. He is charged with check No. 263, for one hundred and seven dollars; July 21, 1873, September 2, 1873, postage ten cents; September 1, 1873, check No. 398 for thirty dollars; transfer of N. Varney's account for board, six $\frac{85}{100}$; loss of time to September 30, 1873, fifty-seven $\frac{34}{100}$ dollars; October 27, 1873, check No. 568 for one hundred dollars; January 1, 1874, cash ten dollars; March 31, 1874, on check No. 75, for one hundred and five dollars $\frac{33}{100}$, making the total sum of three hundred and eleven $\frac{62}{100}$ dollars, which balances his account. Bank-account shows that these checks were paid. Check No. 75 for one hundred and five $\frac{33}{100}$ dollars was drawn to pay an order he gave J. H. Chase for one hundred and four $\frac{67}{100}$, and which is charged to him, the balance (thirty-three cents) being paid to him in cash by Mr. Chase.

Pat Rogers's testimony: In explanation, the only voucher signed by Pat Rogers (there is none on file signed by P. Rogers) and taken up and placed to the credit of the agent, is voucher No. 24, abstract A, third quarter 1873, for twenty-eight $\frac{41}{100}$ for corn and oats. Two sets of vouchers were not taken up and credited.

No. 3.—FINDINGS AND RECOMMENDATIONS OF THE COMMISSION.

On the foregoing charges your commissioners make the following

FINDINGS.

Charges 1, 3, 4, 5, 8, 10, 11, 13, 14, and 15, unanimously voted not sustained.

Charges 2 and 12 decided by a unanimous vote to be not well founded; to which is added, the question of appointing and deposing chiefs is understood to be regulated by special instructions from the Department, which also controls the actions of the agent with reference to national councils of the Indians.

Charge 6 voted (by all except Mr. Neal) sustained; the commis-

sioners adding, it was irregularly and improperly done, and ought to be severely condemned, though there is no evidence of any wrong being done the Government, or of any party having received pecuniary benefit. Commissioner Neal votes partially proven, and adds, proved only so far as signing blank vouchers is charged. The remainder of the specification is untrue, and in every instance the blanks were subsequently correctly filled. No loss or gain accruing to any one. The practice is reprehensible, and has been discontinued.

Charge 7 is voted sustained by all except Mr. Neal, the other commissioners adding: There is no evidence that any wrong was done the Government, or that any private parties were benefited. Mr. Neal finds that upon one occasion only were checks made for employés under subagent Peter Hobson at Cana Station, and sent to him to be paid the employés upon settlement; that they were for the respective amounts actually owing said employés, but Mr. Hobson made calculation of the amounts due, based upon tables disused, and reduced them. The differences were applied by him in payment of proper expenses of the agency, and duly accounted for. They were not paid to the employés entitled thereto, because when the mistake was discovered the employés had left the agency. The charge is therefore not proven.

Charge 9 is voted not sustained by all the commissioners except Mr. Hodges, who votes partially sustained.

Charge 16 is voted sustained, as to pasturage and herding of agent's cattle with Osages; he receiving no benefit and the Indians sustaining no detriment. As to the remainder of the charge, not sustained.

Charge 17, commissioners vote not sustained except as to signing two sets of blanks in one case; but it does not appear that any wrong was done or any private person benefited.

Charge 18, the commission is of the opinion, after as thorough and complete an examination of the books, abstracts, and vouchers on file as it was possible to make, that while there may have been no fraud perpetrated, or money received that has not been accounted for, the books and accounts have been so kept that it is impossible for them to arrive at any accurate knowledge of how much money has been expended for the civilization of the Indians, for Indian houses, agency buildings, school and school purposes, subsistence of the Indians, employés, contingent expenses, respectively, other than is set forth in Exhibits A, B, and C, accompanying this report. Although the returns made to Washington may account in the general manner required for all moneys received and expended, the method of keeping the above accounts has been so unsystematic as to wholly fail to show for what specific purposes the money has been applied. The commission regard this as very reprehensible, and it should at once be corrected, and a proper system adopted.

The commission closed its investigation at the agency on the 30th August, and proceeded on the following day to Coffeyville. Commissioner Asa Hodges, who had been prevented by sickness from joining the other members, arrived at the agency in time to participate in the final proceedings of the commission. On the 1st instant we visited Lawrence, to take additional testimony, and the next day left for this city to prepare our report.

After carefully considering all the testimony, and the facts made apparent to them, by personal observation, of the affairs of the agency and the agent's method of administration, your commissioners are led to make the following

RECOMMENDATIONS.

That the Department strongly advise Agent Gibson to pursue a more flexible and conciliatory policy toward the wilder and more intractable bands under his charge; to deal more considerately with such of the mixed-bloods as, from honest convictions, differ with his views of administration, and to so modify and shape his plans of civilization that the pressure will bear with greater uniformity upon all the nation, instead of, as at present, unduly advancing one portion and discouraging and embittering another; that the Department immediately require a thorough revision of his system of book-keeping and accounts, so that the disbursements made by him for beneficial objects may appear classified under appropriate headings, and be at all times open to examination by persons authorized to inspect his accounts. Also, that he be cautioned against a too-lavish expenditure of the funds at his disposal, in the endeavor to rapidly "civilize," bearing in mind that the best results in Indian civilization are sometimes obtained by "making haste slowly;" that the keeping of herds of cattle by the agent and employés, and of bands of cattle and horses by the traders for their personal benefit, should be at once forbidden; that the agent be reminded that such transactions as that of continuing an employé in the Government service after he has accepted an engagement with other parties, must not be repeated; that the Department require the agent to keep off the reservation all persons who, in violation of law and the orders of the Department, advise, counsel, or interfere in any manner with the affairs of the nation, causing them to oppose the policy of the United States for their government and civilization. We think the agent may have been derelict in duty in not applying the means at his disposal to prevent unauthorized intrusion and the divisions and oppositions which have sprung therefrom; that, in the management of the school, the agent be advised to avoid, to even a greater extent than at present, the inculcation of sectarian doctrines—conforming, as nearly as may be, to the principles upon which the public schools of the United States are conducted, and to allow the utmost religious freedom consistent with good discipline and the moral welfare of the scholars.

We have the honor to be, very respectfully, your obedient servants,

N. H. VAN VORHES,
E. C. KEMBLE,
H. F. HAWKES,
A. HODGES,

Special United States Commissioners to the Osages.

Hon. COLUMBUS DELANO,

Secretary of the Interior, Washington D. C.

I concur in the foregoing recommendations, except so far as they are hereby modified.

The evidence, in my judgment, clearly shows that Mr. Gibson has laid down certain general rules for his governance in the administration of the Osage agency, which he has pretty rigidly adhered to, and that they have borne equally upon all the Indians alike; that he has not unduly advanced one portion of the Indians and discouraged and embittered another portion, in any other way than by a strict adherence to those general rules. Should he modify them in some cases, so as to

conciliate the intractable, it would, in my opinion, be politic, but it must be done in such a way as always to honor labor and to discourage and discountenance idleness and sloth. Some modification of the system of book-keeping should be made, so that the cost of each class of improvements, &c., should clearly appear. The books as now kept show accurately and plainly the receipts and disbursements.

As there is but a single instance (that of Mr. Witherel) in which it appears that an employé has been retained upon the pay-rolls and in the service of the agency, while at the same time being engaged in other employment, rendering full service in his line of duty, I regard no admonition to the agent necessary.

I dissent from that part of the recommendations which charges Mr. Gibson with being derelict of duty in not keeping certain persons off the reservation. In the instances brought to our knowledge they do not seem to me to be occasions for the exercise of such arbitrary power.

The testimony shows clearly that no religious sectarianism has ever been or is likely ever to be taught in the agency-school. I see no occasion, therefore, for any advice being given to Mr. Gibson upon this subject.

I desire further to state that, considering the onerous and diversified duties which have devolved upon the agent, the irregularities which have been discovered in our most exhaustive investigation, and which all appear in the evidence taken, are too few in number to demand at our hands any further censure than is set forth in our findings upon each special charge. No fraudulent act was proved; nothing showing any dishonest purpose or intent upon the part of the agent or any employé; nothing showing any loss whatever to the Government or Indians. His record upon the whole term of service of six years shows as few mistakes and irregularities as the most careful of public officers would be likely to commit.

The causes of disaffection (see the testimony of the Indians themselves) are generally personal and puerile in their character, and can easily be removed by a partial acquiescence upon the part of the agent in the plans of the Indians, and consulting them more freely upon their affairs. It is much less now than it was two years ago, and if the corrupting influence of the claim of William P. Adair can be taken away by the final rejection of that claim, and the Indians are informed from Washington that the rule requiring them to work for their own money is an act of Congress, and that sectarian schools will not be established by the Government, all disaffection will rapidly disappear.

This agent stands on a bulwark between the Osages and those who would rob and plunder them. To grant the request of those who complain against him, and remove him, would be highly disastrous. It would discourage that large and constantly increasing class of Indians who have settled down and are learning the habits of civilized life, and would inspire and encourage the "old Indian party" who would cling to the manners, customs, and mode of life of their savage ancestors.

I differ from my associates with reluctance, and appeal to the testimony to sustain my views.

Respectfully submitted.

HENRY S. NEAL,
Special Commissioner.

While fully concurring in most of the recommendations of my co-commissioners, I am constrained to further recommend, and state, in my judgment—though my opportunities have been less favorable to know

than my co-commissioners, as I was not present during the most of the entire examination—I do not think Mr. Gibson's power or influence of doing good or promoting civilization longer exists as agent, &c., for the following reasons: I think he has not sufficient ability to comprehend and utilize the immense labor required of a man occupying the responsible position of Osage Indian agent; requiring large disbursements of money, bringing into cultivation large amounts of wild land, reconciling and educating the children of the whole tribe, and erecting buildings for the tribe. The growing dissatisfaction among the Indians toward Gibson's administration of their affairs; the number of pupils attending the school, the cost of the same, their progress and the character of teachers engaged; the manner of the improvements in building houses and fencing land, and the want of economy and care in having this labor done; the manner of purchasing and issuing supplies; the manner of keeping his books and accounts; the manner of having blank vouchers signed, have all thoroughly impressed me with the belief that he is unfit for the position of Osage Indian agent, and that his usefulness as such agent has ceased.

ASA HODGES,
Special Commissioner.

No. 4.—EVIDENCE.

UNITED STATES OSAGE COMMISSION,
Osage Agency, I. T., August 17, 1875.

Testimony of witnesses taken before this commission upon the matters referred to them by the Secretary of the Interior by instructions dated July 17, 1875.

Governor JOSEPH PAUNENOPASHE, being first duly sworn, testifies as follows:

Question. State what you know concerning the agent, Gibson, having required or permitted any one to sign vouchers in blank.—Answer. I don't know anything.

Q. What do you know concerning his misappropriation of funds?—A. I know nothing.

Q. When and to whom has he distributed goods, provisions, or funds, which was in violation of law or the treaties?—A. I have seen them issue rations at Salt Creek Station irregularly. Mr. Osborn did it. The day they were to be issued, some who were entitled to their rations would not get them at all because they were absent; but they would not issue when they ought not to. This is the only irregularity I complain about. They had some one to dig out a stump; I thought it was no use to pay for that. I know of the agents giving some Osages coats and shoes, but I never saw them wearing them. He gave them to myself, Chatopa, a good many others. I don't remember the reasons; we asked for them and he gave them to us.

Q. Has Agent Gibson shown any partiality in the distribution of goods, provisions, and funds? If so, when, where, and to whom?—A. I don't know that he has.

Q. Do you know if he ever required any one to sign any receipts he did not understand?—A. At the old agency, at Cana, there was a good deal of money spent. The agent gave us the bills to look over. The interpreter said we had better sign them without explanation; he did not

want to interpret to us. The excuse he made was there was too much interpreting to do. I don't remember any other instance since that time.

Q. What do you know about agent employing white men to labor when the work could have been done by Indians?—A. I know white men are working here. We have half-breeds that know how to do carpenter-work, some that could stay in the blacksmith's shop, and a great many who could do farming. Joseph Revardi could do carpenter-work, also Antonio Delore. Edward Pem and Wm. Nixon are blacksmiths. I think they would work for their wages. For carpenters, those I named would be sufficient to carry on work; and the blacksmiths for common work would answer for common work well. Edward Pem used to work in the blacksmith-shop, I think, at the old agency on Cana. Joseph Revardi used to work in wagon-shop. I saw him. There is a double house, new, that Antonio Delore built; I saw him at work at that.

Q. State what chiefs the agent has deposed.—A. I don't know of any, but I have heard the agent say he would.

Q. Do you know of any councillors he has deposed?—A. The agent has tried to throw away Hard Rope, Augustus Captain, Watianka. This is all I know myself. By "throwing away" I mean not treat or regard them as councillors. Shortly after the delegation returned from Washington, in the councils, he did this.

Q. State how the agent has interfered with the councils.—A. Once the council made up a petition and gave to me and Chatopa. They asked for Catholic missionaries and wanted us to approve of it. I approved of it. Chatopa did not. It also contained a petition for the removal of the agent. I did not approve of that; it was sent back to the council by me; after that the agent invited me to his house, and got up a paper, wanted me to sign it. It was to the Government praising the school. I would not sign it for him. I laid before the council to decide about buildings. They did decide about a certain number, which were intended for chiefs and headmen. The agent did not comply with their wishes. I don't know why. If he had any respect for us he would have done so. I don't remember of any other instances. I expect there are some.

Q. Has the agent made any chiefs? If so, who? Any councillors, and who?—A. Some little chiefs he has looked up to as head chiefs, Sassy Chief, Nekahkepahmo. He has made Chatopa chief councillor.

Q. What do you know about the agent supervising the enactments of the council?—A. He has objected to members of the council, August Captain, Watianka, and Hard Rope. He said he did not want them about when the business was transacted for the nation. I heard of others, but don't know it personally.

Q. What did the agent undertake to do in reference to the salary of governor or chief, as provided for by treaty of 1865-'67?—A. There were so many chiefs it did not go very far. They got what was provided for according to the treaty.

Q. Is any salary allowed you as governor? If so, by whom, and has the agent interfered to prevent you from getting it?—A. There is; allowed me by the commissioner, Smith, the agent, and superintendent. The Osages had nothing to do with it; after it was paid the council approved of it. Lately, as I have been told, the agent tried to prevent me from getting it; but the superintendent gave it to me.

Q. Do you know anything of the agent issuing any checks in excess of the amount due to any one?—A. I do not.

Q. Has the agent ever interfered with your exercising your religious convictions?—A. No, sir.

Q. How has the agent violated his obligations to the traders to the prejudice of the Osages?—A. Last fall the agent stopped the traders from selling any flour, coffee, and sugar. The agent had some rations, which were not sufficient, and the people wanted to buy from the traders, and felt bad about the prohibition. The agent had these things on hand and would issue rations once a week. I do not know that it was his duty to issue these rations until all were gone. I know it was a great trouble to us and to the agent.

Q. Did not the agent read the law to you in relation to it?—A. He read to me, I suppose, of his instructions how to issue the rations. He did not tell me anything about having instructions to stop the traders in selling these things.

Q. How much flour, coffee, and sugar were issued to each person every week?—A. Five pounds of flour, one-half pound of coffee; do not remember about sugar.

Q. What else has the agent done that was wrong, in your opinion?—A. I am well aware the agent is partial, and will give more to people who will take his advice than he does to others. He refuses to the headmen who do not like his ways any favors they may ask of him. He has advised the Indians to go to work and get ten acres fenced, and the land cultivated, and he would allow them a wagon, knowing that they all went to work and fenced farms and expected wagons, which they did not get. I had the largest band. I wanted some of these wagons to my band; did not get them. I tell you this because the people are needing them. I know of one instance where the agent gave a Little Osage a wagon, who did not have a patch of ground no larger than a garden, with no fence around it. This was Okeshoah. This looks to me as if the agent was partial. I think I know of seven or eight of my band who have ten acres fenced and under cultivation; my brother is chief; agent may have smaller patches; my brother and I have wagons.

Q. Why has not the agent given the others wagons?—A. They are not right with the agent, following him around, is the reason, I suppose. They got me to write to him for them. I got no answer only through Mr. Osborne; he told me they had not any wagons; maybe next year they would get them. After this I came here and saw the people taking away wagons given them by the agent. I suppose he gives them the wagons. What makes me think he gives them away is because this Little Osage has one, who had not ten acres fenced in. I do not know of any other one, there may have been; old Okeshoah has a wagon and has no field fenced; since he got the wagon he got a little patch fenced. He got it from the agent, I suppose. I did not see him deliver the wagon to him.

Q. Did you ever make any complaint to the agent of having given this wagon to Okeshoah?—A. I heard the agent say the Indian did not have any right to the wagon, and I supposed he had taken it away from him until I saw Okeshoah with it. The agent had me and Chatopa together at one time and talked about it. The agent said he had notified Peter Hobson and Chatopa to go over to the settlement on Cana, and see who were entitled to a wagon. The agent said they had drawn wagons, and that several men not entitled to wagons had got them. One man of the Claumne band was entitled to a wagon. I asked the agent why he did not give this man the wagon instead of Okeshoah. The agent said it was left to Hobson and Chatopa; Chatopa claimed Strikeaxe did it; that Okeshoah had given horses to Strikeaxe, and he gave him a wagon. This has been a good long while ago.

Q. How many acres had you broke and under fence when he gave you a wagon?—A. I had a good deal of land broke, but do not know the number of acres. It was fenced with round poles, about eight acres.

Q. Have not the Osages made great advance in civilized life the past ten years?—A. They have; some more, some less.

Q. How did old Kanseahlo get his wagon?—A. He says he went to the superintendent at Lawrence and earned it for his services. I know that when they came back they said they were to get wagons. I suppose they all claimed to be chiefs up there, and the respect he had for them then he gave them wagons.

Q. Is there anything else you wish to state in connection with this examination?—A. I know of one instance when Wastriapita (Chatopa was present) had a talk with the agent. He said he had logs sufficient to put up a double house; agent relying upon its coming down the hill together with him. I do not know what was given to him. I saw other Indians with harness that was given to them. I went around to look for those house-logs, but could not find them. The agent may be deceived with these stories of this character.

Q. Why did you refuse to approve of the petition before referred to for the removal of the agent?—A. I did not like to have the two matters connected. Thought would take one thing at a *thing*.

Q. for agent. For what purpose did the agent give away citizen's clothing to the tribe?—A. I suppose to wear.

Q. for same. Did you ever tell the agent the Osages were selling this clothing?—A. I don't believe I did.

Q. for same. Did you think it was wrong to give the Osages this clothing?—A. The coats we wear in cold weather; but the overcoats and pants I don't think it right to give away. We had no use for them.

Q. for same. Do not the Osages object to the payment of your salary as governor?—A. They accused me of being bribed by the agent. This was not satisfactory to them, and they talk about throwing me out of office. Some of the people found out how it was, and approve of it. Some say it is not enough.

Q. for same. What did the agent ask you to do when he said he would pay you \$500 per year salary for governor?—A. I don't remember now. I thought the agent allowed me it to settle down and subsist upon. I told the agent I would organize a council, and then settle down.

Q. At this time did the agent not tell you the object was to enable the governor to travel over the reservation, to spend your time in promoting civilization?—A. Not at that time. It was last winter; and up to this time I have had such talk with him. I met too many obstacles in the way to go around and see the people and encourage them in this matter.

Q. Did not the agent pay you the first installment of salary in open council, and state to them and you what it was for and what your duties were?—A. I don't remember it. He may have said it.

Q. Did not the agent appoint Chatopa at the same time chief councillor, and instruct him in his duties?—A. He appointed him, I recollect of his telling him, in consequence of his settling his country and encouraging his people to settle down; that is the reason he gave Chatopa a salary. He (the agent) said the superintendent had authorized him to pay Chatopa a salary.

Q. How many bands have you visited and advised to settle down and

civilize since receiving a salary?—A. I don't go off to visit them; but every opportunity I have, when all together, I never neglect telling them; talking to them on this subject.

Q. State one time when you publicly advised the Osages to take claims, settle down, and adopt the habits of white people.—A. We were in council under those oak trees right out there. I talked to them on the plans of civilization, to settle down, take claims, and adopt white men's habits, and have frequently done so since. The agent looked at the petition we drew up and thought it was a very good one. Nopawalla would not sign it.

At this point the commission adjourned until Wednesday morning at 8 o'clock.

WEDNESDAY, August 18, 1875.

Commission met pursuant to adjournment.

L. D. Bell, of Vinita, Cherokee Nation, and Charles W. Blair, esq., of Fort Scott, appeared for complainants as attorneys.

Question. Have any of the half-breeds complained to you that the agent would not employ them?—Answer. Yes, they have.

Q. Who have complained?—A. Edward Penn. James Bigheart told me he had been in the service, and it was taken away from him. Joseph Revardi complained of being discharged. Maybe more. Don't recollect certainly.

Q. What did Penn tell him were the agent's reasons for discharging him?—A. Ed. Penn told me the reason why he was discharged was because he had drank some whisky.

Q. What did Bigheart tell you was the reason why he was discharged?—A. He said he wanted to comply with the rules of the council, and it did not suit the agent.

Q. What did Revardi say was the reason he was discharged?—A. He said he thought he was discharged because he signed a petition for Catholic missionaries.

Q. What rules of the council did the agent want Bigheart to violate?—A. I don't know what rules; but I think it was with reference to the Catholic missionaries.

Questions by CHARLES W. BLAIR, esq.:

Q. How did you first become governor?—A. At the time of the Sturgis treaty, Drum-Creek council, the Indians picked upon me, and asked Commissioner of Indian Affairs Taylor to recognize me, which he did.

Q. How did you become governor the second time?—A. The people collected here and ran me against a half-breed, Alexander Beyett, and I was elected, about four years ago this fall.

Q. Were you chief before you were elected?—A. I was one of the chiefs of the Big Hill band, made equal with the other by Commissioner Dole.

Q. Since the election of governor of the Osages is there any principal chief, or is the governor the successor of such principal chief?—A. There is no principal chief. The governor is his successor.

Q. Has the agent ever refused to pay you any part of your salary as governor?—A. He has paid it.

Questions by agent:

Q. Is there any Osage claiming the hereditary right to be principal chief?—A. There are two who claim it, Big Chief and White Hair, and myself also.

Q. What rules in reference to missionaries have the council adopted?

—A. I don't know what the rules are that they have made, but they did pass some resolution in regard to it.

Q. Will you produce the laws and rules adopted by the council?—

A. Andrew Camulle, secretary of the council, can probably produce them.

Questions by CHARLES W. BLAIR, esq.:

Q. Who is the regular chief of the Beaver band?—A. George Beaver.

Q. State if the agent deposed Beaver and appointed another in his stead; and, if so, who?—A. I don't know it, but have heard so.

Q. State if Watianka is chief councillor, and if the agent has attempted to depose him by appointing Chatopah.—A. The Osages requested Commissioner Taylor to appoint Watianka, and he was appointed. The agent told me he had been authorized to appoint Chatopah chief councillor by the superintendent, and he appointed him. Commissioner Taylor gave Watianka a commission; don't know the length of time.

Q. Has the agent divided any of the bands?—A. Can't say whether the agent has done so or not, but I know several have been divided.

Q. Has the agent refused to recognize you as governor?—A. He has disregarded me in not using our money as I wanted it done. I have also tried to advise the agent about distribution of wagons, so as to equalize them among the bands. The agent would not regard me. He also disregarded my advice in reference to the equal distribution of plows among the bands. The Osages have always consulted together and selected delegates to the grand council of the Indian Territory. The agent selected them to the last council and sent them. The agent notified me the delegates were going to start "to-morrow," and I must send one of my men. The letter did not reach me until the day they had started. I selected one from my band. White Hair sent one. Big Chief sent one. Those the agent sent were admitted, while the others were not. The agent told me some time afterward that the reason he did not call the chiefs together to make the appointment of delegates was because of the shortness of the notice.

Question by agent:

Q. Have you a commission as governor from either the agent, Superintendent Hoag, or Commissioner of Indian Affairs?—A. I have one from the agent. I think the reason why I have none from the superintendent or commissioner is because the agent wishes to rule me, and I will not submit. Being the head man of the people, I wish to suit them as far as I can do so. It has always been my desire that the agent and superintendent should comply with some of our wishes anyhow.

JOSEPH PAWNENOPASHE,

Governor of Osage Nation.

Also, JOSEPH REVARDI, being first duly sworn, deposes and says:

Questions by CHARLES W. BLAIR, esq.:

Question. Are you a half-breed Osage Indian?—Answer. I am, sir.

Q. State whether you have worked at the agency, and in what capacity.—A. I have worked at the carpenter's trade and at wagon-making.

Q. If you signed vouchers for your pay, were they filled up or in blank?—A. I signed three blank vouchers at each time I made settlements, and one which was filled each time.

Q. Did you ask to have those vouchers filled up before being signed?

If so, what was the result of your request?—A. I asked to have the vouchers filled up. The clerk, Mr. Chase, declined, saying that was the way they were doing business. The vouchers, as signed, were all blank except the printed matter usually contained in such blanks.

Q. Did you ever insist upon having them filled up before they were signed?—A. I did upon one occasion. I asked him when he presented me four vouchers for signature, one only of which was filled out, I asked him what was this for? He said to send to Washington for my pay. I told him I did not like to sign any blanks. He told me that was the way they were doing business.

Q. State if you were discharged from employment, and the reason given for it.—A. I was discharged by the agent. He told me that he would not keep anybody who would sign such papers or petitions as I had been signing, or work against the Government. I know of no other petitions than those for Catholic schools and missionaries. One of them was sent on to the Government. The agent had a copy of this petition, which was read to me when he discharged me.

Q. Were you turned out of your house at the agency? If so, under what circumstances?—A. Yes, sir. I was living in one end of my shop. I asked Mr. Comer if I could spend the balance of the winter there. He said I could not. He said he had to use that part for a carpenter-shop. Mr. Comer was the head carpenter. I went to the agent several times and asked him to employ me the next quarter. I told him I would suffer, would have nothing to live upon if I was turned off. He told me that it did people good sometimes to suffer. I then employed a white man to haul me to my place, about thirty miles off; this white man was Pat Rodgers. The weather was very cold and some of my children came near freezing to death. My wife had to put two of them under her dress to keep them warm when going over.

Q. State whether or not you know of distinctions being made between half-breeds and full-bloods, in issuing rations, making pay for work, or otherwise?—A. The only one I know was upon myself. I once asked for rations as I was working for the agency. They told me the employes did not get any rations. Several of us came from settlement on Cana, and asked the agent for rations. There was some suffering among the half-breeds. I was appointed one of a committee of three to go and speak to Major Gibson; another of committee, Wm. Tinker, asked for the rations. Gibson said he could not do it. I think he replied it was against his orders. We remained here the biggest part of the day and insisted on him letting us have rations. He proposed, if we would go to work on the full-blood houses, or work the roads, he would pay us in rations, and we did so and got rations. I can't positively say he made any distinction between half-breeds and full-bloods as regards pay.

Question by commissioner:

Q. Explain more fully in regard to your discharge by the agent.—A. I first commenced working for the agency about June, 1873, at carpenter-work, as journeyman. I worked for him about five or six months, can't positively say. I then went West after my family; absent about six weeks; and came back and went into his employment again, about two and a half months afterward, as wagon-maker; worked about three months, then I was discharged. I don't know the reason more than this, the agent told me I had been working against the Government. Did not say in what respect. About two months after, he employed me again. I had worked during these two months under the directions of the council. Then Major Gibson employed me. Then I continued to work for

him until the last of December, 1874; then he discharged me as I have already stated.

Q. Did you work by the month or day, and what were you to receive for your services?—A. By the month, part of the time at \$65 per month and part at \$75 per month.

Q. How many months or days did you receive pay for at each settlement?—A. I think we settled every three months. I don't know precisely how many settlements we made. Can't say positively the amount I received at any one of these settlements. I don't know that the head carpenter kept the time. I heard some one kept it. I lost time, more or less, during every quarter, which was deducted from my pay.

Q. Did the agent at any settlement refuse to pay you unless you would sign three vouchers in blank as you have before stated?—A. He did not. I did not complain to the agent that Mr. Chase required me to sign blank vouchers.

Q. How long have you worked at your trade as carpenter here and elsewhere?—A. Some twenty years, including wagon-making.

Q. Where did you work?—A. In Missouri, California, Oregon, and Washington Territory.

Q. Do you consider yourself a master carpenter?—A. I do not.

Q. Do you feel qualified to take charge of the carpenter-work on this reservation?—A. I do not feel competent to take charge of the best work that was done here.

Q. Were those payments made to you in currency or in checks?—A. In checks on the First National Bank of Lawrence, which I indorsed.

Questions by agent:

Q. Did not the agent ask you to retract some imputations on his character contained in that petition, and did he not tell you you must resign if you did not?—A. Not that I recollect of.

Q. Have you not discouraged the Osages from sending their children to school?—A. I did not at any time to either school. I encouraged them to send: I don't recollect that the agent ever complained to me that I had discouraged the Osages from sending their children to school.

Q. Was the agent in the habit of giving employes rations?—A. I don't think he was.

Q. Did the agent tell you how you opposed the Government?—A. I don't recollect whether he did or not.

JOSEPH RESARD.

Also, GEORGE TINKER deposes as follows:

Questions by CHARLES W. BLAIR, Esq.:

Question. Are you a citizen of the Osage Nation? How did you become such?—Answer. I am. I became one by marriage.

Q. When did you marry an Osage woman?—A. I married in 1839, in Missouri. I have eight children by my first wife; my first wife is dead; married twice since, and am now living with one of my daughters. My second and third wives were also Osages.

Q. When did you move on the Osage reservation?—A. In 1849, and have always been recognized by them as one of their nation.

Q. What right did your marriage with them give you under their laws and customs?—A. Living in the country and participating in the dues coming to them. The same rights as the Osages, as I understood them. Always received the dues in my name until my name was stricken from the rolls.

Q. When was your name stricken from the rolls, and by whom?—A. Can't state the exact date. I think immediately after the last fall's payment. My son said the agent did it. The council had adopted all the white people who had married into the Osages. The roll was carried to the agent, and he struck off all the names of the white people. This I learned from my son, who was the person appointed by the council to hand in the roll to the agent.

Q. Were you in the employment of the agency, and in what capacity?—

A. I was in the employment of the agency nearly two years, and was dismissed January last. Was blacksmith the last part of the time; at first I worked at stone-work.

Q. Were you turned off? If so, who by, and what reason was given?—

A. I was, by the agent. I had signed a petition against him, making complaints and asking for Catholic missions. This was the reason he gave for discharging me. He said anybody who would sign such a petition he did not want him in his employ.

Q. Did you ever sign vouchers in blank? If so, when, and how often?—

A. The first time I signed I commenced looking over it to see what it was; the clerk, Chase, noticed me, told me they were in blank; said he had a good deal to do, and could fill them out when he had time. I always signed four blanks. I understood that was the custom; at no time was even one of them filled out. I have often seen other persons sign vouchers, always in blank; after that, understanding that was the usual custom here, I made no further objection. The agent was often in the office when I signed them; the clerk did the business.

Question by commissioner:

Q. Where were you born?—A. I was born in New York. I voted twice for President, but not since I became a citizen of the Osage Nation.

Q. How were you paid for your services?—A. I was paid by checks on the banks at Lawrence, I believe; I always indorsed them.

Q. Did you write or prepare the petition the agent complained of your signing?—A. I did not. I think I heard my son say that he wrote it, copied it; the same petition that was handed the inspector.

Q. Are your wives all dead?—A. My second wife abandoned me near fifteen years ago. After six years I married a third by a notary public in Kansas; we lived together about sixteen months, then separated on account of the church duties. This third wife is also living. Both of these are still in the nation, and I suppose on the pay-roll for annuities.

Question by agent:

*Q. Didn't the agent tell you when he discharged you that you had been using your influence to prevent the Indians from becoming civilized, and that you must either retract or prove the charges you had made against him in that petition?—A. I heard him say that he thought the half-breeds belonged to the parties who were opposed to civilization, or to that effect. He read over the petition and asked me if I had read it. I said I had heard it read. He said something about retracting. I did not reply, as it was done by the nation.

GEORGE TINKER.

Also, E. H. HILL deposes as follows:

Questions by CHARLES W. BLAIR, Esq.:

Question. Have you been in the employ of Agent Gibson? If so, when?—

Answer. I was in the employ of Subagent Hobson, at Little Osage Sta-

tion. I commenced on the 24th day of November, 1874, and continued until December 31, 1874.

Q. Did you sign vouchers for your pay? If so, how were they signed?—A. I did; I signed four vouchers in blank. This was when I quit work.

Q. Were you paid in checks or currency?—A. Paid by check on First National Bank of Lawrence, which I indorsed, and Edward Finney gave me the currency for it. He gave me \$44.33.

Q. How much was due you, and for what amount was the check drawn?—A. There was \$44.33 due me. The check was for \$46.19. The check was signed by Agent Gibson.

Q. Were you present when the checks were paid about that time; and, if so, were they for larger amounts than were due the parties?—A. I was present when other checks were paid, and they were for larger amounts than were due the parties in every instance—I saw. They overran from \$1.50 to \$10.

Q. Did you see other vouchers signed at that station? Were they filled out or in blank?—A. I did; and they were all in blank.

Questions by commission:

Q. What reason did Subagent Hobson give for making the checks larger than the amounts due?—A. He said the checks were made by the agent at the agency, and the clerks were so busy and careless that they made mistakes, and they knew through whose hands they were going through any way, and therefore felt safe.

Q. Were all these checks cashed by Finney?—A. Most of them were cashed by Finney; some few by Hobson.

Q. To whom were these checks drawn?—A. To the employés, to wit: Columbus Bowers, Robert Peebles, James Shelby—don't recollect the others.

Q. What was done with the difference between the checks and the money paid?—A. It was retained in the hands of Hobson; I don't know how he accounted for the difference.

Q. Did you understand that Finney derived any benefit from the checks he cashed?—A. I did not so understand.

Questions by agent:

Q. Did you or others of the men not get all that was due you?—A. We all got what was due us.

Q. Did you lose any time in your work?—A. I did not; Mr. Hobson reported my time to agent. Hobson called on me for my time after the checks came, when we made the settlement, and said I had kept it the same he had. I was carpenter, and lost no time. I was employed at \$40 per month. The first of December I was cut down to \$35. Peter Hobson employed me.

Q. Was you ever at the agency to do any business with any of these agents or clerks?—A. I was not.

E. H. HILL.

Also J. EDWARD FINNEY deposes as follows:

Questions by CHARLES W. BLAIR, Esq:

Question. Were you employed at Hickory Station? If so, in what capacity, and at what time?—Answer. I was employed by Floror & Rankin, traders; I went there in December, 1874, and continued up to about three weeks ago.

Q. Did you see vouchers signed there in blank? What was the custom in that respect, if you know?—A. Have seen them so signed. I heard that was the custom through the employés.

Q. Did you at any time cash any checks issued by Agent Gibson to persons at that station?—A. Yes, sir.

Q. Were they for the amounts due, or did they overrun?—A. I did not pay the face of the checks; by instructions from Mr. Hobson I gave Hobson credit for the difference between the checks and the amount I paid the payee.

Q. Did you receive any part of the difference?—A. I did not.

Q. What was the difference between the check and the amounts paid?—A. From \$1 to \$10.

Questions by commission :

Q. For whom did you cash these checks?—A. Mr. Hill, Mr. Gale, Mr. Simmons, Mr. Shelby, Mr. Peebles, and others not recollected.

Q. Was this credit made to Mr. Hobson individually, or as sub-agent?—A. I kept a memorandum of them at the time, and after the settlement was all over these differences went to several accounts, a part to "Peter Hobson's order" account. This was on account of orders given to individuals for work they had done for the nation. I had another account, virtually the same thing headed, "I. T. Gibson, order account," which was for different class of work. Hobson gave both classes of orders. These accounts were settled, and I paid him \$40 in cash. He gave a man \$38 of the \$40 for a pony which he bought of this man. His name was Venning, who had been employed by the agent, I think.

Questions by agent :

Q. Did you not go to the agent's office and get a full explanation from the clerk, and ascertain that no mistake arose at the agency, but it was between Hobson and the employés?—A. I did.

Q. Did you not tell the clerk Hobson paid one man more than the check called for?—A. I might have said so; I don't recollect it; I don't recollect that he did so; he might have.

J. E. FINNEY.

Commission adjourned until Thursday, 8 a. m.

THURSDAY MORNING, 8 o'clock.

Commission met pursuant to adjournment.

ALFRED H. CANVILLE, being first duly sworn, deposes as follows:

Questions by CHARLES W. BLAIR, Esq.:

Question. State if you ever signed any vouchers in blank? If so, state when, where, and how, and all other circumstances? Answer. I did. It was the last of March, 1874, at Hominy Station: Mr. Varney, the subagent, brought them to me; I signed them; there were four of them, all in blank; one had my name on it, and I signed three of them. He told me to sign the three as the first was signed. I taught school part of the time and acted as interpreter; I was not paid anything on them; I did not ask for any pay until I went home. I then signed a second set of vouchers, which were also in blank, and which I signed at the agency. I was then paid all that was due me. I signed three there. The fourth, I think, was signed as before.

Question by commission :

Q. How long did you work. How much money did you receive, and were you paid by check or in currency?—A. I worked two months; was to receive \$25 per month. There was \$17 and a fraction due me when I quit work after deducting board and other expenses. I boarded at

Mr. Varney's; was to pay him \$2 per week. I boarded with him two weeks in February, and through the months of March and April. Other expenses, as washing and sewing, Mrs. Varney did for me. When I left he furnished me an account and I settled with him. This balance due me was paid by check on some bank.

Q. Where did Mr. Varney procure the supplies for his table and family?—A. From traders and hucksters at the agency. I was interpreter and taught school, (Osage.)

Q. How long have you been connected with the nation?—A. I am of their blood, born here; am twenty-three years old.

Q. Who cashed this check?—A. Mr. Florer at the agency. He did not charge me any discount for cashing it.

Questions by agent :

Q. Was the voucher presented you as signed, in pencil or ink?—A. I don't know; I suppose it was presented to me in that form because they supposed I did not know where to sign it.

Q. Did Mr. Varney give any explanation why that voucher was signed when presented to you?—A. He did not; it did not look as if to imitate my handwriting; I don't know who wrote it. Either Mr. Chase or Mr. Herman gave me the vouchers to sign, I don't know which; they were both in the office when I went in, both employés.

ALFRED CANVILLE.

Also, PATRICK ROGERS deposes as follows:

Questions by CHARLES W. BLAIR, esq. :

Question. State whether you signed vouchers for services at the agency, how signed, and all the circumstances.—Answer. I was employed here about two years ago freighting. I signed vouchers for my pay; I sign four sets I suppose; I signed two sets. The agent owed me about \$20; I signed vouchers for it, and got a check, which I got cashed at Independence. The next set was, Mr. Chase called me up and had me sign another set for the same money. He said he had spoiled the first set, or something to that effect; I signed the first set as P. Rogers; the second set Pat Rogers; I had been paid when the second set was signed, which was a few days after. He did not destroy the first set when I signed the second in my presence that I remember; all these vouchers were blank when I signed them.

Questions by commission :

Q. How many settlements have you made with the agent?—A. This is the only time that I signed vouchers. I never spoke to the agent about it, and he was not present when I signed these, that I recollect of.

Q. Did this check include all you had earned up to the time of signing the vouchers?—A. It did. The services rendered were freighting articles from Independence to the agency at different times.

Question by agent :

Q. Did the clerk tell you he spoiled the vouchers, or that you spoiled them by signing "P. Rogers" instead of "Pat Rogers"?—A. If he did he told me to put my name in full, it looked better; I don't recollect that he told me the Government required the name to be signed as on the payroll, but I shouldn't wonder if he did.

PAT. ROGERS.

Also, J. E. CAMPBELL deposes as follows :

Questions by CHARLES W. BLAIR, Esq. :

Question. State if you sold goods for Alex. Byett, on Cana, near the Little Osages?—Answer. I did, sir; I ceased working for him September, 1874; had been in his employ over two years.

Q. Did you ever sign any Government vouchers? If so, were they for the amount you received, or larger than the goods you sold amounted to? If so, state all the circumstances connected with the same.—A. I did sign vouchers for merchandise furnished to the Indians; part of the time the vouchers (the whole set) were in blank; there were four in each set; on one occasion Mr. Hobson, the subagent, came to me with a note from the agent to himself, authorizing him to purchase some provisions for the Little Osages from me. I sold him about \$150 worth of rations. In a day or two I received my pay for the same. In a few weeks from that time Mr. Hobson came to me and said Napawala, chief of Little Osages, had been furnished by the agent a pair of mules. He said he wanted me to let the mules be put into my voucher; that he wished me to sign at that time. They were included in the voucher and increased the voucher to \$350, in order to cover the cost of the pair of mules, \$200; the whole amount was divided up into what would be a fair proportion of sugar, coffee, and flour, which were the articles I had furnished him.

Q. State whether anything was said to you about this transaction by Mr. Chase, the agency clerk, in the presence of the agent, so that he could have heard the conversation.—A. In a short time after that I came over to the agency and something was said by Mr. Chase about it; asked me whether it had been done or not. I said it had. The agent was in the room. I don't know whether he heard it or not. He was close enough to have heard it.

Questions by commissioner :

Q. At whose instance did you sign vouchers in blank, and why did you do it?—A. I signed vouchers in blank at Hobson's request to get my pay for merchandise furnished the Indians. I did not know it was a bad practice. I have never been connected with an Indian agency before.

Q. Were you paid in currency or check?—A. By check, about \$150.

Q. Why did you sign a voucher for \$350, when you only furnished \$150?—A. Mr. Hobson said to me that I knew Napanala had been furnished those mules, and if I would, he wanted them included in that voucher, and that he wanted me to sign a voucher for the same. He did not tell me why he wished the mules to be included as sugar, coffee, and flour.

Q. Do you know whether the value of the mules were to be deducted from the rations, &c., to be issued to Napanala's band?—A. I don't know; there was no explanation made to me; they were purchased from Joe Barney, an employé, who I suppose was paid for them; the voucher brought me contained my bill as I had itemized it. Mr. Hobson wanted the mules included, and he and I agreed as to what would be a fair proportion of sugar, coffee, and flour, to the amount of the price of the mules, and I wrote them in the voucher. I signed Mr. Byett's name to the voucher. I knew this was irregular, but did not consider it an offense. I knew the mules had been furnished Napanala; did it at Hobson's request.

Q. Do you know whether this was done by the agent's directions?—A. Mr. Hobson claimed it was the agent's wishes that I should

sign a voucher for the mules. But I did not understand the agent wished it commuted into sugar, coffee, and flour.

Q. What was the conversation had with Mr. Chase; did he ask you if you had signed a voucher for the mules, or had included them in your voucher as coffee, sugar, and flour?—A. Mr. Chase said he had spoken to Hobson to have those mules included in my voucher; there was nothing said by him or myself at that time in regard to being commuted as merchandise; nothing was afterwards said about it between us; the vouchers passed then this office.

J. E. CAMPBELL.

JAMES BIGHEART also deposes as follows:

Questions by CHARLES W. BLAIR, Esq.:

Question. State whether you ever signed any vouchers at this agency. If so, when, for what; and were they in blank or filled up?—Answer. I have signed a good many. I worked for the agency two years prior to February last. I signed four vouchers every quarter for my pay; sometimes only one had writing on it; the other three were blank. Last June I signed four vouchers all in blank for rails I had split for myself. I am an Osage. It is customary to pay the Indians work they do for themselves, for rails and improvements on the farms.

Q. Do you know whether the agent deposed Beaver from the chieftainship of his band, and put Mrs. Choteau in his stead, and from whom you knew it?—A. The agent told me he did; he said he had put Mother Choteau in his place.

Questions by commission:

Q. Did he tell you this in earnest or jokingly?—A. I think it was in earnest.

Q. Who is she?—A. I understood she had been recommended as second chief of the band.

Q. How did Beaver become chief?—A. He inherited from his father. It is not custom among the Osages for women to be chiefs; she was never recognized as chief by the band.

Q. Do you belong to the Beaver band?—A. I do.

Q. Who is Mother Choteau?—A. She is part Indian; she speaks very good English. Tall Chief was second chief; he died. I was at a council of the band; don't know their decision, but since then she has been acting as second chief.

Q. What is your feeling towards the agent?—A. I am as friendly now as I always was.

Questions by the agent:

Q. Is not this the reason I gave you why I did not want to recognize George Beaver as chief, because he had forged, or permitted to be forged, the names of his band to a petition which they did not know anything about, and that he would recognize Mother Choteau until they elected another chief?—A. Yes; you did.

Q. Was the money paid you by the agency in currency or by check?—A. For the rails he gave me an order on the traders. I used it at Florer & Rankin's. He always paid me either in orders on the traders or by check on bank. The order for rails was for \$100, signed by the superintendent of work, and I used it at the store. The rails were laid up in a stake and rider fence. I split part of them, and hired part of them split, which I paid for.

Q. Why did not the superintendent give you an order for the full

amount due?—A. I think I split about 4,000 since last January; did not count them until I came up to get my pay; I don't know why he did not give me an order for a full amount.

Q. Was you not in the agent's employ when you split those previous to January last?—A. I was in his employ.

JAMES BIGHEART.

J. E. CAMPBELL recalled by C. W. Blair, esq.:

Question. State whether all four of the vouchers that were signed by you, in name of Alex. Bigitt, for \$350, including the pay for the mules, were filled out by you or not.—Answer. There was only one of the vouchers filled out; this one was filled out, in part, when given to me, and the remainder I filled out myself; don't know who filled out the part I did not. It was filled out in pencil by myself, so far as I did it; the part filled out by me was for the mules, as before stated. I signed the name of Alex. Bigitt in ink, as I recollect; was authorized by him to sign his name.

Q. Did you see other vouchers at Hickory Station or elsewhere filled out in pencil?—A. I have. I have signed other vouchers myself made out in pencil. I have seen other vouchers in Major Gibson's office filled out in pencil.

J. E. CAMPBELL.

Also, JAMES A. COFFEY deposes as follows:

Question by CHARLES W. BLAIR, esq.:

Question. What is your business, and how long have you been engaged in it?—Answer. Trading with Indians; have been engaged in it not quite two years. I first commenced in 1857, up to spring 1865; then ceased to winter of 1868-'69, when I traded with them again—mostly with the Osages.

Q. Did you ever sign any vouchers in blank, at this agency; if so, under what circumstances?—A. I have. I signed one, (set of three or four,) all blank, shortly after I commenced trading this last time. It was for supplies furnished the Indians; between \$700 and \$800, I think, was paid in check on a bank at Lawrence, as I recollect. Agent Gibson himself gave me the vouchers to sign.

Q. What is the general custom at the agency in this respect?—A. I have heard that the custom has been of late to have them signed in blank. I don't think that my recollection serves me well enough to enable me to speak positively as to whether I have signed other vouchers in blank or not.

Q. Do you know of agents purchasing hogs for the Indians; if so, if any of them were lost, and in what way?—A. I know of hogs being brought here, and have heard that the agent purchased them. I saw them drove in and saw them here; there was one lot; (in fall of 1874, I think,) about 50 head in all. I think there was 150 to 200 head brought in altogether, as I heard. A good many died, as I heard; 40 or 50 head died here, and of those turned over to the Indians a large proportion died; they died from want of food. This I ascertained both from observation and from what I heard. Mr. Keeper told me he sold the agent a lot of these hogs.

Q. State what you know in regard to a contract for beef-cattle for the Osages last year, and how it was fulfilled.—A. I heard there was a contract made by the superintendent for beef-cattle. He told me before the contract was to be let for delivering every two weeks. I learned it

was so let. The beeves were all delivered at the same time in one lot. They were issued to them on foot, and were butchered and divided by the Indians. They were issued every two weeks. When delivered to the agent they were a fair average lot of thorough Texas cattle. This was about November, 1874. They were delivered to the Indians from time to time to April, 1875. They then commenced delivering them again about 1st May, 1875. The cattle reduced in flesh as all other cattle did, the winter being hard, until they quit delivering. Some were very poor, and some in better condition; they were unfit for beef towards the last. I should think that for beef one-fourth would be a very small deduction from their value for the difference between the cattle as actually issued to the Indians, and what they were to be under what I understood the contract was, if received by the agent every two weeks.

Questions by commission :

Q. Did you ever see a copy of the contract?—A. I never did.

Q. Did these cattle depreciate more in value than the same grade of cattle ordinarily did in this region of country?—A. I don't know that they did. I heard one thousand was delivered.

Q. Do you know whether any change was made in the contract, by either the superintendent or agent, by which the cattle were all to be delivered at once?—A. I only know that the cattle were received, and one of the parties who received them, Mr. Comer, who, I understood, was at the time boss herder, said they preferred to receive them all at once than as provided for.

Q. Have you any personal knowledge of any vouchers being signed in blank since January 1, 1875?—A. I have not any distinct recollection at this time.

J. A. COFFEY.

Also, ED. M. MATHEWS deposes as follows :

Questions by CHARLES W. BLAIR, esq. :

Question. State whether you were employed at the agency; and, if so, in what capacity?—Answer. I was. I herded cattle last winter.

Q. Did you deliver cattle to the Indians under directions from the agent; if so, in what condition were they?—A. I did; under direction of Mr. Comer. They were in all kinds of conditions; tolerable order at first, a little poorer in the middle of the season, and pretty poor toward the last; part of them very poor, not fit for beef towards the last. They were in this condition about two months before we quit delivering.

EDWARD M. MATHEWS.

Thereupon the commission adjourned until to-morrow (Friday) morning at 8 o'clock.

FRIDAY, August 20, 1875.

Commission met pursuant to adjournment.

INDIAN TRUMBLY, being first duly sworn, deposes as follows :

Questions by CHARLES W. BLAIR, esq. :

Question. State if you were employed at the agency last year, in what way; and during said employment did you sign a petition in favor of Catholic schools and missionaries?—Answer. I was; as clerk in Hiatt & Co.'s store for two years previous to the 1st of January last. While so employed I signed a petition in favor of Catholic schools and missionaries.

Q. State if you afterwards had a conversation with Agent Gibson on the subject. If so, narrate the conversation as near as you can.—A. I had such a conversation with him. I came one morning to his office to interpret for an Osage. After we got through with the Indian, he told me to close the door and remain in the office; he wished to have a few words to say to me. I did so. He took some papers out of his desk and said to me, "Did thee sign a petition a few days ago?" I told him I had. He said, "Did thee read it before signing?" I said, "I did not, but, as one of our most reliable half-breeds had told me what it was for, I asked no more questions but signed it." He said, "A man who will sign that kind of a paper is not a fit man to trade with these poor, ignorant Osages; he will steal from them." This is the entire conversation I had with him at that time. In a week or ten days Hiatt & Co. discharged me from my employment.

Q. Do you know of any distinction made between yourself and others in relation to digging wells and other matters?—A. I do. Last Friday morning I came up here, the contractor for digging wells having told me to come to the agent for an order. When I asked him for an order, he said all the orders he had to issue for the Cana district were already issued out. Last Monday morning one of my closest neighbors came up and got an order for a well. I am a half-breed of the Osage Nation. This neighbor of mine is a white man married to a half-breed.

Q. State if you know of any property or hay that has been wasted in charge of or belonging to the agency.—A. I know of hay being wasted. It was put up for the nation a year ago. The contract was let to a man, I believe, by the name of Rakestraw, in Cana district. After I left here last winter, going down to my place, I having no feed for my cattle, I went down to this hay to help myself, it belonging to the nation. We went to some six or seven large stacks of hay. We barely got a half ton of hay apiece that was fit for stock to eat. There were two of us. It was all put up so bad it was rotted from top to bottom.

Questions by commission:

Q. Who discharged you, and what reason did he give?—A. Mr. Hiatt discharged me. He said trade was so dull he thought he could not afford to keep me any longer.

Q. Do you know if the neighbor you speak of had not a previous promise that the well should be dug for him?—A. I do not know.

Questions by agent:

Q. Did the agent read you some extracts from the petition at that time?—A. He did.

Q. Tell what those extracts were, as near as you now remember.—A. I don't recollect but very little, but one of them was concerning bribery—charging him with bribing some Indians of the tribe.

Q. Was not another extract, that the agent had assisted white men in stealing horses from the Indians?—A. I don't remember anything about that.

Q. Did the agent read any extracts in relation to Catholic schools and missionaries?—A. He did not.

Q. Did he say anything about such schools and missionaries?—A. I don't remember that he did.

Q. Did I not make an expression like this: Inasmuch as thee did not read this petition, thee had nothing to do with making those charges which are an imputation upon my character, would thee be willing to state thee did not make those charges and was not willing to sustain them?—A. Yes, you did. I said I know there are intelligent half-breeds

enough in this nation who, when they get up such a petition, know what they are saying. I would sign their petitions every day if brought to me. The main thing was the Catholic schools.

Q. Did I say that the imputations upon me were false, and that I demanded the persons making them to prove them or retract them?—A. I think he said something of that kind.

Q. Did not you reply you were willing to stand to anything the other half-breeds said?—A. If I did, I don't recollect it.

Q. Did you offer to prove or retract anything that was set forth in said petition?—A. I don't think I did.

Q. Did I not tell you that if you could indorse charges of that character, and then neither prove nor retract them, I did not think he was a suitable man to trade with the Osage Indians?—A. Yes, sir; he said that.

Question by Mr. HAWKES, of the commission:

Q. Did the half-breed who brought you the petition to sign explain to you that these charges of bribery against the agent, or of his connivance with white men in stealing horses from the Indians, were embraced in the petition?—A. He did not. The half-breed was Mr. Tinker. I asked him what the petition was for; he replied the main thing was for Catholic schools and missionaries.

Question by CHARLES W. BLAIR, esq.:

Q. What sort of a petition did you mean when you said you would sign the same kind every day?—A. Petitions for Catholic schools. I so stated to the agent.

Question by agent:

Q. Did not I say to you I did not care how many petitions you signed for Catholic schools so that no lies were told on me?—A. I don't recollect a word of that. Mr. Chase, and perhaps others, were present. I don't recollect.

JULIAN TRUMBLY.

E. M. MATHEWS recalled by memorialists.

Question. Were the cattle you spoke of in your testimony upon yesterday as being issued to the Osages, weighed to them or delivered on foot by the agent?—Answer. They were delivered on foot.

Q. Were you paid for looking after and caring for these cattle?—A. I was; paid by the month. Part of the time I received \$40 per month; part of the time \$30.

Q. How many other persons were engaged in the same business?—A. Three others. Thos. Adams, Charles Bince, John Rollins. I don't know what wages they received.

Q. How were you paid for your services?—A. I signed vouchers for my money. Don't recollect whether filled out or not. I think they had writing on them, though. I received checks on some banks. Don't remember what. Don't recollect the amount I received, as I kept no account.

Questions by agent:

Q. Did you herd the cattle by close herding or loose herding?—A. By loose herding. That is, we turned them out on range, and kept them, by watching, within a certain boundary, as near as we could.

Q. Were you careful to keep the cattle on the best range or not?—A. The best we knew of near the agency; we aimed to keep them within ten or fifteen miles.

Q. In what month did we conclude the cattle got too poor to issue to the Indians?—A. I don't know. We issued cattle as we could get them, not regarding their condition. I had no instructions to pick the best. I don't know what the others had.

Q. Were there any other Osage cattle?—A. There were. They were in better order. I don't know why. Don't know whether these were "through" cattle or "wintered." If "through" cattle they would not be in as good order as "wintered."

Q. Were not the fatter cattle reserved; that is, did you not cut out this large herd and issue them first?—A. I don't remember.

Q. Were the persons you mentioned herding all the time you were?—A. Yes; and they continued after I quit; none of the cattle died, but some were killed by unknown persons.

EDWARD M. MATHEWS.

Also GABRIEL HAY deposes as follows:

Questions by CHARLES W. BLAIR, esq.:

Question. Have you been employed at the agency? If so, when, and in what capacity?—Answer. I have, but not since last New Year's. The first quarter doing a little of everything on farm, the remainder of the time as a carpenter.

Q. Did you sign vouchers for your pay? Were they filled in or blank?—A. I did. The first were partly filled, I thought, although I paid but little attention. The last I don't think had any writing on at all. There were four each time. In none of them were the amounts set out, as I recollect.

GABRIEL HAY.

Also EUGENE CALLAHAN deposes as follows:

Questions by CHARLES W. BLAIR, esq.:

Question. Are you now connected with the Osage Indians? If so, how?—Answer. I am married to a woman of the mixed blood, (Osage.)

Q. Did you make a bid for a contract to haul rails? When? What was the amount of your bid? And to whom was the contract let?—A. I made a bid for a contract this season, at 73 cents per 100. It was let to Wm. Keepers, at \$1 for 100, as I heard.

Questions by agent:

Q. What amount of rails did you propose to haul out in your bid?—A. I did not name the numbers. My proposal was, "Under your advertisement, I propose to haul rails at 73 cents per 100." This I think was the substance.

Q. What were the terms of the advertisement?—A. The number of rails specified was 75,000; the length of time three months.

Q. What means had you for performing this contract?—A. I was to hire other teams beside my own, and Mr. White agreed to furnish money and wait for me until I could get pay for my contract. I had one team and about \$100 in money of my own, which is about all.

Q. Who is Mr. White, and what was he worth?—A. He was sawyer at the agency mill. I believe he was worth \$800 or \$900 in cash. He had no property here or elsewhere that I know of. A portion of this money was due him at the office. His home is in Virginia. His family was here with him.

Q. What time was this contract to be let?—A. It was the winter time. I don't recollect the month.

Q. What extent of country were these rails scattered over?—A. All over the nation, wherever the Indians were; there were none to be hauled on the farms for the Indians; there were none to be hauled over two miles. The reservation is about sixty miles square.

Q. What reason did the agent give you for not accepting your bid?—A. I went to him to see about it. He gave me very little satisfaction.

Q. When you went to speak to the agent about it, had not the contract been already let?—A. It had been let. I was after a load of lumber, and when I came back it was let. My bid was in several days previous to the letting.

Q. How long after the letting before you went to see the agent?—A. The same evening of the letting. I went to see Mr. Comer. I think the next evening I went to see the agent about it. He said he heard I was talking about them at the office, and inquired why I did not go to him. I told him everybody said I was entitled to the bid, and he ought to have waited to see if I could give security before taking the bid away from me. He said, "Who are they?" I replied I did not like to tell on them. He replied, "I don't believe you," and walked away.

Q. Did you ever tell any one the agent had done you a kindness in not giving you the contract, or that you were glad you had not got it?—A. Not that I recollect of. A good many told me I had done well not to get it; I would not have made any money out of it—Mr. Comer and others. I don't recollect over telling any one I was lucky in not getting it.

Q. Did I ever give you an order on the contractors for them to dig you a well since then?—A. No, sir, you never did. But you did give me an order for a chimney.

Questions by commission :

Q. Could you have taken the contract and made anything out of it?—A. I could have made wages. I was turned out of employment and had nothing to do. A good many teams were hired for their board, the driver being paid wages, to the agent. I might have had to pay a little something for the teams.

Q. Was your omission to state the number of rails in your proposal intentional?—A. I went into the office and Mr. Harmer gave me a form and I made one just like it. He wrote it and told me where to put the figures. I copied it and put in the figures.

Questions by agent :

Q. Did the clerk tell you to put in the numbers of rails you were to haul as well as the price?—A. I cannot say for certain whether he did or not.

Q. From what were you discharged after this?—A. I had been hauling around for the agency. I asked you if I were to go on; you said "I don't know," I think. The next morning Mr. Blair was hired in my place, or, at least, he was doing the work I had been doing. I think Mr. Comer told me a day or two afterward I was not to work any more; he did not need me.

Q. Did I not say to you, I profess to be an honest man, and had treated you justly and impartially, and did not want any man around me that thought me otherwise?—A. You did.

Questions by commission :

Q. What had been the price paid for hauling rails at the agency?—A. I think the agent fed the teams, so I was told by the men who hauled

the rails. I don't know what corn and hay cost at that time. Hay put up at the agency cost \$2.50 per ton.

Q. Do you not know that the spring work had opened, and the agent could procure no more work in this way, was the reason for letting this contract?—A. I do not.

Q. Was there not a scarcity of forage on the State line during the winter?—A. There was. I heard the farmers say they came down here and worked their teams for their board. They continued until the contract was let.

Q. Do you know of the agent refusing teams for their board to haul rails, at 50 cents per 100?—A. I heard some people say so.

Q. Is this a hilly or level country?—A. Pretty hilly, I should think.

Q. Don't you know that the persons who had been hauling, had hauled those which were the most accessible, leaving those least so, and in the ravines that would have to be carried some distance on their shoulders?—A. I do not. I thought they took them just as they came to them.

EUGENE CALAHAN.

Also, FRANCIS LABADIE deposes as follows :

Questions by CHAS. W. BLAIR, esq. :

Question. Are you connected with the Osage Nation; if so, in what way?—Answer. I am a citizen by adoption. I am a white man, and I am married into the Brotherton tribe of New York Indians.

Q. Have you been employed at the agency; if so, when, and in what capacity?—A. I have been employed by the agent in Cana, where I reside. This was in the month of February, 1873, and continued until April, 1874. I assisted in fixing farms, counting rails, instructed the Indians how to make rails, and such things, seeing to their work.

Q. Did you sign vouchers for your pay, and were those vouchers filled up or in blank?—A. I did sign vouchers; they were all in blank except one set. I signed part of them at the office of the agency.

Q. State if you ever purchased any beef-cattle of Alex. Beyett under instructions of Subagent Hobson; and, if so, whether he instructed you as to the manner in which the voucher was to be made out and signed.—A. I did so purchase beef-cattle. He told me to fill out the amount of the cattle in lead-pencil, and the signatures of the persons from whom I bought them in ink. Mr. Campbell, who was Beyett's clerk, filled out the vouchers for me as I had been instructed by Hobson.

Questions by commission :

Q. Do you recollect the amount you put in the voucher?—A. \$13 and \$18; total, \$31.

Q. What did you understand was the reason for these instructions?—A. He did not tell me his reason. I supposed he had been in the habit of so doing. I received my pay, for my services, in checks.

Questions by agent :

Q. How long did Hobson have charge of that station?—A. I think he was doing business there in March or April, 1873, and continued until March or April, 1875.

Q. Do you know of any instance where Hobson cheated or defrauded either the Indians or the Government?—A. No, sir.

F. LABADIE.

EDWARD MATHEWS, recalled by C. W. BLAIR, esq. :

Q. Were you a herder for the Osage cattle; if so, how long?—A. I

commenced last fall, and have been engaged at it most of the time since then. I am paid for my services by the agency.

Q. Are there any cattle belonging to Agent Gibson; if so, how many?—A. Yes; sir, there are, I judge, about 75 head, which are herded with the other cattle.

Q. Did Mr. Comer run the meat-market here, selling beef to the citizens and the agency?—A. Yes, sir, and I sometimes assisted him in butchering his beef.

Q. Did he pay you anything for that assistance in addition to your regular pay?—A. No, sir.

Q. Was he at that time in the employment of the agency?—A. He was, as I understood.

Questions by commission :

Q. Did you ever butcher any cattle of the brand of O. S.?—A. No, sir. I understood they were Mr. Chase's. He had some cattle here. They were herded with the agency herd.

Q. How much of the time of Mr. Comer did this business consume?—A. He aimed to do the killing after the bell rang. I don't know how it was in the morning. I assisted after working hours. Mr. Comer asked me to assist him, but did not pay me extra for it.

EDWARD M. MATHEWS.

Also, CHARLES HENDRIX deposes as follows :

Questions by CHAS. W. BLAIR, esq. :

Question.—Have you ever been employed at the agency or in the nation? If so, state whether you signed vouchers for your pay, and all the circumstances under which they were signed.—Answer. I have been so employed, off and on, ever since this agency commenced, at different work. I signed vouchers for my pay; always one of the set was filled up, the remaining three were in blank. I signed one set for which I received no pay, about two years ago. At one time the subagent at Hominy Station turned me off. Mr. Gibson told me if I would go away and stay for eight or ten days and then come back, I could go to work again. I went away to work for Joe Herd; while there, Mr. Chase sent me vouchers to sign, by Joe Herd. I did not sign them, but brought them here, and went to see Mr. Chase about it. As I recollect, he said he supposed I was going to keep on to work after I came back. I had told him I was going upon Cana, to be gone eight or ten days, so he did not take my name off the books. I don't recollect what he said more, but I signed the vouchers he had sent me. I never got any pay on those vouchers.

Question by commission :

Q. How were you usually paid, by checks or currency, and can you tell the time?—A. By checks; that was the usual custom here. The voucher was signed in either August or September, 1873; it was for one month's pay, \$45.

Question by agent :

Q. What do you know as to the efforts made by myself to introduce among the Black Dog and Big Chief bands civilizing habits?—A. I went down there among Big Chief's band two years ago last April to plow for them. My orders from the agent were for them to have the fields cleared up and help me to plow. I went to Tishahonka's (Big Chief) field, which was grown up. He would not assist me. I tried

to have him and he still refused. So I left him and came to Nichaponnali's town. They came up for me and I went back the next day and went to work; they then assisted me. I told them I would not work for them without they would help me. While there I received from the agent the following letter: "Charles Hendrix: Encourage them to clear up their fields and plow for them as long as they want. Don't grub or clean up for them, or wait much. When done come up to Tishahonka or Ne-koh-kepohnoh, and plow and haul rails. Tell them to come up and get their potatoes. This man wants thee to show him how to plant his. Respectfully, I. T. Gibson, United States Indian Agent." I did all the plowing they wanted me to do. I also went to Watianka's town to see if he wanted any plowing done; he said he did not; I had better go home. After finishing Big Chief's plowing, Watianka wanted some plowing done, and I did it for them. I did all they wanted except some little small patches not fenced. My plow-point had worn out, and I came up to get it fixed and did not go back again. None of the fields I plowed were fenced.

Q. Did any of those Indians express any desire for or preference in favor of half-breeds to do this work for them?—A. They did not to me or in my presence. One went down with me. After going down the agent sent a letter to me for one of us to go up to Nichaponnali's town. The Big Chief preferred to have me stay.

Q. How many years have you been with the Osages?—A. Off and on for seven years.

Q. Have any change taken place in that time, in reference to the adoption of civilized habits and habits of work?—A. Yes, sir; I think there has. I have been over the nation a great deal in the past nine months, and I see a great many improvements made, farm-makings. I see them making rails, chopping, helping to plow, cutting and scoring house-logs, helping to lay them up or raise (log) houses, working roads, tending their crops, planting, hoeing, and plowing. Some of them have as good crops of wheat and corn as I see anybody raise.

Q. Do you know what bands have made the most advancement?—A. The bands on Bird Creek, Little Osages, and Hominy band.

Q. What bands have made the least?—A. The Black Dogs, some of the Big Hills, and Big Chief's.

Q. Do you know why these latter bands are backward?—A. They don't like to work, for one thing. There are no influences around them that I know of to discourage them and keep them back.

C. HENDRIX.

Charles W. Blair, esq., stated that he had no other witnesses available at this time.

FRIDAY MORNING, August 20, 1875.

Further taking of evidence on the part of the memorialists was temporarily postponed in order that WILLIAM P. ADAIR, esq., might be examined by the commission.

Question. What is your nationality and profession?—Answer. I am a Cherokee and a lawyer.

Q. What has been your connection with the Osages?—A. I was employed by them in 1868 as their attorney, and have acted as such generally ever since.

Q. Have you any personal knowledge of any of the charges made by a portion of the Osages in writing against Agent Gibson, and laid before this commission on Monday and Tuesdaylast at their council meeting?—

A. No, sir; I have no personal knowledge, only what the Osages have told me themselves.

Q. Have you any knowledge of the preparation of any memorials sent by any portion of the Osages to the President of the United States, or other officers in Washington?—A. No, sir; the first intimation I had of them was through a letter written to me by Judge Rogers, in which he said the Osages had sent a protest to the President. I think this was about the 25th of last June.

Q. Take this memorial, being petition from the Great and Little Osages relative to their agent, dated Harmony Falls, Ind. T., June 28, 1875, and state whether you have any knowledge of the same before being sent to Washington.—A. I never saw it, nor did I know the contents of it, until I got a copy from the Interior Department, which I received in answer to a letter I addressed the Interior Department, dated July 7, 1875, with copies of other papers in letter of July 10, addressed to me as attorney of the Osages.

Q. State what your knowledge or opinion is as to the genuineness of the signatures to it.—A. I have no knowledge of the signatures. They seem to me to be written by one person, the same who wrote the body of the petition.

Q. State from your knowledge of the Osages whether the persons whose signatures are attached to this petition are the principal chiefs and headmen of the nation.—A. Chethuhonca is chief of the Clarmont band. Black Dog is chief of the Black Dog band. Pahuska is chief of the White Hair band. Hard Rope is reputed to be war chief of Osage tribe. Nontrewahhot is chief of Big Hill band. Alexander Beryett is chief of the Half-Breed band. George Bearer is chief of the Beaver band. Watainka, I understand, is chief counselor. Joe Paw-nopiske, governor of nation. In my opinion the names are fair representations of the Osage people. They are representative people. I can't tell whether they represent a majority, but it is my opinion they do.

Q. Does the memorial appear to be signed by about all the representative chiefs and councilors and governor of the nation, and does it bear the mark of being genuine or original?—A. The memorial shows for itself. I might say that some persons whom I have been informed are chiefs are not on this memorial. My opinion is the memorial is not a forgery. I think there was some authority for forwarding it to the President.

Q. Compare the signature of the governor on this memorial and his signature to the charges he laid before the commissioner, and state whether in your opinion the signature to the memorial is his genuine signature.—A. I don't think he signed the memorial, and I don't know whether he authorized any one to do it for him or not.

Q. Will you furnish a copy of the letter of the Secretary of the Interior to yourself of the date of July 10, 1875, to be attached to and made part of your testimony?—A. I will endeavor to do so, or give you the original.

Question by CHARLES W. BLAIR, esq.:

Q. State whether you talked to Governor Joe about this petition or memorial; if so, whether he recognized it as being sent by his authority.—A. I had a copy of the paper before me when we made out the charges laid before the commission, and he referred to it as being genuine. He did not say whether he signed or not. I assisted in making out the specifications because I felt authorized to do so by yourselves.

Questions by agent :

Q. Did you receive a letter from the Commissioner of Indian Affairs about the date 2d of July, 1875, to the purport that that Office did not in any way recognize you as representing the Osage Nation, either as agent or attorney, and directing you to cease your interference with the affairs of the Osage agency in every form and prohibiting you from holding any more councils with the Osages on any subject?—A. I received a letter from the Commissioner of Indian Affairs of that date, in which was stated that his Office did not recognize me as attorney of the Osages. I will furnish you the original letter to be attached to and made part hereof. Afterward I was acknowledged by the Secretary of the Interior and President of the United States as attorney of the Osages. The recognition of the Secretary of the Interior is by letter July 10, 1875, hereto attached.

Q. Have you not been counseling with the Osages at different places on their reservation since receiving that letter?—A. I have held no council with them. I came to this place to look after my own business, which I had been informed was put in the hands of this commission for investigation. Since I have been here I have visited the camp of Governor Joe twice, and others as one friend would visit another. While there I talked about my own business generally, supposing it would be examined by the commission. After this commission informed the Osages my business had been withdrawn or their investigation Governor Joe said he wanted me to represent the memorialists in this investigation as attorney. I told him I would do so with the consent of the commission, and I advised him to have a letter written to the commission informing him of said appointment. The commission replied that owing to the action of the Commissioner of Indian Affairs they did not feel authorized to allow me to appear before them as such attorney, but would not object to my assisting them in preparing charges and specifications. I then did so, but I had nothing to do in writing his original speech, and never saw it until it was delivered. I have not stirred about much since being here, not having been very well. From time to time different chiefs and headmen, as also the governor, have come and talked to me in my room.

Q. You speak about counseling with the Osages in regard to your own business. Was any part of that business assisting the governor in obtaining the removal of myself as agent?—A. The subject of the complaints against Agent Gibson may have come up in general conversation. I remember telling the governor I had the letter from the Commissioner of Indian Affairs of July 2, but I stated there could be no objection to my appearing in my own defense. I gave him no specific counsel in regard to the agent, and I do not consider the removal of the agent as part of my personal business. I was employed by the Osages as their attorney, to attend to their business. I considered this a part of it, but after receiving the letter from the Commissioner of Indian Affairs, I had some hesitancy about doing more in regard to it.

Q. Did you counsel Governor Joe or the Osages about the removal of the agent, after you arrival here, or on the reservation, and up to the time of receiving the letter from the commission declining to permit you to appear before them as counsel for the memorialists?—A. I don't remember as I did, except as I have stated in a general conversational way, they alluded to the charges, and we talked about them just as friends would do. But I showed Governor Joe the letter from Commissioner Smith for his information. I have on file at Washington several powers of attorney, I supposed to be signed by a majority of the Osages,

authorizing me to act as their attorney. I have now of a date later than that of the letter of the Commissioner of Indian Affairs, and I claim to be the recognized attorney of the Osages by the Secretary of the Interior and the President of the United States at the present time. I have good reason to believe that the Secretary of the Interior did know of the action of the Commissioner, as the action of the Commissioner was talked about a good deal in the Department, and was also a matter of record in the Indian Bureau, and I called the attention of Assistant Secretary Cowen to it. I believe the next day after I received the letter, or about that time, I made him acquainted with the letter, showed it to him.

Q. Give the names of such Osages or other persons as claim to have personal knowledge of the truth of the charges made against myself, so that they may be called upon to testify before this commission.—A. I learned from Governor Joe and others whom these charges could be proved by. Some of these witnesses have already been examined; among those who have not been examined, I name Mr. Witherell, Alexander Beyett, Mr. Keepers, Eugene Callahan, Mr. Master, of Coffeyville, Captain Wills, of Independence, and a number of others whom I don't now remember. My memory is not very distinct as I have been acting as attorney in this investigation.

W. P. ADAIR.

Also, ROSANA CHOTEAU, also called by the commission, deposes as follows:

Question. What relation do you bear to Beaver's band of Osage Indians?—Answer. I was born in the band, was raised in it, and am still in it.

Q. Are you one of the chiefs? How did you become such?—A. They elected me second chief; I had an uncle who had always been chief; six months after he died I came to the agency to buy a little provision. I camped. James Bigheart camped out with me; he also was buying provision. As I was about to go home he said: "Mother, I am going down to Beavers; they are going to have a council; you come by and we will go home together." He started first, I afterward went. The band was counciling to elect a chief in my uncle's place. I sat among the women; did not think they were voting for me. They called me out to the camp. I went there and sat down. They had four sticks, representing three men and myself to be voted for. They called me in, gave me my stick and threw the others away, and gave me my uncle's place; said they preferred me. I cried and told them I hoped they would take pity on me, and pick out one. They talked it over and said we have done made you, it is finished. I have been second chief since that time. This was about one year ago. James Bigheart was one of the candidates.

Q. Has the agent ever to your knowledge deposed George Beaver and put you in his place?—A. Not that I know of. I don't know that he recognizes me as first chief in place of George Beaver.

Q. What is your religion?—A. I am a Catholic.

Q. Has the agent ever interfered with you or the Beaver band in matters of religion?—A. He has not. If he has I don't know it, nor any other person connected with the nation that I know of.

Q. What progress have the Osages made in becoming civilized since he came among you as your agent?—A. My band has improved the past year as much as they were able to. I don't know about the others, as I don't go among them. We went to where we now live about the spring of 1872. We had nothing but a few ponies with some buffalo hides and some grub and camped there. We cut logs, built cabins, got

assistance from the agency to cover them; had land broke up, planted corn, and have been doing it ever since; we all had Indian clothing, now most of the young women wear dresses, and children also. My band are contented as far as I can see, and are trying to be civilized. I am half-breed.

Questions by memorialists :

Q. Is George Beaver first chief of the band?—A. He always has been and I expect he is yet: I don't know whether my people have thrown him away or not. I heard they were dissatisfied with him.

Q. Who represents the band in drawing rations?—A. Beaver was here before I came here at this time and had been drawing rations. I came along and went on the hill and the men of my camp came down to the office and drew rations. This is the way we have lived. We did the same way last fall.

Q. Is it not customary for the head chief to draw the rations?—A. I don't think there is any fixed rule about it. I believe he has authority to bring me and the band together when he wants to. He is the superior.

Questions by agent :

Q. Why are the people dissatisfied with George Beaver?—A. I heard the trouble was because he went off to the Black-Dog band to a council without telling them.

Q. Is it customary to elect women chiefs?—A. It is not. I am the first one and I expect to be the last one. I think my band obey me better than they would a man.

ROSANA ^{her}
+ CHOTEAU.
_{mark}

Also, THOMAS H. WILLS deposes as follows :

Questions by commission :

Question. Have you any definite knowledge as to the manner in which Agent Gibson has administered the affairs of this agency?—Answer. I have some knowledge of it; I did considerable business with him.

Q. In any transaction you have had with him have you discovered any disposition upon his part to neglect his duties or act dishonestly?—A. I never have.

Q. Is there any matter of which you have personal knowledge in which Mr. Gibson has been injudicious in the outlay of money?—A. I have no knowledge of his doing anything but what I thought was for the good of the Indians here.

Q. Do you know of his exhibiting any partiality in making contracts or in hiring men?—A. No, not from anything I either saw or heard.

Q. Has your business brought you much into intercourse with him?—A. For the last 8 or 10 months I have had considerable business and conversation with him. I have been filling orders that he sent under contract he had with Keepers & Ritz, and doing some freighting.

Questions by CHARLES W. BLAIR, Esq. :

Q. Did Mr. Gibson keep a bank account with you as agent at Independence?—A. No, he never did; he had a small private account.

Q. Did you ever have any contract with Gibson other than the one spoken of?—A. I have not. I had some conversation with him in regard to one; I made him a proposition to continue delivering the

freight from Independence to the agency according to the terms of Keepers & Ritz's contract, which was 75 cents per 100 pounds to this agency, except what was delivered with ox-teams, which I understood was 37½ cents per 100 pounds. He furnished the oxen and wagons. (I never saw the contract but understood as to what it was.) They furnish the driver or teamster. I think Gibson fed the teams. I think Keepers was to break, occasionally, some wild cattle. No contract was made in writing. Since the first of April I have been delivering freight here, and the same has been paid from under the terms set out in Keepers & Ritz's contract, as I have above stated.

Q. Have you paid Keepers & Ritz anything for their contract?—A. I have not, nor anybody else for assistance in obtaining it, directly or indirectly, but consider I have been delivering the freighting upon the same terms they had.

Q. Are the prices paid you a fair compensation for the services rendered?—A. Yes, sir; I think they are. I think the prices are low enough, lower than it has been done before as I understand. The distance is from 65 to 75 miles, as I have heard it variously stated, from here to Independence.

THOS. H. WILLS.

Also AGUSTUS CAPTAIN, who is called by the commission, deposes as follows:

Question by commission :

Question. What relation do you bear to the Osages?—Answer. I am of Osage blood and am a member of the Osage national council.

Q. Have you any personal knowledge of any of the charges made by a portion of the Osage people against Agent Gibson, as set forth in their specifications submitted to the commission by the Osage governor on Monday and Tuesday last?—A. Upon the first specification set out in the governor's address to yourselves, I don't believe I can state anything clearly—only that when we were in council he disregarded what the council had done. The next council meeting after the return of the delegation from Washington, he asked us to determine how much money we would like to use and in what way. We did this. He did not comply with our wishes. We also resolved that the white men at the station should be removed, and half-breeds employed to take charge of those places and carry on the business. We appointed the men. He disregarded our directions in this respect. The minutes of the proceedings of our council will show this and the names of the half-breeds selected by us. Near a year ago the chief of the Clanmore band died. The chiefs and the majority of that band selected his oldest son to succeed him, but I hear the younger one is recognized by the agent. Under the second specification I will state a petition had been sent down to me from the half-breeds on Cana, which was for them to draw their funds separately from the Osages and withdraw from the full-bloods. I refused to sign it, and advised the others to refuse to do so. They took it back upon Cana, I suppose. I never saw it any more. It was in the agent's handwriting, and had his signature to it. The Osages thought this was wrong, and there was considerable talk among themselves about us. On the third specification I can say nothing of my personal knowledge.

On the fourth specification I can't say that he has ever tried to prevent us from sending petitions to the President at Washington. He could not do it if he wanted to. I don't know about his having discharged half-breeds for having signed petitions of Catholic missionaries only from hearsay.

On specification 5th, I will say that neither the Indians nor half-breeds know anything about the affairs of the office, nor how the money is spent, nor what is going on. I am satisfied I don't know anything about it. I know nothing about vouchers being signed in blank, nor about checks being made larger than the amounts paid.

On specification 6th, I know nothing.

On specification 7th, I know nothing.

On specification 8th, I know nothing.

Q. What do you know in regard to the Osages having asked for Catholic schools and missionaries, and how he, the agent, has acted in reference thereto?—A. I was present with the agent and superintendent when Governor Joseph asked for Catholic schools and missionaries. All the people were united at this time, I think, two years or more ago, before the school-house was built. The superintendent told the Osages they were placed under the Society of Friends, and the Government would not allow any sectarian teachings, as I understood him, if I remember aright. Since that time I don't know anything the agent has done to prevent this, except that a counter-petition was gotten up and sent to Washington when we were there, the agent with us. We saw it there in the Commissioner's office. Of the names attached to the petition, several of the persons got up in council and said their names were forged to it; had neither seen nor signed it. The Osages had petitioned again and again for these schools and missionaries, and they were not answered, and we don't know why.

At this point the commission adjourned until Saturday morning, at 8 o'clock.

SATURDAY a. m., 8 o'clock.

Commission met pursuant to adjournment, and the examination of Augustus Captain was continued.

Q. Take the memorial of the Osages to the President, dated June 28, 1875, and state all you know in reference to the same.—A. I think it was written by Thomas Mosier, and know it was done at my house. I was absent at the time, but I knew it would be prepared. The parties who got it up assembled at my house for the purpose of getting up the memorial. I was called away on my own business; while absent it was prepared. I can't say positively that all whose names are signed to it were present, as I was myself absent. I find a number of names signed to it whom I recollect being there; part of them were there when I left, and they were expecting more.

Q. There is a charge made in this memorial that the agent had hired women to sign his petition, giving them clothes to wear and promising \$150 each year, annually; do you know anything concerning the truth of this charge?—A. I have no personal knowledge of the truth of this charge. I can't tell who does know; it is common talk among the Indians. I have heard Watianka say so. I never heard them name any person in particular to whom clothes had been given, or these promises were made. Watianka only said he had heard so, not that he knew positively about it.

Q. Will you examine this memorial and tell us what portion of the Osages appear to have signed the same?—A. It is signed by the first and second, third and fourth chiefs of the Big Chief band, and a number of others of that band; also by Black Dog chief and a number of others of Black Dog band; also by Pahuska, chief of White Hair band, and Hard-Rope, councilor; also by Kahehashinka, chief of part of the Little

Osages; also by the chiefs of the Big-Hill band, the chief of the Clanmore band, the chief of the Beaver band, and Alexander Beyette, chief of the Half-Breeds. I think they represent a majority of the nation. I cannot say that these men represent the real sentiments of all the members of their respective bands.

Q. Has Agent Gibson ever interfered with you in matters of religion, or tried to prevent you from educating your children as you thought best?—A. I don't think he has ever interfered. We wanted our missionaries and Catholic schools here, and we failed to get them, having asked for them. I have educated my children, so far as they have been educated, at the Catholic mission-school. I have not paid for them. I suppose the Government has, and has also clothed them. Mr. Gibson has never remonstrated with me about sending them, or tried to prevent me from doing so.

Q. Have you ever invited the Catholic church to establish a school here at the agency?—A. We want a Catholic school established and supported by the moneys belonging to the nation. We have petitioned for the schools, but don't get them. I don't believe the council have asked the agent to set apart a portion of the moneys of the nation for that purpose.

Q. If the Catholics, or any religious body, should propose to establish and maintain a sectarian school here, at their own expense, do you believe it would receive any opposition from the agent?—A. I don't think it would; I don't see what grounds he would have to do so.

Q. In the petition for Catholic schools, do you mean that the school at the agency shall be taken out of the control of the agent and placed under that of the Catholics?—A. Exactly; that is what I mean.

Q. Has the agent ever tried to prevent any Catholic or other missionary from preaching to the Osages or administering the rites of his religion?—A. Not that I know of. I was present at one time when Father Poncioni preached in the chapel of the agency school-house.

Q. Do you know of the agent at any time preventing or trying to prevent your petitions or letters from being sent from here to Washington or elsewhere?—A. No further than I have already stated.

Question by Mr. E. C. KEMBLE:

When the petition was handed me last winter, did you not state the reason for its being handed me was because the agent hindered your petitions from being sent?—A. I don't know the agent's name was mentioned. The fact is, the Indians, never having heard from any of their petitions which they had sent, supposed they had been stopped somewhere. For that reason it was handed to you to be given to the President.

Questions by commission:

In this memorial there is this language: "He has threatened those who did not sign his petition that he would throw them away and tell them to go and live among the Cherokees." Do you know of any person he has so threatened?—A. I don't believe I do. I think the petition referred to was a remonstrance against paying the claim of W. P. Adair against this nation. I was asked to sign the remonstrance and would not do it. It was in the agent's office I was asked to sign it. Bill Nixon, a half-breed, asked me to sign it. I don't know of any other petition the agent has asked us to sign.

Q. When the memorial of June 28th, 1875, was drawn up at your house, was Governor Joe present?—A. He was not there when I was there, nor did I hear from any one that he was there. I don't hardly think he wrote it. I am pretty certain he did not.

Question by Agent GIBSON :

Q. In what particular way did the council appropriate money and I refuse to allow it?—A. I don't think I could answer that without referring to the proceedings of the council. On your refreshing my memory, I recollect the council decided they should have semi-annual cash payments of \$17 per head for the year ending July 1, 1875. I don't think we got it.

Q. Do you understand that I have anything to do with determining the amount of your annuity payment?—A. It is reasonable to believe you do not. You said you wished the council to make known their wishes as to the amount of cash payments so that you could report it to Washington.

Q. Do you think the half-breeds appointed by the council to take charge of the different stations would have discharged that business as well as competent white men?—A. I do; with a little advice from the agent.

Q. Have you not often expressed the opinion that the Indians did not respect the advice of the half-breeds, in directing about their labor, as they did that of the white men?—A. I don't remember that I have. My opinion is that, with the advice and assistance of the agent—as the Indians themselves wish it—it could be brought about and be more satisfactory.

Q. During the interval between the death of the chief of the Clamnore band, who died last fall, and the election of a new chief, who acted as chief?—A. A younger son was recognized as chief by the agent. The band complained to the council of this, when they were in favor of the older son. The chiefs agreed that the older one had the right, and, I think, notified the superintendent in writing that he was to be recognized as chief. I think you have had notice in writing of the same thing.

Q. In this council were there any reasons given why they preferred the older one to the younger?—A. Because he was the oldest and had a majority of the band in his favor, as I understood.

Q. Were you not offered a pony for your influence in behalf of the elder?—A. I was. I told the man who made the offer I was opposed to any such thing. I told him if he was a mind to give me a pony I would take it, but not for my services. If I could do anything for him I would do so without it. I haven't taken it yet. I told him this was a customary thing among the Osages, and I did not wish to encourage it. If he gives me a pony I will take it, but not for my service. I have had several given to me in that way.

Q. How many other chiefs were offered ponies that you have knowledge of?—A. None at all in this matter that I know of.

Q. Do you know that this person elected chief is the son of old Clamnore?—A. Nothing more than that he has always claimed since I knew him that old Clamnore was his father and still claims it.

Q. In speaking of a petition the half-breeds were circulating, you say the agent's signature was attached to it. Please state in what way, and for what purpose.—A. It was all in your own handwriting. I don't know why you signed it.

Q. Has it always been the case that Indians and half-breeds have known nothing about the affairs of the office, nor how the money was spent since I came here?—A. It has always been the case, so far as I know.

Q. Have I not appointed you as one of my counselors and advisors, to assist me in conducting the business of the agency?—A. I have been authorized by the Osages and yourself to advise with you about the

business outside the office, but I know nothing about the business in the office.

Q. Did not the council appoint a committee of half-breeds to investigate the office, examine the books, and obtain all the information they desired to know?—A. I don't remember about it.

Q. Have you any knowledge of my refusing any Osage or half-breed the privilege of examining the office or refusing any information in connection with the business?—A. I have no knowledge of your refusing that privilege, or that information was asked you in my presence or to my knowledge.

Q. Have I not invited you to come into the office, examine the books and make yourself familiar with the business of the office; and do you not know that such is a standing invitation to all members of the tribe?—A. I don't remember, but it seems to me that you did invite me, knowing that there were other men more capable than I, who could look into it if it needed investigation. I don't know that I made any reply to you. As to that being a standing rule of yours, I don't know anything about it.

Q. Is there any half-breed (including yourself) whose education is sufficient to enable him to carefully examine the office and ascertain whether the business is properly conducted?—A. I don't think there are now; but I think there are some who with a little practice might become good clerks in the office, and would then be able to investigate.

Q. Who were the persons whose names were signed to the counter petition of March 16, 1874, who got up in council and said they had never signed it?—A. Punkawitengah, Sahpakela, Big Muff, Keshecela, or Keminkee, Kumsakarkele. The secretary of the council was T. M. Rogers. He was at the agency this morning.

Q. Was any petition ever given the agent to be forwarded to Washington asking for Catholic schools and missions?—A. I don't know that there ever was. I requested the governor to give the agent a copy of a petition of that character, that he might forward to Washington, we having forwarded the original. The governor told me the agent told him he did not want to see it.

Q. Give the names of some persons who were present at your house when the petition of June 28, 1875, was written.—A. Chersheehouka, Watainka, Wathanahi, Washincosha, Neka, Chepakacha. I think, but am not positive, Waskoumonechetoka. There were a good many men I saw there, whom I can't call by their names.

Q. Do you know of my having tried to proselyte any member of the tribe to my peculiar religious views?—A. I do not.

Q. How many half-breeds and white persons, including men, women, and children, belong to the tribe?—A. I should guess over two hundred.

Q. What proportion have joined the Catholic Church, or how many attend upon the rites of the church?—A. How many have performed their duties lately, I can't tell. We haven't the opportunity, in consequence of having no church, very often.

Q. Do not priests frequently come to this reservation?—A. They do. I believe they come every three months to the nation, if they can do so; such is their intention.

Q. Why do they not stay here constantly?—A. I don't know, unless because they have no means to stay here and support them; they have nothing provided for them that I know of.

Q. How many persons ordinarily attend the services when the priests are here?—A. I could not say, I have never counted them; but last Sunday I think there were near forty persons, Catholics. There was

but one full-blood Indian there. I do not know whether he was baptized in the church or not. None of the full-bloods have performed their duties to the church, since we moved to this country, that I know of.

Q. How did you forward your petitions to Washington?—A. One I forwarded was by mail, deposited in the post-office in the Cherokee country. I don't know how others were sent. Don't know that any have been sent through the agency post-office.

Q. Did you ever see a memorial asking the Government to attach the Osages to the Cherokees?—A. I saw one which asked to be placed under the agent of the Cherokees, if we could not get rid of you as agent; otherwise, we preferred to be placed under that agent.

Q. Was there not a memorial signed at your house by a number of Osages about the middle of last December? If so, did you see it?—A. There was. I interpreted it to the Indians as it was read to me. I think Colonel Adair read it; am not certain. I think he wrote it. I think it was written at the request of the Osages. It was about certain claims they thought they were entitled to, and empowering him to act as their attorney without additional charge upon his part. I think they may also have made a memorial about Catholic missionaries and protesting against the Territory there was talk of being established. They also told Colonel Adair they were dissatisfied with their agent and wanted him removed. He told them that was their own business, and if they wanted to do anything they had men who could write and could get up a petition to Washington asking for his removal; that it was outside of his business. They remarked they wanted a petition made up, and would consult all the chiefs of the nation at the agency. After this they were around the table writing, and I supposed were drawing a petition. Whether they did anything with it or not I don't know. I don't think they said anything about the agent being in favor of the territorial bill before Congress, and opening up this country to white settlement; don't think I ever heard the agent express any such sentiments. There were two papers signed there—the one for Colonel Adair, the second protesting against the territorial government; and perhaps a third in reference to the missionaries. Judge Rogers was present; he remained to witness the signing of the petitioners.

Q. Were the following persons present: Big Chief Lewaugehe, White-Hair, Montschewahhop, Little Chief of the Little Osages, Wahmunkep, Young Clamnore, Shonkemoi, Wakone, Major Broke-arm, Hunkawah-tiruka, Gahtomwa, Tooclahsiyah?—A. None of those were that I remember. I think I signed it. There were persons there claiming to represent their chiefs; said that was their instructions from their chiefs. I told them it was not customary, but they said they had authority from their chiefs to sign their names; were sent there for that purpose, and they did so.

Q. Who wrote the names of said persons to said papers, and who made their marks?—A. Colonel Adair wrote their names. The persons claiming to represent them made the marks. I think Watiauka represented Big Chief; Hardrope represented White-Hair; Kewahliehe, I think, represented Little Chief; Black Dog for Major Broke-arm. I suppose Hardrope signed for Gahtomwa. The others I don't recollect. There was but one Osage (Big Horse) refused to have his name signed. I did not hear him give any reason for this refusal that I recollect of. Mashoukoshah signed it, I am satisfied. I don't recollect of his touching the pen. I don't know that he hesitated about signing. James Big-

heart was there. He is not chief of the Beaver band. George Beaver is himself.

Q. Did Judge Charles Rogers attach any certificate to the memorial for Catholic schools and missions?—A. I don't know whether he did or not.

Questions by CHARLES W. BLAIR, esq. :

Q. Are all the Osages Catholics who have any Christian religion at all?—A. They are, all who pretend to be Christians, except one half-breed.

Q. Are they willing to send their children to any school which is not a Catholic school?—A. I don't think they are.

Q. Do you know if the agent or any of his employés have cattle of their own running with the cattle of the nation and herded and cared for by the Osage herders, and feed upon the hay put up for the Osage cattle?—A. Yes; I believe I know. This spring or summer I saw something over one hundred and fifty head together, and was told by Mr. Comer that they belonged to the agent. Tom Adams was the Osage herder and he went out to get out some cattle from the Osages. Mr. Comer, I think, is a nephew of Mr. Gibson's, and is an employé at his agency. He pointed out the brand of the "anchor" as that of the agent.

Questions by the agent :

Q. Was any one with the cattle when you went out?—A. I think Comer's son was with them.

Questions by commission :

Q. Is it the custom to brand the Osage cattle?—A. Yes; with the letters "O. S."

Q. Are there not a great many Osages who have no Christian religion at all, and who are willing to send their children to a school which is not sectarian in its character?—A. There are a great many who have no Christian religion who believe that way of teaching is the best. I think they would all prefer to send to a Catholic school. I desire to make a statement before signing my deposition. After Inspector Kemble was here last fall I saw the superintendent and agent and inquired whether rations could not be issued to the half-breeds. The superintendent referred me to the agent, who said the inspector had forbidden it. Since then I have not drawn any rations. A few days afterward I was sent to the agent by the Osages, together with Nunpawala, White-Hair and Nunchawulla, to see about going out on to the plains to hunt buffalo. He told me he did not want to talk to me, and refused to do it.

Questions by agent :

Q. Did I not designate one of your company to do the talking?—A. He told me he would talk to Napavalla.

Q. Do you know of any reason why I should not treat you in a respectful manner?—A. No, I do not.

AUGUSTUS CAPTAIN.

MONDAY MORNING, August 23, 1875.

Commission met pursuant to adjournment.

J. A. CHASE, being duly affirmed, deposes as follows :

Question. In what capacity are you engaged at this agency, and how long have you been so employed?—Answer. I am clerk in the office; have been so engaged about three (3) years.

Q. State any instances in your knowledge of the misappropriation of

funds on the part of the agent during the time you have been there.—
A. I can't recall any instance where funds have been expended that I should regard as a misappropriation. All remittances received by Agent Gibson are accompanied by a tabular statement, showing how they shall be expended.

Q. To what extent, if at all, has he employed white men, in violation of the laws of Congress and treaty stipulations, when the same service could have been rendered by citizens of the Osage Nation?—I know of no such violations. In the early part of my engagement here the majority of the employes were mixed-blood Osages. He gradually determined that their inefficiency was such that he preferred to assist them on farms. He did so, and employed white persons in their places.

Q. State any instance within your knowledge of his deposing the chiefs of any band's councillors and elevating others in their places.—

A. I know of several instances where the chief and headmen of a band were hostile to civilization, and individual members of that band withdrew and took with them all who wanted to civilize, and made bands to themselves. These men have been enrolled as chiefs. I never saw their commissions.

Q. How do you know that these men were hostile to civilization?—

A. Their conduct and actions indicated it. They never came up and advocated civilization, and the parties who withdrew stated that was their reason for so doing. I know of one instance of two intelligent men who have withdrawn from a band with fifteen families and settled down to civilize. They have not yet asked to be recognized as chiefs.

Q. In what way and to what extent has the agent supervised or disapproved of the legislative enactments of the Osage council?—A. I don't know that I can state positively but one instance. They had appropriated \$1,500 for support of the national council. The secretary of the council drew orders for \$4,500. The agent refused to indorse them all. He indorsed for the \$1,500, and also indorsed other orders to the amount of \$1,500 to be held by the owners until the next annuity payment. Another instance where the council selected certain mixed-bloods to supersede or supply the places of the superintendents of stations, he did not conform to it. I have heard complaints from chiefs and others, but have no personal knowledge.

Q. State why he refused or did not supersede his superintendents by the mixed-bloods.—A. Because of their incompetency. I think James Bigheart was one and William Tinker another. I can't say positively further than this.

Q. Is the agent and his bondsmen responsible for the conduct of these superintendents?—A. I suppose he and they are.

Q. Do you know of the agent ever having tried to divert the salary of the governor to any other purpose?—A. I have no knowledge of such proposition. I heard the agent say he commissioned the governor for specific purposes, in order that he might spend his time in traveling about the reservation and encouraging civilization. He has not done this, and the agent questioned whether his salary should be paid. The salary comes out of their annuity fund, and the superintendent has the payment of their annuities.

Q. Have all expenditures appropriated to particular funds been made in conformity to the tabular statements, or have they at times been expended for other purposes than those set forth in the requirements of the Interior Department?—A. They have been made in conformity with the tabular statements. I have made the abstracts of disbursements for three years.

Q. What do you know about vouchers being signed in blank? State to what extent this has been done; why, and whether continued to the present time.—A. They were frequently signed in blank at the time of the settlement with employés, because there was not time to write them up to the end of the quarter. This was the case up to the time when the agent received a circular from the Department of the Treasury not to take vouchers signed in blank. This circular was dated February, 1875. Since that time there has been no blank vouchers signed in the office, to my knowledge. There have been a few received by mail and a few have been bought in by superintendents of stations for employés who did not come in themselves. At the end of a quarter we frequently had to settle with and generally pay fifty men in a day, and would not fill up the vouchers. It was generally the first work we did afterward.

Q. What do you know about checks for money being given to any parties in excess of what was due them?—A. I don't know of the agent giving any check for a larger amount than my ticket to the employés showed what was due him. The agent makes the check on my ticket; he does not see the voucher. There is no instance where a greater amount was set out in the checks than was due the parties.

Q. An instance is stated by Mr. Finney, as also by Mr. Hill, where checks were for larger amounts than were due. State your knowledge of this matter.—A. In regulations, &c., of the Indian Bureau, dated 1850, there is a tabular statement showing the pay of employés by the month of thirty days. About the middle of summer of 1874, I received a book of "Government salary-tables," dated 1872, adopted by the comptrolling officers of the Treasury Department for computing salaries by the year. Under these tables we reported certain men in the employ of Peter Hobson, and sent out their vouchers. A few days afterward Mr. Finney came to the office to make inquiries as to the discrepancies. My recollection is that he did not remember the discrepancy of but one party, James Shelby; and we figured on that on the basis of the time-tables. The difference was the same as the discrepancy between the amount said to be due, and the check issued to James Shelby; and also his salary at the office was reported at \$40 per month, instead of \$35. He told me Hobson said he supposed there was a mistake in the office. I told him there was no mistake, and to inform Hobson so. We never heard from the matter until Hobson sent us a statement as he was about leaving, when dismissed from the service. In that statement he reported the differences in these checks as \$35.35, which he had paid to Prince Albert, an interpreter. I understood from Mr. Finney that he did pay these men, as he had hired them, so much a month, at thirty days to the month.

Q. Do you know of any instance where two sets of vouchers were taken for the same amount? If so, state what you know in reference to it.—A. In the instance of Pat. Rogers the vouchers were filled up as for "Pat. Rogers." He signed it "P. Rogers." A second set were signed and the first were torn up and thrown into the waste-basket. I know of spoiling two or three sets of vouchers and having parties write new ones.

Q. What did you know about Hobson taking a set of vouchers from Alex. Byett, for a pair of mules furnished for Nopowalla, and entered on the vouchers as coffee, sugar, and flour?—A. I never heard of it until testified to before this commission.

Q. State what the transaction was, and exhibit the voucher given.—A. My recollection is, the bill of goods from Byett was coffee, sugar, flour,

and tobacco, amounting to \$144.56. The agent wanted to purchase a span of mules for the chief, Nopowalla. Joe Bowers, an employé, had a pair he wanted to sell at much less than the customary price. Hobson was here to the office and told me. I told him we could not buy the mules of an employé, but he could let them pass through the hands of a third person and one could take them who was not an employé. Vouchers signed in blank were sent to the office with a statement of the goods written in ink accompanying them. I have no recollection of the voucher being written or in pencil. It might have been, as that was sometimes the case. This is the voucher—quadruplicates. It is No. 101, Abstract A, second quarter, 1874.

The voucher is filled up as follows :

1874, 2 mō., to 1,000l b. flour, a 4.75.....	\$47 50
“ 165 lb. coffee, 36 $\frac{1}{2}$	60 64
“ 234 lb. sugar, 13c.....	30 42
“ 10 lb. tobacco, 60.....	6 00
“ one span mules, (2 head).....	200
	\$344 56

The subsistence was delivered to Little Osage station, for Little Osages going on summer hunt. One span of mules purchased for Nopowalla, chief of Little Osages. My recollection is there was no difference between this and the other three vouchers of the set. I know there was not.

Q. Have you any recollection of any voucher being altered after being once filled up and signed?—A. I have not.

Q. Do you know of any false vouchers being made at any time?—A. I do not. There has been none to my knowledge.

Q. Would you have known it if such had been the case?—A. I would.

Q. Do you know of any voucher being signed which the party was not paid for?—A. I do not. In the case of Cannville, he signed two sets of vouchers which were sent to the office. For the first he did come to the office for his pay. The amount was entered upon the books to his credit. When he signed the second set he came to the office and he received the balance due him on both sets, after deducting his expenses, such as board, &c. I mean that these two sets were for two different quarters, not for the same.

Q. Do you know of third persons signing vouchers for persons to whom money is coming, without authority and drawing the money due thereon?—A. I do not.

Q. Do you know of any case where vouchers have been signed and the parties received nothing?—A. I do not. In Charles Hendrix's case, Mr. Hendrix signed a voucher for three full months, \$135, at \$45 per month. He was gone the last month, and three or four days of another month. While absent he had a substitute. We paid him and his substitute the full amount. Hendrix was the regular employé and reported to the department. This was a case where Hendrix had gone upon a "Cana," as he stated, and another man secured to work in his place. He was knowing to it when he signed the voucher. He argued that his account should be charged with the amount to be paid to the substitute.

Q. What was your method of keeping accounts for lost time?—A. I charged the party who lost time with the number of days he lost; credited "time-account" with it. I credited the substitute with the amount of his labor, and charged that to "time-account." I kept a time-book showing the exact time of the regular employé and the substitute. I took vouchers for the whole time for the regular employé, because the

regulations of the Department required the abstract of employés to be approved. The reason this was necessary was, because the men would quit work and go fishing, or to a dance, or elsewhere, without giving notice. Particularly so when we employed half-breeds.

Q. In what respect has the agent interfered with the free exercise of religion upon the part of any member of the Osage *religion*?—A. I never knew of any such interference, nor have I seen any one who did.

Q. State whether or not the agent has ever interfered with Catholic missionaries in freely administering the rites of their Church upon the reservation?—A. He has not that I know of.

Q. State how he has treated them.—A. The reservation has been frequently visited by Catholic priests, and when they have wanted to hold services the chapel has been freely offered, and I believe in every instance the regular 10 o'clock a. m. service has been waived and they have had the use of the room. I know of their requesting to hold services in the council-room; the agent protested, saying the chapel was the place, and they were welcome to the use of it.

Q. Has or not the agent ever prevented or tried to prevent any of the Osages from sending their children to the Catholic mission-school?—A. I know of the agent telling the mixed-blood Osages that he would take their children over free of expense, and provide for them if they wished to send their children to that school. They never have applied to him to take the children over. Their expenses have been paid directly from the Department. I know that he has twice recommended the amount set apart for that purpose should be increased. I mean the pay per scholar. The school statement is sent here at the end of each quarter, which the agent has to approve and send to the Department.

Q. Has the agent ever prevented the Catholics from establishing a school here if they so desired?—A. Not to my knowledge.

Q. Do you know to what extent the full-blood Osages prefer to have their children educated by Catholic teachers?—A. I have heard as many remonstrate against any such change of our schools as have expressed themselves in favor of it; heard but very few say anything about it. In general out-door councils I have heard more express themselves for the change than against it.

Q. To what extent are the Osages familiar with the different Christian denominations, so as to be able to entertain any intelligent opinion?—A. I don't suppose there are five full-bloods in the nation who, if they were asked to, could give any definite opinion as to the grounds of belief of any religious denomination.

Q. Has there been any instance where an employé of the nation has been discharged on account of his religious opinions by the agent?—A. There has not, as I understand.

Q. Have you any knowledge of any attempts, upon the part of the agent, to coerce the religious convictions of any member of the nation who was an employé?—A. I have not.

Q. What do you know about Mr. Revardi being discharged as an employé, and turned out of his house in winter-time?—A. I know the agent told me one morning to settle with him, and tell him his work was to cease; to tell him his reason was because he openly opposed the policy of the government in civilizing the Osages. I did it. In regard to his leaving the house I have no personal knowledge.

Q. Do you know of the agent's purchasing hogs which were kept through the winter of 1874; and what became of them?—A. I knew

there were hogs here, but do not of their dying; knew but little about it.

Q. State what you know of a contract made for furnishing beef-cattle—winter of 1874-'75.—A. I understood the superintendent applied to the Secretary of the Interior about advertising for cattle, as provided for by law. He was instructed that because of the lateness of the season he need not advertise, as offers had been sent up which the Commissioner of Indian Affairs considered reasonable. Consequently this contract was made with Levi Wilson, of Leavenworth, of date of November 11, 1874. It stipulates, "That cattle should be delivered at the rate of \$2 per one hundred pounds for November and December; at the rate of \$2.20 per one hundred pounds for January, February, and March; at \$2 for April; at \$1.90 for May and June. They were to be held on the reservation at a reasonable distance from the agency, and to be delivered on the requisition of the agent every two weeks, cattle to be in quality fully equal to the standard required by the Indian Department, for delivery at the various Indian agencies, at such season of the year as these deliveries may be made under this contract." When the first cattle were delivered the superintendent was present. The contractor came with the cattle and made this proposition, (December 10, 1874:) that they would turn that herd of cattle over at \$2 per one hundred pounds, which, if delivered on the contract, would be at \$2.20. The superintendent advised the agent to do so. The superintendent paid for them at his office. Voucher never went through agency office. The entire contract calls for 1,587,000 pounds, which would average about \$2.10 per one hundred pounds, amounting to \$34,327. The herd that was received cost \$14,654.66. I don't know how the weight was ascertained. This is all the beef received on that contract, and it was annulled as to the remainder by the superintendent and Wilson, the contractor. These cattle lasted all winter, including a few cattle, amounting to \$3,000 or \$4,000, which the agency had on hand. They were kept on the range, as is customary. They were issued out as the needs of the Osages demanded.

Q. What are the facts in reference to your having cattle running with the Osages' and herded by their employés?—A. I was returning to the agency from Coffeyville in fall of 1873. The agent met me there and went out to buy one hundred head of four-year-old steers for the Osages. I asked the agent if he had any objection to my buying some two-year-old cattle, thirty or forty head, and turn in with Coffey and Nun's herd. He said he had not. I made arrangements with them to look after the cattle if necessary, and gather them in the spring. I bought them. They were on the range during the winter, and in the spring all the cattle were gathered together. I bought forty-four. They found twenty-six cattle in spring; three or four dead on the range. I never knew what became of the rest. In summer the agent was buying beef in the open market. I sold a part of these to the persons from whom he bought of, and they were sold as beef to him. Colonel Coffey sold two of them for me, and two the employés bought of you. This is all I have ever heard from.

Q. Are outside parties permitted to herd cattle on the range; if so, under what restriction?—A. I understand they pay five cents per month per head. In this instance Colonel Coffey had a heavy claim against them as an old trader, and I understood he had permission to herd the cattle on account of that. I expected to pay this price for my cattle, but never did, as I lost so many, which I suppose the Osages got the benefit of.

Q. What are the facts in regard to proposals for letting a contract for hauling rails which was awarded to a Mr. Keepers, whether same was let to the lowest bidder? State facts connected therewith.—A. Advertisements were posted, dated March 20, 1875, that proposals for hauling 75,000 rails and posts would be received up to March 29, 1875, according to the terms set out in said advertisement—50,000 to be hauled by June 1. All bids to be by the 100 and for quantities not less than 10,000. There was a bid put in by Eugene Callahan at 73 cents per 100. It was rejected, with all other bids on rails, as better service could be otherwise obtained.

Q. Explain how that was.—A. One party made a proposition at same time to the effect that he would do the rail-hauling and breaking of prairie, which was advertised to be let on same day, combined, on better terms than any of the separate bids. The bid of Callahan was defective in form in this, that it did not specify the number of rails he would haul. He was also an employé, and had not resigned.

Q. State whether Benjamin Wetherill was paid for a horse some one had crippled or lost for him; if so, whether by voucher or otherwise.—A. He owned a horse which a party, upon the direction of the agent, in the absence of Wetherill, and without his consent, rode about thirty miles. The horse was crippled and lost. Wetherill was remunerated, but I don't recollect how, until I look it up.

Q. Have all the contracts let by the agent been done on advertisements, according to the regulations, except where the exigencies of the service did not admit of it?—A. They have. I know of no violation. We advertise by posting up notices. Contracts made upon such notices are approved by the Department before we act upon them. These notices are posted around the borders.

Q. Have you been furnished by the Department with an official list of the newspapers in which to advertise?—A. We have not.

Q. In all cases have contracts been let to the lowest responsible bidder?—A. They have, and all bids have been preserved. Sometimes we have taken bonds from the contractors, and at others have taken a guarantee upon the contract. The contract generally stipulates no money is to be paid until the work is done and accepted. The guarantee is by some responsible party for whom the agent certifies. Then they are approved by the Department.

Q. What are the circumstances under which the contract for rail-hauling and breaking the prairie was let?—A. We had separate bids, and made calculations of the relative amounts, and ascertained that the joint bid for both was the lowest and best. The following statement of them shows this:

Lowest bid for rails, 75,000, at 73c.....	\$547 50
“ “ “ breaking 1,500 acres of prairie, Osage teams, \$4.25 per acre....	1,875 00
“ “ “ breaking 1,500 acres, the bidder to furnish teams, at \$3 per acre	4,450 00
	<hr/>
	6,972 50
Outside service, (joint bid,) which was accepted, 75,000 rails, at \$1.....	750 00
Breaking 3,000 acres, with Osage teams.....	6,000 00
	<hr/>
	6,750 00
	<hr/>
	222 50
Counting the breaking of 50 yoke of wild cattle, at \$10 each.....	500 00
16 breaking-plows.....	400 00
	<hr/>
Total.....	1,122 00
Saved by taking outside bid.	

These lowest bids, made by employés, consequently could not be received.

Q. Who obtained the contract for doing this work?—A. John Kerpus, of Independence, Kans., as upon the bid above set forth, marked "outside service."

Q. Do you remember receiving instructions from myself (Mr. Kimble) as to signing vouchers in blank, last December?—A. I think I do, and I don't believe any vouchers being signed in the office in blank since then.

Q. What proportion of supplies have been purchased upon advertisements and in open market?—A. I think perhaps the larger amount has been purchased in open market. We purchased as the exigencies of the service required, in small amounts. When large amounts were required we advertised.

Question by Mr. KIMBLE :

What rules are there in relation to keeping the Sabbath or violating it?—A. I don't remember of any written or printed rules or regulations. I have heard the agent denounce horse-racing, or any boisterous demonstrations about the agency; also card-playing. I have heard him say he would not keep in his employ any person who played cards.

Q. There are employed on the reservation a carpenter, shoemaker, blacksmith, who work for employés. What has been done with the funds received on account of said work?—A. The amounts received have been carefully kept account of, and have been taken up on the annuity accounts, which shows its disposition. The proceeds of the sales of bids go to the same fund.

Question by agent:

Did you ever attend any of the services held by Catholic priests in the chapel?—A. I have, on different occasions.

Q. What was the character of their sermons and instructions in reference to other professedly Christian denominations?—A. They said there was no Christian denomination except the Catholic; that no person would ever be saved except they were baptized in the Catholic church.

Q. Did they say anything in regard to the expenditure of money here, and the mode adopted by the agent for civilizing the Indians?—A. I have heard them publicly denounce the expenditure of money, the extravagant waste of money, and the general principles of his mode of civilizing. On one occasion only I heard the waste of money referred to.

Question by CHARLES W. BLAIR, Esq.:

Q. State who you heard make these denunciations; when and where?—A. Father Ponziglioni, in the agency chapel, more particularly in the summer of 1874, in his sermons.

Q. Do you know at any time of any interruption of the priest, at or about the time of the conclusion of the service, by the agent or any of the employés of the agency, and attempt to draw him into controversy?—A. I was present on one occasion when he made an assertion in regard to the persecutions against the Catholics in the old country, naming the individuals. One person present, Mr. Larson, called his attention to some of the early persecutions on the part of the church, definitely I cannot say what. This was in the course of his sermon. This was the only occasion I ever witnessed or heard of. The priest immediately threw off his robe and said he was through, and thanked the audience for their attention. My recollection is, the agent was

present. There was nothing said by any one. The meeting dispersed.

Q. How many persons of mixed Osage blood are now employed in the Osage business, and how many white persons?—A. Approximately I can't tell certainly without reference to the rolls. I think about eight to ten Osages mixed blood, and about forty whites.

Q. Were the contracts for hauling rails and for breaking prairie let upon bids made in response to the advertisements, or were the contracts outside of those bids?—A. It was let on bid received in response to the advertisements—at the same time. I think we can furnish a copy of the bid. It is as follows:

“ Bid for breaking 3,000 acres prairie.

“The agent, I. T. Gibson, furnishing fifty yoke broke cattle, and plows for the same, and unbroke cattle for remainder of teams necessary to do the breaking, and yokes and chains for same. I will furnish plows of all teams furnished from wild cattle, and do the breaking as per specification, for two dollars per acre, and guarantee all cattle to be returned in good shape.”

The bid for rails I cannot find. It has been mislaid.

Q. What relation is Mr. Hobson to the agent?—A. My impression is he is a brother-in-law.

Q. Was he dismissed from his position or did he resign?—A. I am not positive in regard to it. I presume the books show he resigned to go to his place in Iowa. Whether the agent invited him to resign I can't say.

Q. Is there any chief of the entire Osage Nation now?—A. I think there is not.

Q. Is there any other chief of the entire Osage Nation except the governor?—A. There is not.

Q. Has the agent at any time refused to recognize Joe Pawnenopache as governor of the nation, and has he recognized any one else in his stead?—A. I heard him tell Joe that he knew he was commissioned by the agent as governor for the purpose of going around among the Osages and advocating civilization, but instead of doing that, he had opposed civilization, and if he persisted in so doing, he could not recognize him as governor under that arrangement. I don't know of his recognizing any one else as governor, nor have I heard it so reported here. The above is the substance of what the agent told him. I don't pretend to give the exact words.

Q. Did you ever take a voucher from Martin or any other person for which no payment or service was rendered, just prior to Inspector Kimble's visit here last December, or at any other time?—A. I never did.

Q. Have you ever received money or other compensation in addition to your salary for services performed at the agency?—A. I never have, except what I made out of those cattle.

Question by the commission :

Q. Does the governor occupy the position as chief of the whole nation?—A. My understanding is his office and position is different from chief. I am not a good witness on this question.

Q. Was the amendment to the advertisement for proposals to haul rails, in regard to the number to be stated in the proposals, which the party should haul, made before the advertisements were posted or not?—A. I don't know. I did not write them, and did not read any after they were posted. My recollection is, the bids all stated the number of rails to be hauled, except one.

J. A. CHASE.

Also, B. K. WETHERILL being affirmed, deposes and says :

Question. Were you ever in the employ of Agent Gibson, and in what capacity, and when ?—Answer. First three or four months as assistant in the office, since as trail-agent. Went into the office November, 1872, and remained three or four months, and after an interval of about six weeks commenced my duties as trail-agent.

Q. During your employment in the office, did you observe any irregularities in the transaction of its business ?—A. No ; I did not.

Q. Did you know of any misappropriation of funds during the time you was employed as clerk or trail-agent ?—A. I did not.

Q. Do you know of any funds misappropriated or squandered ?—A. I do not.

Q. State whether you was paid for a horse crippled or lost ; and, if so, in what manner ?—A. I was paid for a horse. I do not recollect how the voucher was made out ; was paid by check. My impression is I did not make a voucher. I think the check was signed by Gibson as United States Indian agent. The horse was taken by one of the agent's employes during my absence to appraise some improvement on the res., and lost during the trip, and some time afterward I got pay for it. I think they entered my name on the pay-roll at fifty dollars per month for the month I was absent, and I received my pay in that way. I received pay, fifty dollars, for the horse. I did not consider myself in the agent's employ during that month ; was in the employ of the L. L. & G. R. R., and received pay from them.

Q. Are you now in the employ of Agent Gibson ?—A. I am as trail agent.

B. K. WETHERILL.

J. A. CHASE recalled.

Question by agent :

Do you now recollect the circumstances connected with the payment to Mr. Wetherill of the horse of his, which was used by the agency and lost ?—Answer. I do. He was employed as trail-agent at \$50 per month. He worked two months and then he went back in the interests of the railroad, (Leavenworth, Lawrence and Galveston Railroad,) where he could during the third month of the quarter perform about the same services for the Osages that he had been performing. The agent agreed that if he would still look after the Osages, as he had been doing, he would allow him for the third month. This he did, and signed his voucher for the three months. The agent told him he did not know how he could pay him for his horse, and this was considered as an abandonment of his claim.

Question by CHARLES W. BLAIR, Esq. :

Q. Was he continued on the rolls for the third month in order to give him payment for this horse ?—A. If he could have rendered no services for the Osages, he would not have been continued. I thought he could render them the services he had been doing, and we could pay him for them, and this would satisfy him in regard to his horse.

Q. Would you have paid him for that month, knowing that he was receiving full pay from the Leavenworth, Lawrence and Galveston Railroad, except for the purpose of compensating him for his horse ?—A. We would pay him if he performed the services under the arrangement, of course. I never knew whether he received pay from the railroad or not.

S. Ex. 6—5

Q. Do you now state that you never knew whether he was to receive pay from the railroad or not?—A. I never knew from personal knowledge whether he did or not. I inferred from his being employed he was to be paid.

J. A. CHASE.

B. K. WETHERILL recalled.

Question by CHARLES W. BLAIR, Esq. :

Question. What was your compensation from the railroad company for the third month you were paid for by the agency?—Answer. I decline to answer that question.

Q. Did Mr. Chase know that you were to be employed by the railroad company for that month?—A. I suppose he did, at least it was known at the office. My impression is I told the agent.

B. K. WETHERILL.

Also, ISAAC T. GIBSON deposes as follows :

Question by commission :

Question. In what capacity are you acting at this agency, and how long have you been so acting?—Answer. I am agent for the Osages and Kansas Indians. I have been acting for the Osages six years next October, and for the Kansas Indians a little over a year ago.

Q. Have you had the general management of the business of the Osages upon their reservation, since your appointment?—A. I have.

Q. What has been your orders as to having your subordinates take vouchers signed in blank?—A. We were in the practice of taking them in blank where it was not convenient to fill them up before signing, up to the time we received the circular referred to in Mr. Chase's testimony.

Q. Do you know of any checks being given for larger amounts than were due parties to whom said checks were made?—A. None. I can't say I ever heard of the instances alluded to in the evidence of Mr. Finney and Mr. Hill before this commission. I may possibly have heard of it in the office, but I have no recollection of so doing.

Q. What do you know in regard to vouchers being taken for larger amounts than were owing to the parties signing the same, calling your attention particularly to the evidence of Mr. Campbell?—A. I never heard of that until I heard Mr. Campbell's evidence, nor any other case of the kind. And I may add there was no occasion for making up a voucher in that way. I never instructed any of my subordinates to do such a thing as that.

Q. State whether you ever discharged any of your subordinates or employes because of their signing petitions in favor of Catholic schools or missionaries.—A. Never. Never thought of such a thing.

Q. In this connection we call your attention to the evidence of Joseph Revardi, George Tinker, Julian Twombly. Why were they discharged?—A. Joseph Revardi was discharged for various reasons; foremost among them was his signing a statement reflecting upon my character as an honest man, and declining to substantiate the charges or retract them. At that time there was considerable disaffection among the Indians in reference to the manner of issuing rations for labor, and among the half-breeds in regard to supporting the agency school, and I informed him that he had no sympathy with the system of education and labor that I was endeavoring to carry out at the agency, and that he was occupying a position where he could exert a great deal of influence against me, and that I would rather that he would move out on his

farm, and any work that I could give him out there, in his line, I would do it, such as building houses or repairing wagons. I requested him to vacate the house he was occupying, which was one end of the wagon-shop, as soon as suited his convenience, as we wanted to use the whole of the shop. I retained his son as an apprentice in the shop, who still works there. My recollection is that the son also signed this paper, but I did not consider him responsible for what he had done. It is the same case with other young half-breeds who were in my employ, who were not discharged, although they signed the paper. There was no force or compulsion brought to bear upon him to leave the house; he left when he got ready. I told him I would rather he would not stay until spring, as we needed the shop. I do not know how long he stayed or went away. And I never heard his removal was attended with any suffering or loss until I heard him testify. George Tinker I discharged for substantially the same reason. Julian Twombly was discharged by Hiatt & Co., traders, without any of my interference whatever. I never requested or suggested them to do it. I have no recollection of going to Hiatt in relation to it, and found out he had been discharged.

Q. Did you have George Tinker's name stricken from the annuity-rolls? If so, why?—A. I did, under instructions from the acting superintendent. He said the Government did not allow the payment of annuities to white persons. I contended against this strongly, and insisted white men who had married into the tribe should be treated as Indians. But, in obedience to orders, I had them all stricken from the rolls. I had no option in the matter.

Q. Julian Twombly complained that you refused him an order for digging a well. Will you tell us why you did it?—A. He applied to me for an order. Another half-breed asked me the same day. There was but twenty-five wells to be dug on Cana where he lived, and I supposed the full-bloods would take them all. Afterward I saw the contractor and learned that they would not require but about six. I expressed to him my regret, because I had refused these half-breeds. I had no other reason for refusing them except that. I make a difference because the half-breeds are educated and skilled in manual labor and can procure such things by their own exertions better than the full-bloods, who are neither educated nor skilled. But it is my intention, when this contract is filled, to have wells dug under another contract for those half-breeds who have none, so that they will all be supplied.

Q. He also testified in regard to a large quantity of hay spoiling. Will you state, if such is the case, how it occurred?—A. We had a larger amount put up on Cana than appeared necessary on account of the Indians having been called in off the plains, and the threatened war on the border of Kansas. I felt sure we would have to feed the Osages during the winter on beef. On account of the drought the hay was very short all over the reservation; that near Cana was the best, where I had this large quantity cut. The two contractors for the Osage mission put up the work, and I believe they did their work as well as was deemed necessary to secure the hay, but in consequence of its being so short the stacks were not carried up as tapering as usual, and they leaked a great deal more than usual on account of the shortness of the hay, and some of the hay spoiled. But there has been no complaint made to me in reference to it before it was brought up here before this commission. That hay I had put up for the cattle was not used for that purpose, but the Osages and half-breeds used a considerable portion, and took off the tops of the stacks in such a way that the remainder would spoil. The hay was not used for the cattle, because a very good growth of grass

followed the fires, and the cattle did better on the ranges last winter than any winter since we came here, and the cattle were through cattle, and would not eat hay very well.

Q. Have you ever deposed any chief of any band and put another in his stead? (We call your attention to George Beaver particularly.—A. All the chiefs that I commission I claim a right to cancel their commission when their conduct requires it. I made George Beaver chief at the dying request of his father. I told some of the leading men of the band that I proposed to recognize the second chief as head chief until they appointed a head chief. His people informed me that he went to a council twenty or thirty miles from the agency and had his own name attached to a paper and nearly all the members of his band, without their knowledge or authority, and from the indignation expressed by different members of his band, I inferred that none of them approved of his action. The leading men of the tribe have frequently condemned me for recognizing him as chief of the band. They said that he was not chief by right of succession; that he was only entitled to the position of second chief. I requested all the chiefs to whom I had given commissions to, who signed this paper, to bring in their commissions. I mention White Hair, Nunsemaha, and Governor.

Q. What paper do you refer to?—A. I mean the memorial of June 28, 1875.

Q. What relation does Governor Joe hold to the tribe? Does he occupy the position of principal chief?—A. There are Osages living, who are entitled by birth to the position of principal chief. Joe is not. He was made governor in the first instance by Taylor, Commissioner of Indian Affairs, on the occasion of the making of the Sturges treaty. The people refused to recognize him as the head of the tribe. Not one chief, to my knowledge or recollection, would acknowledge him as head of the tribe. The next winter after I took charge of the Osages, White Hair, the principal chief, died. When Joe returned from the hunt in the spring, he insisted I should recognize him as governor and principal chief of the tribe. In answer to his many requests of that character, I told him that the principal chiefs refused to acknowledge him, as also the majority of the people, and I did not think it prudent for me to do so, but for the chiefs and people to get into council, and if they recognized him, I should certainly do so. At the following annuity payment the Osages had many councils and were unable to make a choice between Joe and two others, who claim the right of principal chief by descent. The council agreed to leave it to the superintendent and myself. The superintendent decided that he should be recognized as governor according to his commission from Commissioner Taylor, until the expiration of his tenure of office. He told Joe he had no authority to go back of that commission. This was reluctantly acquiesced in by the people, with a great deal of reluctance and complaint. When his tenure of office expired he was a candidate for re-election. They had several councils to select his successor, but were unable to do it. Probably two payments passed over when his friends claimed he was elected. Tom Mosier, a half-breed, came to my office and told me they had made an election and wanted me to come down and count the votes. This contest was largely between the half-breeds and full-bloods, in which I took no part. When I arrived in the council grounds I saw their ballots, and decided Joe was elected; was afterwards told how the election was carried on. I gave him a commission as governor, and under that election he is acting as governor. The half-breeds complained that the elec

tion was a fraud, and that women and children were permitted to vote. The Indians resort to the acts of white men in these cases.

Q. How is the governor paid a salary as governor; and have you ever attempted to divert it from him?—A. He is paid out of a fund appropriated for the support of the civilization of the tribe. The \$500 in the treaty was set apart to pay the chiefs of the tribe. It is so set forth in the official copy of the treaty, not the chief as set forth in the revised volume. This sum is paid out at each semi-annual payment to the chiefs. It was the custom before we paid him the salary which we now pay him, which is \$500 per year, to pay him \$50 semi-annually, \$50 semi-annually to Nopowalla, and to the remainder of the chiefs \$25, each, semi-annually. Other funds were reserved, denominated "surplus," to make up whatever might be necessary to pay these sums, over and above the \$500 provided for in the treaty. The governor's salary at the present time is paid out of the surplus, \$250 semi-annually. I told him I wished him to return his commission. One reason I gave him was his sending a delegation to the Ocmulgee convention or council. Another reason was his persisting in connecting himself and working with a certain party who had a claim against the Osages. I also told him he knew the reason why I recognized him as head of his tribe was because he was an educated man, and capable of leading his tribe into civilized habits; that I wanted him to dress as a white man, and stay at the office and assist; that he knew he had not done this, but had joined himself with these corrupt men, and had not discharged his duties. When I asked him to give up his commission he said he would report me to Washington for such talk. I told various members of his tribe I would submit the question of paying his salary to them, and if they would consent to it I would pay them, but I did not think he was entitled to it. A few days after the superintendent came down and made the regular annuity payment, which was the time when the salaries were paid, and he paid the governor his salary, so the governor has not been deprived of his salary at any time.

Q. By whom was this salary set apart?—A. By myself, with the approval of the superintendent and Commissioner of Indian Affairs. I have, from time to time, given the governor extra rations to enable him to keep a large table, and give his influence with his leading men, at his request. In June he came in and asked for a couple of beeves; said he wanted to get his people together and talk to them; which I did. I have understood at this meeting the memorial was gotten up and sent to Washington, asking for my removal, &c. This unfaithfulness of duty I attribute to the expectation he had of obtaining \$10,000 out of a certain claim against the Osages, which he and others are expecting to profit largely from, and which they hope to obtain if I am removed, but which they cannot unless I am so removed. Were it not for the corrupting influence of that claim, I have no doubt the governor and the disobedient chiefs and I would now be working harmoniously.

TUESDAY, August 24, 1875.

Commission met pursuant to adjournment. Examination of Mr. GIBSON continued.

Question. You are charged with having shown favor and partiality in the distribution of goods, provisions, and funds in violation of your oath, laws of Congress, and treaty stipulations. What have you to say in reference hereto?—Answer. I am not aware that I have been guilty of any of these charges. I presume the grounds for them arise from the system

adopted here to stimulate civilization, which is this: Persons who have no ground broken are promised assistance in having their grounds broke, and those who have no fields are promised that they will be paid for their work in splitting rails to support them while laying the foundation for their future support. The full-bloods who have no skill in labor, I have allowed rations to be issued upon labor performed for themselves. There is a provision in the law that the agent can allow rations for labor performed for themselves and for tribe; and I have made it a rule to allow half-breeds rations for labor performed on the highways or assisting the full-bloods in building their houses, but not for labor performed for themselves. Widows, and all those incapable of labor, both full-bloods and half-breeds, I have given rations to. I felt sure the half-breeds had more than a fair equivalent of the funds of the tribe, as there is a shoe and harness shop kept at the agency, principally for their benefit. Then they have wagons and plows to repair and make to a greater extent than the Osages, and I have kept such shops.

Q. You are charged with having failed to account to the Osage authorities for funds spent, and required them to sign receipts for funds and things they did not fully understand, because not explained in detail. What have you to say in reference to this charge?—A. I am not required to account to them. I account to the Government, which I have done as fast as my clerical force can do up to the first of the present calendar year. Whenever it is made my duty to account to the Osages I am ready to do it. I never required them to sign receipts for funds and things they did not understand because not explained in detail. I never refused to explain when receipts was being given.

Q. You are charged with not having exhibited to them any statement of settlement of your accounts with Government, as agent. What have you to say in reference to this charge?—A. They never asked me to do it, and I never knew they wanted such an exhibit. On my recent visit to Washington, I went to the Second Auditor to inquire about my accounts, and found they had never been looked at. The clerk told me that they were approved by the Interior Department, to which they were sent.

Q. You are charged with having violated both the laws of Congress and the spirit of the treaty of 1865, by employing white men to labor on public works when the same could have been done as well by citizens of this nation. What have you to say in reference to this charge?—A. I have taken a great deal of pride in stating in my reports the number of members of the tribe I have employed, and there is nothing I have striven harder to do than to qualify members of the tribe to perform all the mechanical labor to be done about this agency. To carry out this idea, I feel I have been more guilty of wasting the funds of the tribe than in any other way—to educate half-breeds so that they could do all the mechanical work of the tribe. My pay-roll will show this. As a class they cannot be relied upon; they will not stick to their work; are incompetent and floating. I cannot carry on regular business. There are a few exceptions. I have encouraged them to take claims and make farms, and render themselves self-supporting on farms.

Q. State in this connection whether in your opinion it is better for the half-breeds to go to farming rather than engage in such other business about the agency as they are qualified to do.—A. The older half-breeds who have fixed habits, I think it is better they should farm. I am using every effort to induce the boys and young men to come into the shops and learn trades. I have had four (4) in the shoe and har-

ness shop, one in the blacksmith-shop and one in the wagon-shop, and if the appropriations were such as to allow me to pay the wages, I would have several more in these shops. But they wont work without pay; after they have acquired a little skill they wont work for their rations.

Q. You are charged with having exceeded your authority by interfering with the free exercise of the consciences of the Osages in matters of religion. What have you to say in reference to this charge?—A. It is not true; I have not done so. So far as I know the larger portion of the half-breeds have been educated in the Roman Catholic religion, and only about one dozen full-bloods who, if they have been educated in the Catholic schools, retain any evidence of education or civilization. As a rule, a priest visits the reservation quarterly, spending perhaps two or three weeks in administering to the spiritual wants of the half-breeds. I don't know of a full-blood that he visits, nor one who has any religious connection with them. I have done nothing in any way to interfere with the priest freely exercising his religious rights, or with any other person. There is a large room here called "Osage chapel," where religious services were held, and I have advised the priests to hold their services in the chapel, but I think they have a few times held them in the council-room, and a few times in private houses. I told them I much preferred they would hold all their religious services in the chapel; that I wanted the Osages to understand that was the place to hold all divine services. I discouraged them from holding services in the council-room; objected to it. The priest gave as reason why he preferred to hold in the council-room, was because I had services the same hour in the chapel. I told him I would waive them; that I preferred they would go to the chapel because that was the place, and I wanted the Osages to understand I respected their religion. I never interrupted the priest during services, although their language has at times been very provoking, indeed. I did not know Mr. Larson was going to interrupt him, and have expressed my regrets that he did. They described us as "heretics," unfit to have the care of children, or of the instruction of the people, and that the money was being wasted; said we were not in fellowship with the Holy Catholic Church, and consigned us to everlasting punishment. He did not mention me, but described me so that every one understood he referred to me; I mean Father Ponceligoni. I asked him if he would not be kind enough to omit some of his denunciations of the Protestant denominations, or the class of people which I, and a number of employés about this agency, belonged to. I told him we believed in the same God and the same Saviour, and I did not know why we could not work harmoniously in teaching them to look to the same Saviour as the same source of help. I told him I was not making war on him or his religion. I had never asked one of his members to forsake his religion and join mine; that I was working to civilize the Indians, not to proselyte them. His reply was that he did not preach as men wanted him to, but as required by the church, and he did not propose to preach differently than he had been preaching. I told him I did not feel like dictating to him what he should preach, but only asked him kindly, as a professed Christian like myself.

Q. What have you done to prevent children of the Osages from attending the Catholic mission-schools, if anything?—A. I have done nothing, but have encouraged them to go. I have went into the agency-schools on several occasions, and have told the children that if any of them preferred to attend the Catholic mission-school, I would take them over, and they would be provided for as well as at the agency-

school. I have done this immediately after the visits of the priest, as I would hear there was a good deal of dissatisfaction among the children. I have certified the accounts of the principal of the mission-school. I have asked the Department to increase the compensation per capita, as the principal had represented to me the amount paid did not pay the expenses, and having these children in the schools was a detriment, owing to the prejudice of the white children.

Q. Are the Osages willing to send their children to any other than Catholic schools?—A. When I took charge of the Osages, six years ago, there were sixty Osage pupils in the Catholic school; most of these were mixed-bloods; most of the full-blood children were homeless orphans. No chief or leading man of the tribe, full-blood, was a patron of that school, which was evidence to me that the full-bloods had no desire to send their children to Catholic schools. The school was located within about thirty miles of the home of the tribe. As a further evidence, chief and leading men frequently asked me to open another kind of school than that kept at the Catholic mission. I did not comply with their request, as I did not think their home a permanent one. The Catholics had had undisputed control of the educational interests of the tribe for more than twenty years. They, the full-bloods who talked with me, stated that they did not like the schools, as too much of the time of the scholars was taken up in matters of religion, and we want our children's time taken up in learning English and to write. Various causes prevented my opening a boarding-school for the Osages till January, 1874, at which time there was only 23 Osages in the Catholic school, and all of these were mixed bloods, and most of them orphans. That was an unanswerable evidence to me that both the half-breeds and full-bloods did not want such a school for their children. During this time I frequently urged parents to send their children to the Catholic school, and there was no obstruction whatever to prevent the Catholic missionaries from urging the parents to send their children to the Catholic school. This spring and summer the agency-school had 34 mixed-blood pupils; nearly all of these were taken from the Catholic school by their parents; 54 full-blood scholars were also attending this school who were not orphans, but among them were the children of the governor, of the chief counselor, of the chief of the Little Osages, and favorite child of nearly every chief and leading man of the tribe; and on May 1, 1875, there were only 11 children in the Catholic school. The Catholic school is now about 100 miles away, but I have offered to the half-breed parents and to the children in the agency-school to take them, free of expense, either in wagons or by rail, to the Catholic school, and I have not been able to persuade any of them to go.

Q. Have the Catholic half-breeds or missionaries ever petitioned to have the agency-school transferred to their charge?—A. No; the character of the petitions have been for Catholic schools and missions in general without specifying any particular school, and I have no knowledge or recollection of them ever addressing a petition to me on that subject.

Q. Are all the Osages or half-breeds Catholics who hold any Christian religion?—A. There are some Osages whom I have talked with about the Saviour, and who seem to have some knowledge, but who know nothing about the Catholic doctrines. A majority of the half-breeds have been educated at the Catholic mission school and a large majority profess to be Catholics. I can't answer the question more definitely.

Q. What do you know in reference to the petition or memorial of June

28, 1875, addressed to the President, more especially in regard to the genuineness of the signatures?—A. It seems all to have been written by the same person; no person whose name is signed to it has ever told me it was ever authorized by him. I don't recollect of ever asking any one whether he signed it or authorized it to be signed by any other person on his behalf. I feel pretty sure Governor Joe told me he did not sign it.

Q. Have you ever hired women or children to sign memorials drawn up by you, or have you ever paid any one money, clothes, or rations to do so; or promised anything whatever on account thereof?—A. I never did. All such charges are baseless and utterly untrue. There was one woman signed a petition a few weeks ago at the urgent request of the persons who brought her up. I objected, and told them it was not customary to do so. But they said she had a right to do so as she was of the blood of White-Hair. He was of the royal house of the tribe, and she was permitted to sign it.

Q. Have you ever threatened to throw away those who would not sign your petition and compel them to "go and live with the Cherokees"?—A. I never did. The petition I allude in question above was a remonstrance against paying a certain claim against the Osages. There was never improper means or threats, that I have any knowledge of, used to induce any one to sign any paper I had anything to do with, and I don't allow one man to sign for another; and I tell the Indians that up in the States it is great crime for one man to sign another man's name to any paper without his consent, and I want them to so regard it. My reason for this is that there are claims against the Osages amounting to many thousand dollars based upon papers purporting to bear the signatures of leading men of the tribe who never signed them and who never saw the papers.

Q. What do you know about a petition you saw in Washington at Commissioner's Office?—A. I have no personal knowledge about it.

Q. Have you at any time disregarded the legislative enactment of the Osage council; and, if so, for what reason?—A. It was upon my recommendation the Commissioner of Indian Affairs authorized the payment of \$3,000 per annum, if necessary, for the expenses of the council, and I have contributed in every way I could to aid that council in making laws to promote the best interest of their people. A large majority of the members of that council have been averse to civilization, and they have seemed to have for a principal object to obtain money and not to promote civilized habits. Their legislation has not met with the approval of the superintendent, so far as I have forwarded it to him. They voted themselves \$4.00 per day, and their orders ran up to over \$4,000. I would only accept them to the amount of \$1,500, and they became very much offended because I would not approve of more. I have indorsed to the amount of \$2,000 for that year. The remainder have not been paid, as there is no appropriation to pay, and I notified them of the fact when the appropriation was exhausted.

Q. Did you disregard the action of the council, the first meeting of the council, after the return of the delegation from Washington in regard to the amount of money should be appropriated and how used?—A. I sent this to Washington to the Commissioner of Indian Affairs, and so informed the council. I took no action myself.

Q. Did you disregard the action of the council in relation to the employment of half-breeds as subagents?—A. I sent this to the superintendent to obtain his advice. Acting under his advice, I disregarded their recommendation. I regard myself as pecuniarily responsible for

the misconduct of my subagents. I have tried experiments of putting half-breeds in such places, and the Osages complain of them that they favor their own relations. They (the Osages) will listen to the advice of white men much sooner than the half-breeds. They do not possess all the qualifications necessary to fill acceptably such places. I mean advice in relation to labor and to making improvements.

Q. What did you do in reference to the chieftainship of the Clammore band?—A. I recognized the son of Clammore as chief, which several of the leading men of the band brought to me as the choice of the band, and whom Col. Coffey and Wm. Conner told me the old chief on his dying bed had begged them to come to me and tell me he had selected as his successor, and requested me to recognize this son as I had him. I inquired of this son what he was doing in the way of civilizing, and what he proposed to say to his people? His answer was satisfactory, and I recognized him as chief. And there was no objection that I ever heard of until a few weeks ago, (although this was over a year ago,) and did not know there was any other son. It is my custom not to recognize any new man as chief, unless he will advise his people to settle down and civilize, and set an example himself of that kind to them. I have refused to recognize the person selected by the chiefs a few weeks ago, because I have been told that he was not willing to civilize, but wished to cling to his old Indian habits. He took a few of the Clammore band with him, but he has not been recognized by the civilizing portion of the tribe.

Q. For what reason have you had your private cattle herded with those of the nation?—A. My own cattle and of various employés, and of the traders, are herded with their drove. I don't know how many I have; I expect I had from 100 to 125 head last fall; I bought 50 cows, two years old, last July, of one man; of another I bought 18 cows with calves about same time. About four years ago, I think I bought 6 or 8 head of a white man, married into the tribe, and I may have bought 2 or 3 head since. There has been considerable increase; I have never counted them, and I don't know how many I have. I loaned some of the cows to half-breeds for milking purposes. At one time the school had 6 or 8. In the winter of 1873 the herders estimated the number killed by the Osages at 18 or 20, for which I received no pay. A few have been sold at the customary price in open market for the Osages when they were out of beef. I have given away a few. There are more or less demands upon my hospitality upon the part of the people—the leading men coming to the table, and the others going to the kitchen. None of the people have ever objected to my keeping these cattle—nothing said that it was not all fair and right. If the council would object to it, I should feel like getting rid of them. I have also sold some of them off the reservation.

Q. Have these cattle been an expense to the nation other than running on the range?—A. I don't believe they have; I don't believe they have eaten any hay. There is plenty of range for 500,000 head of cattle. There has been no expense on account of herding that would not have been incurred on account of the Osage cattle. I also brought 50 head of hogs here; I think most of them have been eaten up or carried off by the Osages; I have had but three or four of them myself.

Q. Have you made any application of the funds of the Osages not in conformity to the uses for which they were appropriated?—A. I never have.

Q. Have you, at any time, let any contracts not in conformity to law and the regulations imposed on you by higher authority?—A. I never have.

Q. State what are the facts in reference to the contracts made with Mr. Keepers.—A. I gave Mr. Keepers the contracts for hauling rails and breaking prairie, because I regarded it much more advantageous to the Osages than any of the separate bids which were put in. Eugene Callahan's bid was informal, and I knew he could not haul out these rails; that it was not possible for him to do so. These Indians were urging the hauling out of the rails, and the men who took it completed the contract satisfactorily.

Q. Have you interfered with the rights of the traders?—A. I have not; I have used the traders for the benefit of the Indians, not the Indians for the benefit of the traders.

Q. What are your recollections of the facts in relation to the payment for the horse lost, belonging to Mr. Witherell?—A. I can't recall the circumstances connected with it; Mr. Witherell was employed as trail-agent, and I continued his pay for the third month, he performing the same services he had performed the two months previous. His services were, directing cattle across the reservation and looking after the Osages who were out on the hunt in the neighborhood of the cattle-trails, advising the Indians and keeping them out of trouble. The Leavenworth, Lawrence & Galveston Railroad employed him in consequence of his acquaintance with these trails. I don't know what he was paid; I don't think his employment by the railroad company at all prevented him from discharging the duties I devolved upon him. The Osages were paid 5 cents a head for all cattle driven across the reservation. I think he did the Osages that month as much service as he did the other months. The horse was lost in such a way that, in justice and equity, he was entitled to pay for it. I am sorry now we did not take a voucher direct for the horse, but the way it was fixed up I thought was right at the time and so let it go.

Q. Do you have any sectarianism taught in the agency-schools, or are the children taught the general principles of religion common to all Christian denominations?—A. There is not; we only teach the general doctrines of Christianity common to all denominations. In our Sabbath-school we use the international series of lessons. There is no portion of the school-hours devoted to religious teaching or studying the catechism, or even the Scriptures; and we have no catechism or creed of faith in the school or Sabbath-school.

Q. Have you ever prevented or tried to prevent any Christian denominations from establishing schools or sending missionaries among the Osages?—A. I have not.

Q. Have any religious teachers, in your presence or to your knowledge, interfered with or denounced the method adopted here for civilizing the Indians? If so, state who.—A. They have; Priest Ponzillions, in my office, in the presence of Osages and half-breeds, said, upon my calling his attention to the fact that most of the adult Osages were engaged in manual labor, that did not amount to anything—did not do the Indians any good; that the money was being spent more for the benefit of the white people than the Indians, and it would not be long before their money would all be gone and they would either be beggars or robbers on the highway. I told him I thought he was mistaken; that circumstances were different from what they had been under before; that they were acquiring habits of industry that they would carry with them through life; "No," he said, "they would not."

Questions by CHARLES W. BLAIR, Esq.:

Q. Have rations been issued to Indians as part of their annuity, or

otherwise, in addition to what were issued for work? If so, were these rations charged to them at the prices they cost the agency?—A. I have not issued any rations to the Indians, (only for work,) except upon special occasions, since July 1, 1873. I did not issue to them regularly before that time. I issued to them when in council or to widows and destitute, but not regularly to any band. I encouraged them to support themselves, and frequently got out of provisions so as to make them take care of themselves. Even widows have split rails. In regard to prices, we desired to sell at about what things cost, avoiding fractions. Coffee, which cost $22\frac{1}{2}$ cents, we would let an Indian have four pounds for the dollar. Flour, that cost \$2.98 per 100 pounds, we let them have at \$3; if it cost \$3.75, we let them have it at \$4.00. We had the same price at all the substations for work and for rations. I don't fix the price of these articles. I only give these examples as illustrations. We issued subsistence to some men who were working for the Indians, and to my employés who were working without pay. We reported all such cases to the Department.

Q. To whom was the tax of 5 cents per head on cattle crossing over the reservation?—A. I don't think a dollar of it ever went through my hands. It was paid to the Indians directly by the railroad company, so that the Indians would know that it came from the company.

Q. Do you receive anything in the way of rations or otherwise for hospitality at your house, on behalf of the Indians or other of the nations?—A. I do not. I have never taken anything from the Osages in consideration of my having done anything for them or having fed them at my table.

Q. Is the agency-mill run by the operators upon salary or not?—A. Last year, up to July 1, the mill was run by operators hired by the year.

Q. During that time was any toll taken from those who had grinding done there?—A. I think there was, but can't tell from personal knowledge. My recollection is that the miller was told to take the toll and put it in with the grain of the Osages. No toll was taken from any member of the nation that I know of. If it was done, it was contrary to my orders. No complaint of the kind has been made.

Q. You stated a number of leading men had applied to you for schools other than Catholic schools. Who are they?—A. Nopowalla and old Beaver, both dead.

Q. What is the aggregate of salaries paid the teachers in the agency-school?—A. I believe about \$73 per month. There are two teachers in the school; a greater part of the time we have had but one at \$40 per month. We have also one industrial teacher who goes out with the boys to teach them to work. When he is not so engaged, he does other work. We pay him \$25 per month, and board them all with the children in the school-building.

Q. What did you pay for the wells dug, and how—in what manner?—A. My instructions to my subordinates and interpreters were that to tell the Indians if they would dig wells I would pay them \$2 per foot, and if they did not know how, they might employ white men to assist them. These wells had to be examined and approved by the proper station-agent. They were always required to find water. Lately I have made a contract for this work which is on file at Washington; a copy is in my office.

Q. State if any of the Osages, half-breeds or full-bloods, believe in any Christian religion other than the Catholic, to your knowledge.—A. They do, but I don't know how many.

Q. What Christian religion do those believe in who are not Catholics?—

A. One half-breed told me he was a Baptist. He is the only one who expressed himself as belonging to any other denomination, other than Catholic, that I recollect of.

Q. Do any belong to the Society of Friends, to your knowledge?—
A. No.

Q. Do you know whether at and prior to the treaty of 1865-7, the Osages had any money?—A. I don't know whether they did or not.

Q. To your knowledge, did the Catholics ever have the disbursement of the Osage funds?—A. I don't know anything about that.

Q. Have you ever had any business connection with C. J.-Hawks, of Leavenworth?—A. I have not; I have never heard of him before I heard he was subpoenaed here.

Q. Did you ever take a receipt or voucher of C. J. Mastin, or any one else, without payment or services therefor, just prior to the inspector's last visit here, or at any other time?—A. I did not, never.

Q. Did you ever pay the Indians for dog-scalps, and from what fund did you pay them?—A. I did for one, a blind man. He caught a dog and killed him. I paid him \$1 in sugar and coffee, which I would have paid him otherwise. I offered \$1 each for dog-scalps, (but only one was brought in,) in order to get rid of them. One of the most difficult questions I have had to consider is, what to do to get rid of the dogs, and if any one will devise some practical scheme as will rid the nations of these animals, I will be obliged to him. I have paid for no other dog-scalps, and have withdrawn the offer of payment.

ISAAC T. GIBSON.

Also, SAMUEL COMER, being first duly affirmed, deposes as follows :

Questions by commission :

Question. How long have you been connected with the agency, and what relation are you to the agent?—Answer. Little over 4 years. My wife is a niece of Mr. Gibson.

Q. What business have you been engaged in?—A. Part of the time I have been looking after the outside work generally. Part of the time looking after the mechanical part of the work. A portion of the time, I had charge of one of the stations.

Q. During this time do you know of any instance where the Osage funds have been applied in a manner not authorized by law, or the instructions to the agent?—A. I do not.

Q. Have you known of any instance of interference upon the part of the agent with the religious convictions of any member of the Osage Nation?—A. I do not.

Q. Have you at any time furnished beef to the employés and traders here? If so, state whose cattle you killed, and whether you took time for butchering and selling beef during such hours as you were employed by the agent?—A. I have furnished beef part of the time. The cattle belonged to Chase, also some belonging to McWorthy, also a few belonging to the agent, and a few of my own. Ordinarily the work of butchering and selling was after bell-time. Once in a while I might have gone out a little before. When I went out before, was when I killed beef for the school. They could not use a whole beef, and I would keep an account of so much as I sold, and replaced it to the school from the beeves I killed.

Q. State the facts in reference to turning M. Reverde out of his house in winter time.—A. He never was turned out. He was told by me to remain in the house until he got a convenient time to go out. He staid

two weeks or more after he was discharged. The house was one room, the wagon-shop; the other he lived in and remained there until he went out of his own accord.

Q. What do you know about Eugene Callahan being discharged from teaming by the agent?—A. I believe I told him we would have to drop some of our men because of want of means to pay them all. I gave in his time.

Q. Besides the agent, what Government employés on the reservation owned cattle?—A. All the employés who had families had cows. Mr. Chase, Mr. McWorthy, and myself had a few. Mr. Chase had, I think, about 30 head at one time. I had about 20 head a short time, and Mr. McWorthy had 10 or 12 head a while. Part of the time they were on the range and part of the time they were in the herd.

Q. What use has been made of the cattle other than being butchered for the employés?—A. Occasionally, when the Osage cattle could not be got, or they ran short, these would be turned over to be butchered for the Indians. None have been sold off the reservation. They have not been fed on hay put up by employés for the Indians.

Q. What has been done with the hides from the Osage cattle?—A. A strict account has been kept of them.

Q. Who has been furnishing beef to employés, traders, and others since you quit? Do these parties furnish beef to the schools in the same manner as you did?—A. Mathews and Simpson, both connected with the Osage Nation. They furnished to the school as I did. They have both quit. While so furnishing beef, Simpson was a part of the time an employé. As I understood, their arrangement was they would butcher for the school and take half the beef, then next time for themselves and give the school as much. The school furnished a man to help butcher.

Q. Have you now, or did you ever have, any contract with the agency?—A. I have never had.

Q. How have you worked, since you came here, by bell-call or otherwise?—A. Not by the bell. I have worked whenever called; frequently after night. I have never been paid extra.

SAMUEL COMER.

Also, JOHN KEEFERS testifies as follows:

Questions by commission:

Question. Have you had any contracts with the Osage agency? If so, state when, what they were, and in what manner you have fulfilled them. Answer. I have. The first was for freighting from Independence to the Osage agency. This ran from the date of contract until April 15, 1875, made in the name of Keefers & Ritz. The second contract was for hauling rails and breaking prairie. Commenced about April 1, 1875. This has not been fully completed. This contract was in writing.

Q. State how this contract for rail-hauling, &c., was made.—A. For breaking prairie notice was posted and also published in the South Kansas Tribune for proposals. I put in a bid. I also put in a bid for hauling rails—a joint bid for both. The terms of that bid were, generally, if the agency furnished 50 yoke of broken cattle, and 50 yoke of wild cattle, yokes, bows, chains, and 20 plows, I would furnish 16 plows, do the repairs, and do the work for \$2 per acre, and turn the plows I furnished over to the nation when I quit work. I was to haul rails at \$1 per 100 rails, 50,000 by June 1, 25,000 by August 1. I hauled the rails, nearly all of them, by June 1, as the Indians were very anxious about getting their fields fenced. I came down with my men, and as fast as the

cattle could be got together, I went to work. The time is past for the completion of the plowing, but it was very dry weather and almost impossible to break, and the flies were so bad the teams were nearly uncontrollable. I had only 41 yoke of broke cattle furnished me, and have broke 73 yoke of wild cattle.

Q. What is it worth per yoke to break cattle?—A. I should think broke cattle would sell for \$15 to \$20 per yoke more when broken. These cattle as broken it was worth \$10 per yoke to break.

Q. Have you sublet any part of this contract; if so, upon what terms?—A. I have sublet part of it. I sublet to Hendrix the breaking upon Horning Creek. I was to furnish the teams and plows, all tools, and do the blacksmithing and repairing, and give him \$1.25 per acre. I was to yoke the cattle and chain them up. Half of the cattle were to be broke half wild. This contract has been unprofitable to him. I sublet to Tom Graham, M. Boyd, Charles Thompson, Lee Surriman, Mr. Farley, Isaac Esely, Robt. Crawford, Saml. Bloomfield, W. H. Chase, and Moreland Bros. All commenced to work at \$1 per acre. I was to do for them as I had for Hendrix—cattle the same. Some of them worked a few days and quit. I then raised the price for them to \$1.25. They worked a while at that; then I raised the price to Bloomfield to \$1.50. He worked on a while, then quit, and I paid him by the month until a week ago. Moreland Bros. worked from twenty-five to thirty days at \$1 per acre, then quit, in debt to me for subsistence principally. The others worked, excepting Graham and Crawford quit about the middle of June. Graham and Crawford worked about the 1st of July. None of those parties made good wages at their contracts. I am not through so as to tell what profit there was to me in the sublettings. I think there will be some profit.

Q. Will your contract as a whole be profitable or not?—A. I expect to make some money out of it, but not what I thought when I took it. I expect to make reasonable compensation for my time, but that is all.

Q. Have you a contract for putting up hay? If so, state what it is.—A. I have. I have 200 tons to put into stack at the agency, 50 tons at the school-house, 50 tons at Salt Creek station, 50 tons at Horning Station, 175 acres to cut, rake, and put into good shocks for the Indians at such places as the agent may direct in this (agency) division. Same at Horning Station, and 175 at Salt Creek. I received \$2.50 for what I put in stack here, and \$3 at each of the stations, and \$1.50 per acre for cutting and putting in shock.

Q. Have you sublet any of this work; if so, to whom and at what prices?—A. I have sublet the Horning Station and Salt Creek Station work, and 75 acres of the cutting at this agency. I believe I am to pay \$2.50 per ton for putting up hay at stations, and \$1.15 per acre for cutting. At Horning Station I have advanced money to pay for rakes and mowing-machine and the sulky-rake at Salt Creek. I also advanced supplies for the work. These contracts are not completed.

Q. Was this contract let to you on bids made by you in response to advertisements for proposals?—A. I don't know that I saw any advertisement, and don't know that there was any. I heard that it was to be let on that day, and I put in a bid. The agent was not at home; after he came back, hearing that there was some complaint, I went to him, and told him I would relinquish the contract if he could let it on better terms.

Q. What did you pay the agent or any other person to procure any of these contracts?—A. I never paid him or any other man a cent.

Questions by CHARLES W. BLAIR:

Q. Was there anything in the advertisements for breaking that specified the turning over plows to the nation?—A. I think not; there was not. I put it in my proposals.

Q. In any of your bids for contracts, including that of the hay, did you see any of the bids put in by other persons or obtain knowledge of them from the agent or any of the employés?—A. I did not.

Q. Has the agent or any of the employés any interest in any of your contracts?—A. No.

Q. Do you know of any irregularity or misappropriation of funds on the part of the agent or employés?—A. I do not. Except on one occasion two or three persons came to me while at Independence, to cash checks for them; said Mr. Hobson told them they were not entitled to all the money they called for; they had not put in all the time, and they had a note from him requesting me to cash the checks and return the surplus to him. The difference did not exceed two dollars on each check. I spoke about it at office. Mr. Chase said the settlement was made according to the reports in the books.

JOHN KEEPERS.

Also, ALEX. BEYETTE deposes as follows:

Questions by commission:

Question. Are you connected with the Osage Nation?—Answer. I am.

Q. Do you know of any instance where the agent Gibson has misappropriated the funds of the nation?—A. Not my own knowledge.

Q. Do you know of any instance where he has interfered with the religious convictions of any persons connected with the nation?—A. No, sir.

Q. Do you know of his deposing chiefs and putting others in his place?—A. I do not.

Q. The memorial exhibited to you addressed to the President of the United States, dated June 28, 1875, at Henning Falls, appears to have your signature. Did you sign it or authorize any one to sign it for you?—A. I did not. I was not present when it was got up and signed.

Q. Do you know what are the wishes of the Osages as regards Catholic missions?—A. They want them, and Catholic schools, also. They have petitioned for them to Washington. They have also asked the agent for them, and the superintendent in their councils.

Q. Has the agent ever prevented the Catholics or any other religious denomination from establishing churches or schools here?—A. Not that I know of. No attempt has ever been made that I know of.

Q. Hasn't Major Gibson always approved of the accounts of all Osage children sent to the Catholic mission?—A. That I don't know. I have no children to send.

Q. What are your religious convictions?—A. I am a Catholic. Was educated at the mission-school.

Q. Were you ever a trader in the reservation; if so, why did you quit?—A. I was at Cana. I am still trading there as a member of the tribe, but am not a licensed trader, and Mr. Gibson does not retain money or card for me as he once did. He took my name for the card after the delegation returned from Washington. I think he told me the reason was because I was opposed to civilization, and I told him I wanted him to prove it.

Q. Are all the Osages, who hold any Christian religion; Catholics?—
A. I don't think there is any other.

Q. Can you tell the number of full-blooded Osages, who are Catholics?—A. There are a great many. I can't tell the number. I would suppose there are all of 100.

ALEX. BEYETT.

WEDNESDAY MORNING, Aug. 25, 1875.

Commission met pursuant to adjournment.

JOHN SODERSTROM deposes as follows :

Questions by commission :

Question. What do you know in regard to a lot of hogs belonging to the agency in the winter of 1874? If any of them died what was the cause of their death?—Answer. There were a good many of them around the mill all winter. Some of them died. I think some of them died of disease. Don't think any of them died of starvation. We had orders to put in pens the poor hogs and feed them. We did put them in pens and fed them. Some of them were poor and some in good order. The Indians killed them occasionally.

Q. In grinding grain for persons other than members of the tribe, do you take toll? If so, what do you do with it?—A. We do. We put it in with the Indian grain and issue it to the Indians. We take one-sixth for toll. I keep an account of the amount I grind, and make my report every month. I am the miller.

Q. Do you take toll on grain you grind for members of the tribe?—
A. No, sir.

Questions by L. B. BELL :

Q. Were there any other hogs belonging to the agency except those around the mill?—A. Not that I know of. There were a good many around the mill. Don't know the number.

Q. Were not some of the hogs which were put in the pen turned out to keep from dying of starvation?—A. They were not. They were fed enough. None of them turned out that I know of.

Q. Did any die in the pen?—A. Not that I know of. Some of them, after getting in pretty good order, were claimed by the Indians, and killed.

Q. Were there any marks upon the hogs to determine which belonged to the agency?—A. I don't know that there was. I never paid much attention to the marks. The Indians drove their hogs into the mill to be fed with the agency-hogs. They were fed as the agency-hogs were.

JOHN SÖDERSTROM.

Also, STRIKE AXE, chief of the Little Osages, deposes as follows :

Question by commission :

Question. How did you obtain your chieftainship; whether by election, appointment, or from their fathers?—Answer. From my father; and when I grew up my people appointed me.

Q. Where is your band located, and what is the number?—A. They are located on Cana. I think there are about four hundred of them.

Q. What are your ideas of living, of holding your land, and receiving your rations and annuities?—A. We were advised by the Government

S. Ex. 6—6

to try and become civilized, and I think it is good advice, and I have so advised my people. I want the tribe to hold and control their property. I don't want any person outside to interfere with our lands, or for white people to settle among us. My idea is that when we are about to be paid our annuities, the chiefs ought to consult one another, and have them paid to us according to our wishes. Rations have caused great dissatisfaction among us, and when there are any, I think the sooner they are distributed the better.

Q. What is the present condition of your people; how many have farms; how many have ponies, wagons, and other property?—A. All of my people have fields, and all have crops in. There are twenty-one families who have houses. The remainder are so anxious to get houses that part of them are half crying because they can't get them. Every one who has not a wagon is anxious to get one. They feel as if they could do a great deal more work. They have rails lying in the timber that they could get out; and their work is put behind because of their want of wagons.

Q. What is their feeling toward the agent?—A. The agent has been among them for six years. I told you in my speech that I had not talked much to him, and I don't know what I can say. I think the agent does all he can do to help the Indians along. My band all feel as I do. This is the reason I made the statement.

Q. Should the governor receive a salary?—A. I feel as if he should if he would advise the people and try to work for their interest. I feel now as if the governor got the salary and does not earn it; and I feel as if he should not have it unless he does some work to earn it.

Q. What are your wishes in regard to the school at the agency?—A. Our fathers had Catholic missions when I grew up to remember. After we left them there has been at different times petitions got up, which I did not understand, but signed them because others did. These petitions were for Catholic schools. My own judgment is that the school will do as it now is. I am not acquainted with the Christian religion. All creeds are alike to me, and I don't care about any particular kind so that the children are educated.

Questions by CHARLES W. BLAIR, esq.:

Q. Who is second chief of your band, and what is the name of the band?—A. White Horn is the second chief. The name of the band is "Strike Axe." Nomparallo belongs to "Nomparallo's" band.

Q. When were the Little Osages divided?—A. About a year ago. Before old Nomparallo died.

Question by agent:

Q. What and who caused the division of the band?—A. You are knowing to the time the division took place. A portion of the people wanted to leave Nomparallo's band, and I went with them so that they would not become wild, but would settle down and civilize. The Little Osages or Salt Creek belong to my band.

Question by CHARLES W. BLAIR, esq.:

Q. Does not Little Chief claim to be chief of the Little Osage or Salt Creek?—A. He claims to be, but he is not so regarded by the band.

Question by agent:

Q. When did your people commence civilizing?—A. About four years ago.

his
STRIKE X AXE.
mark.

Also, DICK HOLSTON deposes as follows :

Question. What is your position in your band, and what the name of band?—Answer: Am chief councillor of White Hair's band.

Q. Does the band belong to Little or Great Osages?—A. The Great Osages.

Q. How did you receive your appointment as chief councillor?—A. A year ago this last spring I became so, having worked myself up into the place and then announced myself to my people. I called a meeting of the band and took the second chief and told the people I wanted him to be recognized as chief of a band and myself as chief councillor; when I called the chiefs of different bands together and announced to them my object in calling the meeting, as stated just now, and they all agreed he was capable of helping the band and recognized me.

Q. State location and number of your band.—A. On Bird Creek, part of them on Sand Creek. They number forty families; don't know positively number of persons.

Q. State your ideas of living and holding your lands and drawing your annuities.—A. I noticed that leading men have settled down, and have followed in the same way and think it is good. I have a house and farm. Our people having been used to receiving money annuities; it is something new to them to have the goods. I think the goods, if received, should be distributed as the annuities have been.

Q. What is the present condition of your band? How many have farms, houses, and wagons?—A. I think all my people have houses with very few exceptions; not more than seven without houses. There are not more than three wagons in my band, I think. All have fields and fences.

Q. What is your feeling and the feeling of your band toward the agent?—A. As the agent has helped us to carry on our work, we think he has helped us a great deal.

Q. Should the governor receive a salary?—A. If I could be convinced that he earned the money I should be satisfied to have him receive it; but as I do not know of his having done anything for the people, I do not think he should receive it.

Q. What are your wishes and the wishes of your band in regard to the school?—A. I have not enough understanding about the teaching of the school to enable me to make an answer. Some children from my band attend the school.

Q. Who were your chief and councillor before you made up your band?—A. White Hair was chief and Hard Rope councillor.

Q. Why did you secede from your band?—A. Hard Rope and White Hair did not want to settle down and civilize, so I took a part of the band and separated.

his
DICK + HOLSTON.
mark.

THURSDAY.

Commission met pursuant to adjournment.

CHARLES CHOUTEAU deposes as follows :

Question by commission :

Question. Are you connected with the Osage Nation?—Answer. Yes; I am a mixed-blood.

Q. What do you know in regard to a petition advising the half-breeds to draw their portion of the national fund and to separate themselves from the nation?—A. I asked Agent Gibson if he would draw up a petition for us to withdraw. He said he would if it was our wish. I asked him how we would manage it to get it through. He said it would have to be approved by the Secretary of the Interior. I asked him then if he would assist us to get it through. He said he would, if it was our wish, otherwise we would have nothing more to do with it than to draw it up. He drew up a petition some three or four weeks afterwards. I took it up to Cana, and the half-breeds held a council in regard to it. We sent it back to have it remodeled; after we had it amended it was returned to us. It is now in the possession of Aloisnie Louis and never has been signed, and nothing more was done about it.

Q. Is the agent's name signed to it?—A. No; he said he thought it would be a good thing for some of us, and for some of us it would not be. I am not in the employ of the agent.

Question by Mr. BELL:

Is this the same petition that Aug. Captain saw at Bird Creek?—A. My father took it to Bird Creek before it was remodeled.

CHARLES CHOUTEAU.

. Also, SAMUEL BEIVENEW deposes as follows:

Question by commission:

Question. Are you a member of the Osage Nation?—Answer. I am. Am also a member of the council; belong to half-breed band.

Q. What do you know of the transactions of the agent—the manner in which he has expended money and conducted the affairs of the agency?—A. I do not know of anything he has done that is wrong.

Question by the agent:

Q. Have I not frequently importuned the governor and chiefs of the different tribes to remain at or near the agency to look after the interests of their people and advising me in my work of civilization?—A. We have always asked the governor's advice; also that of the chiefs.

Q. Have I not endeavored to foster and maintain the authority and influence of the governor and chiefs whenever they have tried to promote civilization among their people?—Yes; you have tried to do what you could. Sometimes the Indians have different views from yours.

Q. Have not some of the Indians objections to being civilized, and are they not opposed to me on that account?—A. I do not think they are that way; I do not think there are any Indians that are opposed to being civilized; but there are some that have different views about being civilized from those of the agent.

Q. What then prevents all the Osages from becoming civilized?—A. I think it is a personal dislike on the part of some of the Indians toward the agent that keeps them from civilizing.

Q. What is the reason of this personal dislike? Does it originate with themselves, or does it come from the influence of others?—A. I talk with the governor frequently myself about this matter, and he thinks if we had a new agent we would get along better. I think it is because the governor cannot do as he pleases with the agent that he dislikes him, and so with the other chiefs—because they cannot have their own way.

Q. Would not a majority of those who now refuse to civilize go to work, if it were not for the influence of their leading men?—A. I believe their chiefs do keep them a good deal from working.

Question by Mr. BELL:

Q. Do the chiefs oppose their working because of their dislike to the agent, or because of their unwillingness to be civilized?—A. I think it is because they dislike the agent.

Question by agent:

Q. Do you not think the Indians would go to work if it was not for the influence of their chiefs holding them back?—A. I do not think they would.

Q. Do you know of any cases in the two bands that are standing out against work where some of the members have separated themselves and commenced civilizing?—A. I have only heard that "Lancy Osago" and five or six lodges went down on Horning. I heard that they have been splitting rails.

Q. Do you not believe that but for the influence of Wa-ta-ianka, Hard Rope, and Governor Joe the rest of the band would go to work?—A. I think not.

Question by commission:

Q. Do you think it is because the agent favors any other parties than those willing to work that there is dislike toward him?—A. I do not think it is.

Questions by Mr. BELL:

Q. In what manner is the agent partial to those who go to work?—A. I think he favors them in breaking prairie, digging wells, bedsteads, chairs, &c. Some men that do not work receive favors from him.

Q. Give the names of some of those whom he favors and who do not work.—A. A Little Osage named Epi-sousa, True Giver, also a Little Osage, have wagons well filled and does not work. This is all of Little Osages. I live there and know about these men. Chetopa I have never seen labor; he has everything. I do not remember the names of any more.

Questions by agent:

Q. How many acres has Chetopa in cultivation?—A. About fifteen or twenty, last summer. Epi-sousa has eight or ten; True Giver has ten or fifteen.

Q. How did these men get these improvements?—A. I think a white man made them for them. A white man made Epi-sousa's, I am certain; saw him hauling rails. Epi-sousa hired him, and Epi-sousa came down to get the pay for the rails. I think Epi-sousa is able to work; he is a stout man.

SAMUEL BEIVNEW.

Also, RACING MAN deposes as follows:

Questions by Commission:

Question. What is your position in your band, and what is the name of your band?—Answer. I was a little chief of the Black Dog band. I married one of the leading men's daughters, and when my father-in-law died he willed me his position. I was recognized only as fourth chief. In the last treaty the Government wished us to be civilized. I tried to turn my chief, Black Dog, that way, and could not. I then took about ten families of the band and went off, and have not since joined original band. Afterward ten more families joined us, and the people then got together and brought the subject up what we should do. These ten families were a party of Big Chief's band. After talking the matter

over, they decided to make me chief of this band, (of twenty families.) I told them, when they called me to make me chief, that as they were planning for themselves, I wanted them to get the agent's advice as to what to do. We came to the agency and called the agent out, and the people stated their wants to the agent. The agent said they had talked reasonably, but he wished to refer the matter (of their being a separate band and his being chief of the band) to the superintendent for his approval. The chief clerk of the superintendency, in the absence of the superintendent, approved of it, and then the agent gave his consent. Nopawalla, Hard Rope, Captain, and others were brought up as witnesses of the matter.

Q. What is the location and number of your band?—A. We are on the head of Hominy, called Round Mound Creek. We have somewhat over 300; don't know exact number. Three more families from Black Dog's band have joined us since we settled there.

Q. What are your ideas about the distribution of annuities and the issuing of rations?—A. As we have about fifteen thousand dollars in money annually, my people expect it to be distributed as heretofore, as provided by treaty of 1865. I think it would be very satisfactory, if we get rations, to have them distributed to all the people, as the annuities have been.

Q. What is the present condition of your people; how many houses, farms, and wagons have they?—A. Within the last two years we have made from 1,000 to 5,000 rails. My band has thirteen houses; two wagons in the band.

Q. What is your feeling toward the agent?—A. I feel that the agent is here appointed by the Great Father, and goes by his directions. I have nothing against the agent.

Q. Should the governor receive a salary?—A. Joe was appointed, as we thought him a capable man to lead the people in their work. As I stated in my speech, he has not done what he was appointed to do.

Q. What are your wishes and the wishes of your band in regard to the school?—A. We have a great many children going to school. We want them to be educated to read and write. I have put my children to school there to know if they are doing right. I don't know what changes could be made. I don't know of any difference in school.

Questions by agent:

Q. What is the reason the common people of Black Dog's band do not make rails and take farms?—A. I have never sent any one to their councils, and do not know of their plans. I have never heard of their plans, but one day I went down there and one of the leading men spoke on one subject only. Wah-ti-anka told me I was going to make our people poor people. He said he was waiting, and when the Cherokees said it was time to settle down, then he was going to work. This was last June. I was sent for to sign a petition, but when I got there Captain had taken the petition off, so I did not see it.

Q. Why did Wah-ti-anka look to the Cherokees to know when to go to work?—A. Wah-ti-anka never explained what he meant in such matters, and I do not know why he did.

Question by Mr. BELL:

Q. Would you not as soon have a Catholic school here as the one that is now here?—A. I have no thought of Father Schroemaker coming here. It has been no desire of mine that he should come.

RACING + MAN.
his
mark.

MO-SHOU-LIO-KA (or old WAH-TI-ANKA) also deposes as follows:

Question. What is your position in your tribe and the name of your band?—Answer. I held the rank of councilor in former times by hereditary right. My people some time after met together and recognized me as second chief of Big Chief's band. I hold a commission from some officer of the Government to this effect.

Q. What is the location of your band and the number of your people?—A. We are located on Hominy Creek. We are scattered, some on Arkansas River and some below, and so through the country on our fields; am not positive as to number; think I have 360 people.

Q. What are your ideas about living and holding the lands belonging to the nation?—A. I believe we are owners of the country. As Osage Indians, we study about the interests of our country, and would not like to have anybody come in from outside to rule us. I think as a free people we ought to be allowed to live as we please, to make our farms as we please, and to do as we please on land. About the money that belongs to us in the hands of the Government, I think the annuities should be equally divided, and not one get more than another. I think the rations should be divided in the same way. We ought not to be obliged to work for money that is already ours.

Q. What is the present condition of your people? How many have farms, houses, and wagons?—A. Some three or four have houses. Only one has been built for us. The others were formerly occupied by Cherokees. The fields are fenced like any other fields. Have large fields and plenty of corn. We would have a great deal more if we could have our way. We have asked for teams and plows to work with ourselves. But we suppose this did not suit the agent. We have raised a great deal more by our own labor than has been raised on the farms on which the agent has hired help. We have one wagon.

Q. What is your feeling toward the agent?—A. I have some little feeling against the agent, and have made remarks about him and things I did not like. The greatest dissatisfaction with him is this: We are all Osages, and people of one nation. The agent has separated some and spends a good deal of our money on them. The agent has our money and rations in his own hands, and causes the people to run after him, and only those who run after him get farms. A larger majority of the people have this against the agent, and that is the reason they want some one else here. In our council we appointed some people to go to Washington, and also decided their business. Among them was a half-breed, acting as president of our council. The agent refused to take him, and the man was so grieved or ashamed about it that he died. The agent took men with him to Washington that we did not choose. A great deal of labor is done for people that don't work. I don't think it is right for us to work for our rations. I don't want to be treated in that way. I think it is the agent that has caused this. The understanding I had about the way we were to work here in regard to buildings was that the agent was to consult us before building. We could then know what a house would cost before it had been begun. I think this is what the agent should do. I don't hear of any building having been put up that the agent counseled with us about before building. He does not counsel with us or give us notice. The traders have never consulted with us before putting up their buildings. I have an idea that the agent controls the traders and causes them to go on as they do. I think this matter has never been talked of by us in council or any other way. There has never been any understanding in these matters.

Q. Should the governor receive a salary?—A. That ought to be

studied about. The head man of any people could not expect to be without a salary. The council agreed the governor ought to have a salary.

Q. What are your wishes and the wishes of your band in regard to the school?—A. This is a matter the people have studied about a good deal, and I have also studied about. I am not acquainted with the school here; it came without our expectation or consent; for that reason it shows for itself. There are but few children there. A great many children are at home, and not going to school. We became acquainted with missionaries some time ago, and we expected them to remain among us, when we made our treaties. You see some of our people that were educated by them. Those missionaries taught us Christianity and gave our children Christian education. I have been to the school here, and from appearances do not think they have any worship there—no teaching of God's word. Those missionaries that we once had, we still want. We have applied for them many times to the Great Father. We have a great many children growing up. When we get those missionaries, we will put all our children to school.

Questions by agent:

Q. How would it benefit your people to have them taught the word of God in addition to the teaching they now get in this school?—A. I do not know any more than that those who went to school with our missionaries were benefited by them. The majority of people of this nation are in favor of this. I am not alone. I don't know what the benefit will be or the difference, except that in the missionary school they have separate apartments for boys and girls, and treat them well. I don't see what good is derived from this school.

Q. How many members of your band attended the Catholic school?—A. There are two or three I know of; they speak pretty good English; the war interfered with the school. I don't know whether they practice what they learned; they recollect it. I had the understanding the Government would give us what we want in this matter. I don't think it right to urge upon us what we don't want.

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MOSHOUŁIKA. +
mark.

HARD ROPE also deposes as follows:

Question. What is your position in your band, and the name of your band?—Answer. Am councillor of White Hair's band. There was a man in my place before me. But my people gave me his place because they thought I was capable, and they respected me.

Q. Where is your band located, and what is the number of your people?—A. It is located on Salt Creek, and the band consists of thirty-two men and something over one hundred women and children.

Q. What are your ideas of living and holding your lands, and receiving your annuities and rations?—A. I study about my country and how to live in it, a good deal; my ideas are that the Osages should settle the country. I want them to make farms, raise domestic animals, fowls, and other stock; we want to do this ourselves; we don't want to be controlled in this by anybody outside, by a white man or some other people. The reason we think this is because we know we sold our lands in Kansas, and had a good deal of money, which we think should help us to carry out our plans; we are not educated and do not know how to write, but when we have money in our hands we know how to spend it, and in what way; without money we do not know how anything can be accomplished.

Education without money will not help; money is what makes everything. I have noticed there are rations in the agent's charge; they have been here for some time. I believe I know how they are given out. I am satisfied they are bought with our money. The agent has the people pay for them a second time. In my own mind the agent has no right to do this; it is not right that we should be treated in this way. I think we are treated as some poor people are treated. The Osages are not a poor people; their lands have been sold for money and the Great Father has their money. It may be that the Great Father has some poor people to whom the Great Father gives his money and treats them in this way, and the agent is treating us as those poor people are treated. I think it would be well hereafter when anything is bought with our money that the agent should distribute it to us.

Q. What is the condition of your people? How many have houses, farms, and wagons?—A. All my people have fenced fields—some ten acres, and some not so large; I have a log cabin; there are two other log houses finished and two unfinished. I suppose they are same kind as other houses about the reservation; my people scored and hewed the logs and raised the houses. All have cut and hewed logs, but having no way of hauling them the logs are still lying in the timber; we have only one wagon; all the people use it. White Hair has also a wagon.

Q. What is your feeling toward the agent?—A. When I first knew the agent I was very well satisfied with him. When we came here the agent changed his ways. I never have been able to find out why. I am a very good man to my people; I know of every little thing concerning my people. Notwithstanding this the agent has no respect for me. Whatever plans I may suggest the agent disregards. If you, who consider yourself respectable, are not respected, you do not feel right; after showing me this disrespect the agent takes some youngsters and treats them with respect; because of this treatment the people have been opposing him, and want him removed; and I am like the others, and also want him removed. He has been agent five years, and I think he has been agent long enough to become real mean. A portion only of the people get the benefit of our money. It belongs not to them alone, but all the people. It is like stealing our money to spend it only on a few. If you could see the people of my band in that section you would think they had no money at all.

Q. Should the governor receive a salary?—A. As we intended to settle this country we appointed him to that office. I think he ought to be paid a salary, as a leading man cannot act without a salary.

Q. What are your wishes and the wishes of your band in regard to the school?—A. I am one of the men who are planning in regard to missionaries and such schools. Since the treaty of 1865, the leading men have been talking about missionaries, and it has been a steady talk with them ever since. Before that treaty we had missionaries, and in the treaty it is agreed we should have those missionaries. The wishes of the people are to have the missionary we had in Neosho; we have three times asked for our former missionaries. It seems to us annoying to ask for those missionaries so many times. We think the Great Father has not heard us. If the Great Father does not intend to give us those missionaries he ought to say so; we would then not bring up the question again. I don't know anything about this school, and suppose other leading men are in the same way. We never heard of this school until it was brought here; winter before last I was at the school several days so that I could look on. I did not think the teaching was good. I thought about our old missionaries, and believed they had more of the teaching and ways

of the Great Spirit than what I saw here. I think that no one unless he is a great man is capable of preaching. What I dislike about this is, that most any one can go up there and preach, and that one of these poor dogs trotting about the street could go up there and preach if he could speak. Even in our Indian religion we don't allow any scrub to come in and preach to us. You saw at our Indian marriage yesterday that we take the most popular man of the tribe to advise the married couple how to live. We do not take such men as our agent takes to preach in this school-chapel. The school is not a proper place to put a girl of ten or twelve years of age. The boys and girls are so mixed they have no respect for each other. I have seen the boys and girls hugging one another. I told the superintendent about it at the time. The Osages think a good deal of their girls, and from the time they are quite young allow no one to be about them. The superintendent told me that was the way the white people raised their children, and that was the reason they acted so with one another.

HARD + ROPE.
his
mark.

CHETOPA also deposes as follows :

Questions by commissioner :

Question. What is your position and the name of your band?—Answer. Am the son of a great man ; old Chetopa, my father, died, and after his death all the leading men and young people met and it was decided I should take his place as a councilor. At the treaty of 1865, the commissioners gave me a commission as chief councilor of the Little Osages, and I am enrolled in Nepowallali's band.

Q. What is the location of your band, and number of your people?—A. We are living on Cana, and number about four hundred. This includes all Little Osages.

Q. What is your idea of living and holding your land?—A. We have a great deal of land, but before coming to this country we never made use of it. As we have abandoned our former mode of living in villages my plan has been for my people to go out and take the valuable portions of our land here and settle on them for claims, to raise our own provisions and stock, working for our own interests right along. My people have scattered out and all are now owning claims, raising crops and stock. For a while we could not work ; we had to learn. We are now used to it. I am their leader and they have followed my advice. I see all the red people around doing the same way.

Q. What about the annuities and rations?—A. I know the Great Father has adopted a plan for us, and that we have to work and earn our money, and I have seen my people do this. I notice our agent gives an order for our money and we can handle it as we please. There is an annuity which the Osages have been drawing. As the people have drawn this annuity always, we expect to continue to draw it. A great deal of dependence is upon our annuities, and I should like to have our people draw them, as a good many do not know anything about work. We have an agent here, and all the business that he does is satisfactory to me and I do not complain of it. When I was in Washington the Commissioner told me that we would have to work for our rations.

Q. How many farms have you ; what is their size, and how many horses and wagons?—A. A large majority have farms. I do not know about land-measure and cannot tell the size. I think about half of my people have four thousand rails each. We have about 22 horses and 15 wagons ; some parties bought their wagons.

Q. What is your feeling toward the agent?—A. The agent and myself plan pretty much the same way together. I think as my people are trying to civilize, the agent has greatly assisted us. He has always helped me when I have called upon him. This is all I have thought about.

Q. Should the governor receive a salary?—A. The governor has been opposing such duties as would entitle him to a salary. Since he has been governor he has kept the people bickering and in confusion. I think he ought to receive a salary if he tried to keep the people united and peaceable and without hard feelings toward each other.

Q. What are your wishes, and the wishes of your band in regard to the school?—A. We used to have a mission-school among us in former times. The Little Osages put a great many of their children there. I have several brothers who went to school there. These children were most always sick or something the matter with them. A great many were brought home without their knowing any English at all. I heard the Osages say that the change of their mode of living caused the sickness. I know this to be so. We have never had one of our own band from that school that could interpret except one man.

As we have had no interpreter among the Little Osages, we have been bad off; and we made up our mind to put all our boys to the agency-school. We have had no fault to find since; our children have not been sick. As I heard a good many of our people complain about the mixing up of boys and girls, I have talked against it so as to make the teachers keep them separate. I have made up my mind that this is the way the white men teach their children. I have been well satisfied with this school since the middle of winter, and have told my people so.

Questions by agent :

Q. Has not the assistance I have given your people been upon a rule under which all the people could have been benefited, if they had complied with it as yours did?—A. I have noticed that you advised the other people the same as you did mine, and tell all the chiefs what you told me. All the leading men have heard you, and have the same understanding about it that I have.

Q. Why have not all the bands progressed in civilization as yours have done?—A. The other chiefs tell you that you are not carrying on the work as they want you to, and they are not civilizing for that reason. It was my own will to take the advice of the Government. My people have put me before them and forced me to talk, and I have said to the chiefs opposed to following the agent that I knew my talk would not suit them, but I would nevertheless speak as my people wanted me to do.

Q. How long is it since Gov. Joe and Watianka began to talk of civilizing?—A. About two years ago Joe called a council and advised his people to become civilized. Since that talk I have seen them gather their people into little villages and live after their former mode. They claim they are not against civilization when they talk to me; but after they leave me I don't know how they talk to their people.

Questions by Mr. BELL :

Q. What is the name of your band?—A. I am enrolled in Nepawalli's band.

Q. Did you ever sign a petition for Catholic schools and mission?—A. I signed one here and one in Washington. I was asked by leading men of the half-breeds to sign them.

Questions by commission :

Q. Have you been asked by any other persons to sign petitions?—A. Just before this commission arrived here I was visited at my place in Cana by two gentlemen, who stopped three nights within half a mile of me. One was Mr. Blair, and the other was the gentleman I saw in Washington, (Commissioner Ewing.) They said if I had any complaints to make, they would assist me. I wished them to go into general council and talk. I did not want them to talk to me privately.

Q. Did they go to your house?—A. No; they sent for me. They claimed that the Government permitted them to come. There were ten of my men with me and they heard the talk. Gov. Joe and Alex. Beyett wanted me to talk then. I was against talking at that time.

Question by agent :

Q. What did those men say was their business?—A. They said they were here to help me and my people, and if we had any complaints to make they were here to help us. When I came here I did not see them in any council, and I never had any talk with them.

CHETOPA. +
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Agent I. T. GIBSON recalled.

By Mr. Bell :

Question. What is the number of the two bands of the Little Osages?—Answer. Each band enrols about two hundred, including the Salt Creek Little Osages. There is a portion of two bands on Salt Creek, I think.

By commissioner :

Q. Please give the names of chiefs and councillors in the two bands.—A. Strike-Axe is chief of Strike-Axe band; White-Hair is second chief, and Face their councilor; Napawalla, chief of Napawalla band; Little Chief second chief, and Two-Giver councilor. The number of members of Strike-Axe band is 231; of Napawalla 209.

ISAAC T. GIBSON.

FRIDAY MORNING, *August 27, 1875.*

Commission met pursuant to adjournment.

LITTLE CHIEF, of the Little Osages, deposes as follows :

Question. What is your rank in your band, and how did you acquire it?—Answer. I am settled on Salt Creek. Nempawalla was chief of the Little Osages; he died. I was second to Nempawalla; now I claim to be head chief. I suppose there are others claiming it.

Q. Where is the band located; number of them?—A. The band is located on Salt Creek. It numbers about twenty families where I am located; all the Little Osages know that I am chief.

Q. What do you think about the modes of living on the part of the Indians, and how should their land be held, and annuities and rations drawn?—A. I advise the people to settle up the country. For the past two years I have had it in mind that they should settle down, and the people have all taken claims and have got fields. We think there is nothing more valuable than land; that the people should hold the land in common and live where they please upon it, and subsist from it. I don't believe I would like for what is my own. The rations are paid for out of our money, and we want to have something to say as to how

they shall be distributed among the people, so that they shall be satisfied.

Q. What is the present condition of your people? How many have farms, houses, wagons, &c.?—A. The people are a little awkward about work, but they have fields. Those who have not want them and are desirous of doing something, but they are a good ways off and have been neglected by the agent. None of them have houses, (speaking of the twenty families on Salt Creek;) six have cut logs which have been hewed, but are lying in the woods yet, because they have not had help to get them out through the fault of the agent. All the people want houses; none have wagons, but all want them, but can't get them, because the agent does not give them. One Indian has a wagon given to him, I think, by Chetopa, "Okesha" by name.

Q. Isn't it a rule of the agency that a person shall have a certain number of acres of ground under fence before he is entitled to a wagon?—A. I have heard so. I think there are five who have fields fenced and ground planted.

Q. Did you ever notify the agent that any of your people were entitled to wagons under the rule?—A. I got the station-master, Osborn, to write a paper saying that I was entitled to a wagon. This I brought to the agent, and he handed it back.

Q. What are your feelings toward the agent, and what are the causes of your feelings?—A. He has been agent six or seven years. I have never felt good toward him since his appointment, because he never did for me what I wanted him to do.

Q. What is your opinion about the governor having a salary?—A. I think he ought to be paid.

Q. What are your views in regard to the agency school for the education of your children?—A. Being ignorant of the expenses of that school, and thinking there was a good deal of money being spent upon it, we have always asked for missionaries. I wish they would have the teachers taken away and others sent that we want.

Q. Do you know the agent sends every child over to the missionary school who wishes to go?—A. We never ask him to send any of their children there.

Q. Did not the governor and chiefs who did not want to civilize, once throw away Nopawalla and appoint you chief of the Little Osages?—A. We all want to settle the country. They undertook to make me chief because I wanted to settle up the country and civilize.

Q. What reason did they give for wanting to throw Nopawalla away?—A. I don't know they ever did try to put Nopawalla away.

A. How long have you been advising his people to take claims, &c.?—A. About two years.

his
LITTLE × CHIEF.
mark.

Also, WHITE-HAIR, chief of the White-Hair band, deposes as follows:

Question. How did you get your office?—Answer. I have been called a chief ever since I can remember. My father was a chief.

Q. What is the number of your band, and where are they located?—A. My band number fifty families, including Sassy Chief's band. They are scattered pretty well on Bird Creek, Salt Creek, and elsewhere.

Q. What are your ideas as to how the people should live; settle down, or as they have heretofore done?—A. My idea is the people should set-

tle down and become civilized. Since they moved here I have been so advising my people.

Q. What do you think about drawing rations, &c.?—A. As our money is spent to buy rations, I don't think we should be compelled to work for them in order to get them.

Q. What are your views as to the proper mode of civilizing your people?—A. I think we should be furnished tools to work for ourselves and not have white men about us.

Q. How many of your people have houses, and how many want them; also, wagons?—A. There are three houses finished on Salt Creek, and most of the people have logs cut in the timber ready for houses. I expect there are a good many on Bird Creek; I don't know how many. Myself and Hardrope have wagons. The understanding was that there was a rule, that if certain things were done, the people should have a wagon. A great many of the people have complied with the rule, but the agent has not given them wagons. They all want houses and wagons.

Q. What are your feelings toward the agent and the causes thereof?—A. The agent does not like me because I won't do as the agent wants me to do, and I don't like him because he won't do as I want him to.

Q. What does the agent want you to do that you are not willing to do?—A. The agent treated me just as the little child who wants its mother's breast would cry. I have come to the agent for things which were in his charge, and which belong to me, and we have to be beholden to the agent for what is our own. The agent holds these things and compels us to come and beg him for them.

Q. Do you think the governor ought to have a salary?—A. I have never objected to his having a salary.

Q. What are your views of the agency school?—A. We had our missionaries, and thought we should have power to teach our children. The Catholic religion has some resemblance to our own mode of worship. This school here, (in which there are two of my sister's children,) I went to see them, and whispered carefully in their ear, and asked how they were getting along, and if they were learning anything, and they told me that they did not think they were, nor that they would.

Q. Are you not entitled to be principal chief of the Osage tribe by hereditary right?—A. I am.

Q. How many of the fifty families you state belong to White-Hair band belong to Sassy Chief's band, and how many in yours?

A. Thirty families in Sassy Chief's band and twenty-five in mine.

his
WHITE + HAIR.
mark.

EPESOUSA deposes as follows:

Question by commissioner:

Question. What office do you hold?—Answer. Second councillor of Nopawalla's band.

Q. Where do you live?—A. I live on Cana Creek.

Q. How many acres did you have under cultivation when you got the wagon?—A. Fifteen acres.

Q. Does the agent show you more favors than he does other Indian rulers? You work for it?—A. I scarcely ever ask the agent to assist me. I have a house, and had the house built myself without the aid of the agent.

Q. Do you work yourself or hire it done?—A. I have worked when I

could myself, and have hired white men to build my house, and a half-breed to break my ground.

Q. Did the agent give you money to pay the white man to build your house?—A. I paid him from my annuity.

Q. What interest do the half-breeds take in encouraging the full-bloods to work?—A. They are living right by us, and are a people who could assist us if they would, but I have never heard one of them encourage or advise the people to work.

Q. Are any of the half-breeds employed for that purpose, that you know of?—A. I do not know of any.

Q. Would they take as much interest in instructing the Osages as white men, and would you rather have them for that purpose?—A. I don't think they would make much success, for they are too lazy to work themselves.

Q. Have you any children in the agency-school? If so, how are they doing?—A. Three grandchildren. I have been well satisfied since I put them there; have nothing to complain of. It is quite pleasant to see them there. The boys and girls have separate apartments for sleeping. They eat in one room, the girls at one table and the boys at another. I have thought the boys were rather wild, but I have never seen anything wrong in the school. One niece I have there, thirteen or fourteen years old, I have never heard her complain. I have heard she could write letters in English. She never attended any other school.

Q. Has there not been a great many bad reports put out among the Osages to discourage them from sending to the school?—A. I have heard reports.

EPASOUSA ^{his}
† .
mark.

SAHPAHEA, deposes as follows:

Questions by commission:

Question. What is your rank? How did you get your office?—Answer. I am chief councilor of Hominy band. I formerly belonged to Big Chief's band; was second councilor. About two years ago the people held a talk. Watianka said to me, "I have been planning for the red people, and you do not assist me." I told him, "I think I will not help you." Watianka wanted me to plan with him to have our people settle as the Cherokees are settled. I told him "he was not of a settled mind." "What you say you never try to do; you will change and propose some other plan. I will draw away from you and leave you. Here are people who are planning to have good homes to live in. I will go, and if I can find a good man who will satisfy me, I will join his band." The chief of the Hominy band, I joined with ten or more families. Then the people of this party got together and decided to appoint a chief and a councilor. They selected "Racing Man" chief, and me as chief councilor.

Q. What are your ideas as to how the Indians should live, hold their lands, and draw rations?—A. I want them to settle down and make homes for themselves. The land should be held in common. I think it a good plan to have the people work for rations.

Q. What is the present condition of the people? How many farms have they—houses, and wagons?—A. I have changed my mode of life. Our former life does not seem to have been human; more like the animals. The change makes me feel more like a man. The change is a good one for the people. There are about thirty families in the band. The largest portion have fields, eighteen houses, and all are anxious to get houses.

They have only two wagons, but all want them. They have been working for about two years, and have white men to show them, but they have not fully learned yet.

Q. Do you prefer to have half-breeds to show you how to work in the place of white men?—A. If the white men stay among us for about four years, we will then know how to work. I don't want the half-breeds to show us.

Q. Has the agent said anything to you about not having half-breeds to assist them?—A. No. My own mind teaches me the half-breeds are not honest with me. I don't want them to advise me.

Q. What are your feelings and those of your band in reference to the agent?—A. They like the ways of the agent.

Q. Do you think the governor should receive a salary?—A. I don't want the governor to draw a salary. I don't see that he does anything for his people.

Q. What are your wishes in regard to the school?—A. I am well satisfied with it. I think the people who have charge of it are educated. I have a son going to school and he is getting along first-rate. He makes no complaints about it. He tells me he can understand English, but is bashful about speaking. He can write. He has been to school about one year.

Q. Can you tell why the people of the Black-Dog and Big-Chief Band have not progressed in civilization as Clamnore, Hominy, and Sassy-Chief Bands?—A. When I heard this commission was coming here, I went to see Black-Dog and Big-Chief people to have a talk with them. I told them, before the men came I want to write, and get up a paper and leave with the agent that the commission may see the people are united, and see that we want to civilize; that some money had been squandered on the other side; I mean the \$50,000 paid Adair. Watianka got up and said: I hear what you say; I guess you have a home for yourself; that is not the way I want to do. I have a great red brother to relieve and tell me when to settle down, then I will do so and do as his people do, (I refer to Colonel Adair.) Black-Dog said the same thing. I came away then.

Q. Did you sign a petition to send to Washington very soon after the delegation went to Washington?—A. I did. W. P. Mather asked me to sign it.

Q. What made you deny signing it in the council?—A. I did not deny it.

Q. Did you see Terwangahee, Big-Wolf, Conseable, Moshakoshee, Poncawahtake, sign this petition or remonstrance? And have you not since heard them say they did sign it?—A. There was but two of them there when the paper was signed. When I came my name was already written and made my mark. I did not see them sign it. I heard Terwangahee, Big-Wolf say they signed it.

his
SAHPAHEA + .
mark.

Also BIG-WOLF deposes as follows:

Question by commission:

Question. Did you sign a petition to be sent to Washington after the delegation went there?—Answer. I signed it.

Q. Where did you sign it?—A. In the agency-office. W. P. Mather wrote the petition and had me to sign it.

Q. What was the petition about?—A. I suggested the idea of getting up the petition myself. I had intended going to Washington myself,

but was prevented, so I went right to work and got up the remonstrance. Sassy Chief assisted me. We got Mathers to write it. Terwaugahee, Conseable, Moshoukoshee, and Poncowabtake were present and signed it.

Q. What is your office and how did you get it?—A. I am third chief of the Beaver Band. I got the office through my father. Mrs. Choteau is second chief and George Beaven has been first chief, but he has done wrong and we are going to throw him out. Everybody is satisfied with mother Choteau.

Q. Where is the band located and what are their number?—A. Located down Bird Creek, from the agency down, and they number over 100.

Q. How does their present condition compare with their condition a few years ago?—A. Several years ago they lived different from what they do now. Now they are much better situated; their former way was a poor one. They have gone to work, made fences, have houses and wells. They have some wagons. Those who have no houses want them, and have cut logs to build them with. I have a house.

Q. What is your feeling and that of your band towards the agent?—A. I have nothing against the agent. I don't want to part with him, because he respects the poor people. If four agents could come in succession they could not unite the people. I think all my band are satisfied, except George Beaver.

Q. Are you satisfied with the agency-school as at present conducted?—A. The school has been going on a couple of years and I am satisfied with it.

Q. Do you think the governor should be paid a salary?—A. I should like to have the governor get a salary, but I feel as if our present governor had done nothing for us, and therefore I don't want him to have a salary.

his
BIG + WOLF.
mark.

Also W. H. CORNER deposes as follows:

Q. What is your relation to the Osage Indians, and where were you educated?—A. I am a half-breed and was educated at the Catholic mission-school.

Q. How long since you commenced wearing the clothing of the whites?—A. While in school I wore clothes. I went into the Army and after coming out of it I assumed the Indian dress. A year last Easter, I commenced wearing citizen's clothes again.

Q. What change has taken place in the condition of the people within a few years past?—A. When I came out among them, after leaving the Army, more of the full-bloods had commenced to labor; the women did what was done; the men were on the plains regularly hunting buffalo; sometimes as often as three times a year. If they had commenced civilizing I did not notice it. I joined in with them and became as wild as any of them. Their ideas are altogether different from what they were then. They now have taken up with the idea of working. I mean they went to live in houses, farms, &c. This idea is prevalent through the tribe, but stronger with some than with others.

Q. Do you think there is any band of the tribe who are still desirous of living as wild Indians?—A. No; I don't know that there is. I think some of the leading men are holding some of their bands back. They think they will get control of their own business and will manage their affairs to suit themselves. They are not capable of handling their own money and managing their affairs.

Q. Do you know the particular causes of their dissatisfaction with the agent?—A. They feel that the agent is squandering their money; is spending it upon those who are working. They feel as if their money should be equally divided without reference to working; that they ought not to work for their money. There is also another cause of dissatisfaction in regard to the missionary question. They claim to want Catholic missionaries and schools. They also complain that the agent is partial and gives to some more of their money than he does to others, although the money belongs to all alike.

Q. Are there any Catholics among the full-bloods?—A. There are some who were baptized. There are none who live up to the rules of the church. There are a great many who went to the mission-school, but they don't think about their religion after leaving school.

Q. Do you know of the agent's ever interfering with any one in matters of religion or trying to make others think as he does upon that subject?—A. I never heard the agent trying to turn any one to his way of thinking on those matters.

Q. Has he ever prevented the Catholics or any other religious denomination from sending missionaries here or establishing schools?—A. Not that I know of.

Q. Has he ever used the funds of the nation in sustaining a missionary here or in teaching sectarianism in the school?—A. Not that I ever heard of.

Q. State what your feelings were and what they now are in reference to the agent?—A. In the beginning of the movement in favor of civilization, I was very hostile to it. I did not like to give up my Indian habits. I was on the plains when Nopowalla and Chetopa had commenced civilizing. It seemed to me a terrible thing to go back to civilization after having abandoned civilized life. Through the influence of Colonel Coffey I concluded I might as well quit my wild habits and civilize. I did it. At first I thought the agent had started the movement on his own responsibility, and I protested against it strongly to prevent it. I found out it was the wishes of the Government, and I thought it was no use in bucking against the Government, and so I came right in with the movement as my people wanted me to; and I feel well satisfied with the agent. I feel he is trying to do the best he can to help the people.

Q. State how young Clannore became chief of the Clannore band?—A. Last fall I and Col. Coffey went down to Hominy station on business. We heard old Clannore was very sick. We went over to see him. He said to me, "Here is my son. I am going to die. He knows my views and you know them. I want him to take my place and lead my people as I led them." He said: "Tell the agent to respect him as he has me, and I want you to assist him. He is not old enough to take his own part." I told the agent. He has since then been recognized as chief. He is the choice of the people. This person who the chiefs have selected is not a son of Clannore. Young Clannore called a meeting of the headmen of the tribe and told them that his father was dead and he was to take his place. They all thought the place belonged to him, as he was a son of the old chief. After this Waticonka came, talked a good deal as though he was dissatisfied, and wanted to unite the Clannore band with his.

Q. How much of a farm have you?—A. I have about seventy acres under fence. I paid for a part and my brother-in-law in part. There is an old cabin on it, built by a white settler. I don't know how much of the public funds were spent on it. I have about 9,000 rails.

Q. Do you know of any of the Osages who have hired their work done

and had them paid out of the public funds?—A. I heard Sas-y Chief say his people made some rails for him. I don't know how they were paid for.

Q. Did you know of the agent paying for dog-scalps?—A. I do not.

Q. Do you know of anything of the public moneys being spent on men who did not work at all?—A. I do not.

Q. Don't you think the dissatisfaction which exists arises from the partiality shown by the agent to these men?—A. I think there would be no partiality shown if the men would all work alike.

W. H. CORNOR.

Also GEORGE BEAVER deposes as follows :

Questions by the commission :

Question. What is your office, and how did you get it?—A. My father was chief. After his death my people had a council with all the chiefs of the nation, and it was decided I should take his place.

Q. Ask him if he is still chief.—A. I am chief yet, as I feel.

Q. Has the agent refused to recognize you as chief? If so, for what reason?—A. The agent does not recognize me as chief now. I don't know why.

Q. Did you attend a council on Hominy about two months ago, and did not your people charge you with signing their names to a petition down there?—A. I had been over there and had come home. The people charged me with it. There had been no council at that time. A second time I went over there; there was still no council. I waited one day for it. They had not met yet. The next day a man came from over there and told me: "The council is about to take place. I came to tell you." He said it was for the purpose of signing the petition they all wanted me. I advised the man to go back, and tell them I would consent to whatever they might agree to. I was busy and could not go. The people complained before anything was done. Since then they have said nothing. I suppose they signed my name to the petition. I told them to do so. I did not tell them to write the names of my band.

Q. Have not the band since then refused to regard you as chief?—A. Some of them may. About twenty families regard me as chief.

Q. Was you present when Mrs. Choteau was elected second chief?—A. I called the council to elect a second chief, and she was elected, and we sent a man to report to the agent.

Q. What are your ideas as to the manner the people should live?—A. I think they should settle down and make farms and cultivate the land; raise crops. I advise my people that way.

Q. Have the people all homes, wagons, &c.?—A. Most of them have houses; three or four have not. They have logs cut for houses. All have wells. All want wagons who haven't got them.

Q. What do you think of the agent?—A. All the people are not of the same mind. If we had another man here he might suit us better. The agent and I are great friends. We remained that until last spring, when we separated. The agent caused my people to be uncontrollable by me. One thing I didn't like is, one of my men came to the agency with some dogs. The agent got him to kill them and paid him for them. I thought that was very wrong to pay for killing dogs out of the public funds. The man told me the agent paid him. I never spoke to the agent about it. We had a good many dogs before. Since then they have been raising dogs to get them paid for.

Q. What do you think about the governor having a salary?—A. I think he ought to have a salary.

Q. Are you satisfied with the agency-school, or do you wish a change?—A. The school does not satisfy me. I want a priest. I think they have a better knowledge, and the children will learn to speak English.

GEORGE ^{his} + BEAVER.
mark.

ISAAC T. GIBSON, being recalled, deposes as follows:

Questions by commissioner:

Question. What agency had you in any attempt made upon the part of the half-breeds to withdraw from the Osage Nation?—Answer. I was solicited by some of them to assist them in withdrawing their funds and other interests from the tribe. I did not urge them to do it, but told them if they wished my assistance I would help them. I think the more intelligent would be benefited in managing their own affairs by withdrawing from the Osages, and becoming citizens of the United States.

Q. What are your views as to the most feasible plan for bringing about the settlement and civilization of the Osages?—A. For the Government to so control and expend their funds as to stimulate industry upon the part of the Indians. This is the plan I have pursued, and it has accomplished more than I had any reason to expect it would. If the same system should be applied to all other wild tribes I do not see why they should not, in a comparatively short time, become self-supporting. No occasion should be allowed to pass, when an opportunity is offered, to honor labor, to show respect to the laboring man. They should be taught that the man only who works shall reap the reward of his labor. The Osages had been taught, by traders and others who were interested in their continuing in their wild condition, that they could not learn to labor as white men; that the Great Spirit had made them a different class of people and for a different purpose, and that their destiny was to follow up the buffalo, and when it became extinct they would also; they did not look forward with any hope to the future for their children. These were their feelings when I came among them as agent, and they were the great obstructions in the way of their becoming civilized. I have so labored with them that they have become self-reliant and self-confident. They now know that, with practice, they can become as skillful in labor as white men.

Q. What length of time will it probably take to so far civilize them as that they may be able to take care of their own affairs?—A. I believe in a rapid civilization, which has proved practical with the Osages. I would stimulate them and instruct them to make farms for themselves. If this policy is pursued, I believe the whole tribe can be citizenized in five years, and just as rapidly as they are capable of it I would give them control of their affairs. Let them take responsibility just as fast as it will do to trust them.

Q. Have you at all times permitted the Osages and half-breeds to examine into their business, so far as they are capable of doing so?—A. I have; have invited them, urged them to do it; wanted them to train up men in their tribe who could take entire charge of their affairs.

Q. We have heard complaints from persons, upon the street, that you have made contracts with certain parties, and made them promises in regard to payment which you have not fulfilled. Will you explain, if this is so, what is the reason therefor?—A. I have no contracts which have not been approved of at Washington, and which have been exhib-

ited to you. When in Washington the Commissioner of Indian Affairs told me he would remit to Superintendent Hoag \$30,000, \$40,000 to \$50,000 to be paid on annuities, the remainder on contracts. He remitted the amount to the superintendent, who turned over \$15,000 to me to be applied on contracts. He felt justified in making an annuity-payment of over \$63,000. For this reason I am not able to meet some payments now due upon contracts until I obtain more funds from Washington.

Q. Have you ever paid any protest-fees out of the Osage fund on account of your drafts as agent being protested for non-payment?—A. I never have. All such fees I have paid out of my private funds.

Q. State why you suffered any of your drafts, as agent, to go to protest.—A. The times when my drafts were protested were when I had a right to suppose there would be funds to my credit. I had made out my estimates and sent to Washington in ample time for the funds to reach the First National Bank at Lawrence (the United States depository) to meet my drafts. For reasons unknown to myself they did not arrive in time. At the time when my drafts were being protested the superintendent also had from \$7,000 to \$8,000 of Osage funds that I supposed he would place to my credit. This he did not do, as he wished to reserve it for an annuity-payment, consequently my drafts were protested to that extent. Subsequently the superintendent turned the sum over to me.

Q. Have contracts always been let in such ways and to such persons as in your judgment would accrue most advantageously to the nation?—A. Always.

Q. Have any contracts been let at any time, not in conformity to the requirements of the Government, only in cases where the exigencies of the service would not admit of conformity to such requirements?—A. They have not.

Q. Has any work been done under your supervision, where the same work could have been done more advantageously upon contracts?—A. I do not believe there has.

Q. Will you explain how you came to approve of more certificates for the *per diem* of members of the council than there was money appropriated to pay?—A. I had authority from the Commissioner of Indian Affairs to pay to the council \$3,000 per year. The council continued in session from time to time until their *per diem* exceeded \$1,500, which was the amount that would be set apart at their next session—annual annuity-payment—for payment of council *per diem*. Knowing that there would be set apart a similar sum at the next semi-annual payment, I accepted orders not to exceed the appropriation of \$3,000. The next payment did not take place at the usual time, and the traders who had taken their orders did not get payment of the same until this summer.

Q. Do you knowingly permit any of your employés to be interested, directly or indirectly, in any contracts?—A. I do not.

Q. Old Watianka charges you with having refused to take a half-breed to Washington with the delegation who had been selected by the Osages; will you explain why this was?—A. The person was Frank Michels. He had been very intemperate. By keeping him on the reservation, I had kept him from drink for several months, and I advised him not to go, but let some other person go in his place. He consented to remain, but after the delegation started, somebody put him up to follow the delegation. I refused to let him go. There was already more half-breeds than their number entitled them to. He died of pneumonia while the delegation were in Washington.

Q. Have you ever kept any employés upon the pay-rolls after they had ceased to work for the agency?—A. No; not after they had ceased to labor, either by themselves or by substitute. When any employé had a substitute the voucher was made out in the name of the employé, but the money was paid to the substitute.

Q. Have you at any time had any interest in any contract made on behalf of the Osage Indians since your appointment as agent?—A. I never have, directly or indirectly.

Q. Have you been interested, directly or indirectly, at any time in the purchase of supplies for said Indians since your appointment as agent?—A. I never have.

ISAAC T. GIBSON.

Also J. A. CHASE, being recalled, deposes as follows :

Question. Please explain what system of book-keeping you have adopted in keeping the agency books.—Answer. First-class double-entry.

Q. On what accounts have funds been transferred to you, either by the Central Superintendency or the Indian Bureau at Washington?—A. 1, pay of agents; 2, pay of interpreters; 3, contingencies of Indian department; interest due Osage Indians on avails of diminished reserved lands in Kansas; 4, trust-fund interest due Osage schools; 5, fulfilling treaty with Osages; 6, proceeds of trust-lands, special act of Congress; 7, fulfilling treaty with Osages; interest on \$300,000; and we have kept separate accounts with each of these funds.

Q. Are your books so kept that you can arrive at accurate amounts of the expenditures for school-houses and school purposes, Indian houses, Indian farms, subsistence of Indians, agency buildings, contingent expenses, transportation, purchase of live-stock for other purposes, the subsistence of Indians, &c.?—A. So far as specific appropriations have been made, or so far as indicated upon tabular statements furnished by the department, we can; but otherwise, no further than abstracts of disbursements and accompanying vouchers indicate.

Q. Are your books so kept that you can give the number of houses built for the Indians and the costs of the same?—A. They are not. There has never been any specific appropriations for building purposes, (excepting \$30,000 for agency buildings;) the money so expended has been taken out of the general fund for civilization purposes. Employés at work on such buildings have at the same time been engaged in other employments as they might be directed, and it would be difficult to separate their wages so as to show what should be charged to Indian houses and what to other employments.

Q. Can you tell the amounts applied to the erection of agency buildings the past two fiscal years?—A. Not exactly; can approximate very nearly to it. In addition to the balance of special appropriation there is about \$2,000 by employés.

Q. Have you kept employés upon the pay-rolls after they had ceased to work for the agency?—A. We never have. Occasionally a substitute has worked for an employé.

Q. Have you ever had any interest whatever, either directly or indirectly, in any contract made by the agency or for it, with any person or persons whatever?—A. I have not.

Q. Are there any means by which this commission can arrive at a nearer accurate statement of the various amounts expended for the agency than appears in the exhibits made by yourself and ourselves from the abstracts of disbursements?—A. Not without a minute examination of

each separate voucher, and then the exact amount could not be ascertained. For instance, an employé is employed by the month; we take his voucher for the monthly pay. Now he may work awhile on one kind of work, and a part of the time on some other work; the voucher does not show this.

Q. What length of time would it take this commission to go through all the vouchers in detail and make examination of the same?—A. I think it would take the entire commission about two weeks to go through the eight quarters, and then it would not be much more satisfactory than the statements you now have. I wish to state when funds are received, the institution in which they are deposited is charged with the amount. The heads of accounts for which the appropriation was made are credited with their respective amounts. When a check is made for any purpose the bank is credited with the amount and the party charged with the same. Then the party is credited by voucher for the same amount, which is charged in general voucher-account. In making up returns we charge the appropriate account for all vouchers made for that service and credit the voucher-account with the same.

J. A. CHASE.

LAWRENCE, KANSAS, *September 2, 1875.*

Deposition of W. C. Maston, of Coffeyville, Kan., in the matter of the reference by the Secretary of the Interior to this commission of complaints made by certain parties against Isaac T. Gibson, agent of the Osage Indians.

W. C. MASTON, being first duly sworn, deposes as follows: Chas. W. Blair representing the memorialists; Isaac T. Gibson not represented.

Question. State the circumstances connected with your giving a receipt for a certain sum of money to Isaac T. Gibson, agent, on or about the month of December, 1874, when and where it was given.—A. At the office of the agent of the Osage agency, on or about the 9th day of December, 1874. Mr. Chase, the chief clerk of Mr. Gibson, said that Mr. Kemble, the inspector, was coming; that he wanted to make as good showing as possible, and that he would like to have a receipt from me for a sum of money which I was owing to them for hides, amounting to \$975.07. They owed me, or rather R. C. Crowell & Co., of which firm I am a partner, about \$2,500 for goods and freight. I had previously to this time sent them an account of sale of the hides amounting to \$975.07. This sum was also owing by R. C. Crowell & Co. The whole transaction was through them. I sat down and gave them a receipt, which is as follows:

“Recd. of Isaac T. Gibson, U. S. Indian agent, nine hundred seventy-five & $\frac{07}{100}$ (\$975.07.)

“R. C. CROWELL & CO.”

I considered it in the light of a loan for that amount of money, and gave it to Mr. Chase. Afterwards, some two weeks, they paid me what was owing to me, but not in full—nearly so, leaving a balance of about \$500 due me. Subsequently I paid Mr. Gibson some \$600 on the indebtedness for hides. I wrote a letter for the receipt which I received in a letter of the date of the 21st January, 1875, with the following indorsement made upon the receipt:

“Received on the within \$600.

“I. T. GIBSON,
U. S. Ind. Agt.,
“Per J. A. CHASE.”

The letter was written by the clerk, Chase, but signed by Isaac T. Gibson, in his handwriting. By direction of this letter the balance we owed, \$375.07, was to be paid to Hiatt & Co., and we so paid it.

Q. Was Mr. Gibson present when this transaction with Mr. Chase concerning the taking of the receipt took place?—A. He was not present when I made the receipt out, and I don't think he knew anything about it.

Q. Do you know whether Mr. Gibson had ever any knowledge of it other than the fact of his signing the letter of January 21, 1875?—A. I don't think he ever knew the reason why the receipt was given. He may have known that it was given.

Q. At the time the receipt was given, do you know whether R. C. Crowell & Co. were charged on the books of the agency with the amount of the hides, \$975.07?—A. I do not. I never looked at the books. Our mode of business was this: they would ship us lots of hides and we would sell and render them an account of sales and notify them of the amount we had credited them with on our books. We did this in every instance, and in this instance within a month of giving this receipt. There was no pecuniary consideration given for this receipt.

Q. Do you know whether you were charged with this amount on the books of the agency at the time the receipt was given?—A. I do not know; don't know anything about the books.

Q. To make this receipt available in any examination of the books by an inspector, so as to appear to him that you had been paid that sum, and also stand charged with the hides, would not that amount have to appear twice upon the books?—A. If he had placed it on the books, it would appear that I owed him double the amount I really owed him; if he had placed the receipt in his cash-box, it would appear that I owed him that amount of cash additional to the charge of the hides.

Q. Did Mr. Kemble inspect the agency between the times of the giving of the receipt and the taking of it up?—A. He was there.

Q. Are you certain in regard to dates?—A. I am not certain; but I know the receipt was given the day before the inspector, Mr. Kemble, arrived at the agency. I was present in the office when Mr. Kemble arrived.

Q. Do you know that there was a deficiency at that time in the funds of the agency appearing that Mr. Gibson had made a requisition for, but which had not come to hand; that Mr. Gibson was short from \$30,000 to \$40,000?—A. I presume that he (Mr. Gibson) may have told me previous to this time that such was the condition of his accounts owing to the payment made by the Secretary of the Interior to Wm. P. Adair.

Q. Did you regard the giving of this receipt as a legitimate business transaction?—A. I regarded it as a loan, just the same as if I had given a bank or express company or other body a loan, in view of an examination of the books of said company by the directors, and considered it as a perfectly legitimate transaction upon my part.

WM. C. MASTEN.

NO. 5.—MINUTES OF MEETINGS OF UNITED STATES SPECIAL COMMISSION TO INVESTIGATE AFFAIRS OF OSAGE AGENCY.

CHICAGO, ILLS., August 7, 1875.

Commission assembled pursuant to notice of chairman. Present, N. H. Van Vorhes, chairman; E. C. Kemble, secretary; H. S. Neal, and H. F. Hawkes.

The chairman read a communication from Acting Commissioner of Indian Affairs, H. R. Clum, dated August 2, inclosing copy of a telegram from C. B. Fisk, president of board of Indian commissioners, announcing the disapproval by that board of the claim of C. N. Vann and W. P. Adair, and revoking the request to have said claim referred to a special commission. In accordance with which the Acting Commissioner withdraws so much of the instructions to the commission as pertains to the investigation of said claim and asks the return of the papers to his Office.

It appearing upon an examination of the documents referred to the commission that a petition, said to be dated May 9, was not among the papers in the chairman's possession, a telegram was prepared and sent to the Acting Commissioner, making inquiry concerning it.

The chairman read a communication from J. E. Rhoads, secretary of the executive committee of Orthodox Friends, stating that the Commissioner of Indian Affairs had consented that a representative of the society might accompany the commission, and making inquiry relative to its movements. The chairman said he had replied to the communication, and further consideration of the matter was postponed.

It was agreed to start on the 9th instant for the Osage agency, calling upon the superintendent of Indian affairs at Lawrence *en route*.

Adjourned to meet in Lawrence, Kans., 10th instant.

LAWRENCE, KANS., August 10.

Commission met pursuant to adjournment. Members present as before.

It was agreed to wait upon Superintendent Hoag and ask to be shown the accounts of Agent Gibson, and to examine his bank-account.

In accordance with the request of J. E. Rhoads, it was determined that an invitation should be given to Dr. W. Nicholson, general agent of the Orthodox Friends, and whose office is in Lawrence, to accompany the commission to the agency.

The commission then adjourned to the office of the Central superintendency, where they met Cyrus Beede, chief clerk of the superintendency, and Dr. W. Nicholson. They were informed that Superintendent Hoag was absent at the Osage agency, making payments to the tribe.

Members of the commission then proceeded to the examination of the accounts of Agent Gibson.

At 5 o'clock commission adjourned to August 11.

LAWRENCE, August 11.

Commission met at 9 o'clock a. m., and after visiting the superintendent's office and ascertaining that a statement of funds received and transferred on account of Osage agency, which was being made up for the commission, was not yet in readiness, they adjourned until 2 p. m.

AUGUST 11—2 p. m.

Commission met and resumed examination of affairs of Osage agency as shown on the books of the Central superintendency.

After as full an investigation of the agent's accounts as it was possible under the circumstances to make, the commission resolved to invite all persons in Lawrence and the country adjacent, having knowledge of any facts relating to the administration of Agent Gibson, to appear before the commission and testify, sending notice to the commission at Osage agency, so that it could, if necessary, visit Lawrence on its return. Notice of such invitation was sent to the Lawrence newspapers.

The commission then adjourned to meet at Osage agency, August 14.

OSAGE AGENCY, IND. T., *August 14.*

Commission met at 9 a. m. in private office of Hiatt & Co., traders.

It having been announced that the chiefs, councilors, and people of the Osage Nation were desirous to meet the commission in general council, it was agreed to invite them to assemble this afternoon.

Joe Pah-ne-no-pah-che, claiming to be governor of the Osage Nation, called and presented a written communication setting forth that his people had appointed W. P. Adair attorney to represent them in the investigation of the affairs of the agency.

A communication was addressed to Agent Gibson asking if, under his instructions from the Commissioner of Indian Affairs, W. P. Adair could be admitted to represent the Osages in their complaints against the administration of agency affairs.

A reply was received from the agent declining to recognize the authority of W. P. Adair to counsel or interfere with the Indians on the reservation, and inclosing a communication (dated July 2, 1875,) from the Commissioner containing copy of a letter to W. P. Adair forbidding his interference in the affairs of the Osages.

Adjourned to meet at 2 p. m.

AUGUST 14—2 p. m.

Commission met and proceeded to place appointed for meeting Indians in council.

AUGUST 14—6 p. m.

After adjournment of council, the commission met in its room, (at trader's.)

Agreeably with the request of "Governor Joe" (made in council) for a copy of the instructions from the Commissioner of Indian Affairs to the commission, so much of the same as pertains to its duties in investigation of agency affairs was copied.

It was not deemed by a majority of commission as proper that reference should be made by date to the memorials and petitions in its possession, and the passage of instructions relating to petition of May 9 was omitted from the copy furnished "Governor Joe," Mr. Van Vorhes objecting to the omission.

It was agreed to admit W. P. Adair to aid the Osages in the preparation of their charges against the agent.

Commissioners adjourned to meet Indians again in council Monday morning, 16th instant.

AUGUST 16—9 a. m.

Commission met in the room provided by the agent.

A communication was read from "Governor Joe," urging the consideration of the complaints made by the Indians that the agent had interfered with their religious privileges and right of worship; also, asking for the full text of the instructions given by the Commissioner of Indian Affairs.

A reply was prepared, declining to furnish a full copy of instructions.

A communication was also forwarded to "Governor Joe," declining to admit W. P. Adair to act as attorney for the Osages before the commission, but expressing a willingness to allow him to aid them unofficially in the preparation of their charges.

Adjourned to meet Indians in council.

AUGUST 16—6 p. m.

Commission met, after adjournment of council.

Agreed to commence taking testimony next day at 1 o'clock p. m., and to close proceedings in council at noon.

Adjourned to meet Indians in council 17th instant, at 9 a. m.

AUGUST 17—1 p. m.

Commission met in examination-room.

The following rules for the government of the commission were adopted.

"The only persons who will be admitted to the examination of witnesses are—

"1st, commission; 2d, clerks; 3d, agent; 4th, governor of nation; 5th, chief councilor of nation; 6th, attorney for each party, (the Indians being divided into two parties, for and against the agent,) if this be the wish of the Indians; 7th, interpreters, (the Government interpreter, one for Governor Joe and party, and a third for the commission;) 8th, witnesses, one at a time; 9th, reporters.

"No persons shall be permitted to speak in the Osage language except the witnesses and interpreters.

"No person shall put any question to the witnesses or make any suggestion except to the commission.

"All questions desired to be asked by persons other than the commission shall be reduced to writing and submitted to the commissioners, who will put them to the witness."

The commission then proceeded with the examination of witnesses.

AUGUST 17—6 p. m.

At the close of this day's investigation the committee met privately to consider the application of C. W. Blair to be admitted (with L. W. Bell) to act as attorney for the complainants. It was agreed to allow Messrs. Blair and Bell to appear and conduct the case for the memorialists.

Adjourned to meet and resume investigation to-morrow at 9 o'clock.

AUGUST 19—4 p. m.

Commission met, after adjournment of investigation, and proceeded to the farms of Saucy-Chief's band, 5 miles from agency, to examine improvements made by the agent and the work done by the Indians; visited and inspected seven houses and farms.

Adjourned to 20th.

AUGUST 25.

Commissioners Van Vorhes and Hawkes, with approval of other commissioners, visit and inspect improvements and Indian farms in Beaver's band, on Bird Creek. Neal and Kemble remain to take testimony.

AUGUST 27.

Commissioners Van Vorhes and Hawks visit the office of the agent for the purpose of commencing an examination of the books and accounts.

AUGUST 28—12 m.

At the conclusion of the examination of witnesses, commission adjourned to agency office to take further testimony in connection with the examination of books and accounts of agent. L. W. Bell was invited to accompany the commission.

AUGUST 29—6 p. m.

Commissioners met. Present Van Vorhes, Kemble, Hawks, Neal, and Asa Hodges, the latter having arrived this afternoon.

Mr. Hodges presented his instructions and letter accompanying the same, dated August 6, and received by him August 12. He stated that sickness had prevented his joining the commission earlier.

It was resolved to conclude the investigation of agency affairs on the 30th, and to proceed to Lawrence, Kans., to take additional testimony. Adjourned to 30th instant.

AUGUST 30—6 p. m.

The commission having finished its work at the agency, adjourned to meet at Lawrence, Kans., September 1.

LAWRENCE, KANS., *September 1.*

Commission met. All the members present except Mr. Van Vorhes, who, with the approval of other members, had proceeded to Fort Scott, Kansas.

Called at office of superintendent to obtain further evidence in regard to accounts of Osage agency. Superintendent and chief clerk absent. Adjourned to 2d instant.

SEPTEMBER 2.

Commission met and took deposition of W. P. Marston. C. W. Blair present.

It was agreed to go to Saint Louis and prepare the report of the commission.

Adjourned to meet in Saint Louis September 3.

SAINT LOUIS, *September 3.*

Commission met at the Lindell House. All members present.

Resolved to meet every morning at 9 o'clock to abstract and digest evidence until a report is agreed upon.

SEPTEMBER 7.

At the meeting of the commission this morning, the abstract of evidence was read and compared, and the members proceeded to vote on the charges separately.

Charges 1, 3, 4, 6, 8, 10, 11, 12, 13, 14, 15, were voted not sustained; charge 2 voted to be not well founded; charge 6 voted sustained with qualifying circumstances; charge 7 voted sustained with qualifying circumstances; charge 9 voted not sustained; charge 16 voted sustained as to pasturage and herders, not sustained as to remainder of charge; charge 17 voted not sustained, except as to signing two sets of vouchers in one case; charge 18, no evidence of fraud or dishonesty, but the books and accounts are kept unsystematically and improperly. The method very reprehensible, and calling for correction.

Commission adjourned to prepare report and meet at call of chairman.

SEPTEMBER 9.

Commission met to hear reading of report and recommendations.

After discussion the report and recommendations as prepared were adopted, and signed by Messrs. Van Vorhes, Kemble, Hawks, and Hodges, Mr. Neal signing a dissenting statement.

Mr. Hodges, in addition to his concurrence in the report and recommendations, desired to append a statement expressing his individual views in regard to the agent.

Both statements were ordered appended to the report.

The secretary was ordered to have the report and documents copied and properly arranged, and to transmit them to the Secretary of the Interior.

On motion, the commission adjourned *sine die*.