

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A report of the commission appointed December 18, 1880, to ascertain the fact in regard to the removal of the Ponca Indians.

FEBRUARY 2, 1881.—Referred to the Select Committee to Examine into the Circumstances connected with the Removal of the Northern Cheyennes from the Sioux Reservation to the Indian Territory and ordered to be printed.

To the Senate and House of Representatives :

In compliance with the request of a large number of intelligent and benevolent citizens, and believing that it was warranted by the extraordinary circumstances of the case, on the 18th day of December, 1880, I appointed a commission, consisting of George Crook and Nelson A. Miles, brigadier-generals in the Army, William Stickney, of the District of Columbia, and Walter Allen, of Massachusetts, and requested them to confer with the Ponca Indians in the Indian Territory, and if, in their judgment, it was advisable, also with that part of the tribe which remained in Dakota, and "to ascertain the facts in regard to their removal and present condition, so far as was necessary to determine the question as to what justice and humanity require should be done by the Government of the United States, and to report their conclusions and recommendations in the premises."

The commission, in pursuance of these instructions, having visited the Ponca Indians in their homes in the Indian Territory and in Dakota, and made a careful investigation of the subject referred to them, have reported their conclusions and recommendations, and I now submit their report, together with the testimony taken, for the consideration of Congress. A minority report by Mr. Allen is also herewith transmitted.

On the 27th of December, 1880, a delegation of Ponca chiefs from the Indian Territory presented to the Executive a declaration of their wishes, in which they stated that it was their desire "to remain on the lands now occupied by the Poncas in the Indian Territory," and "to relinquish all their right and interest in the lands formerly owned and occupied by the Ponca tribe in the State of Nebraska and the Territory of Dakota," and the declaration sets forth the compensation which they will accept for the lands to be surrendered and for the injuries done to the tribe by their removal to the Indian Territory. This declaration, agreeably to the request of the chiefs making it, is herewith transmitted to Congress.

The public attention has frequently been called to the injustice and wrong which the Ponca tribe of Indians has suffered at the hands of

the Government of the United States. This subject was first brought before Congress and the country by the Secretary of the Interior, in his annual report for the year 1877, in which he said:

The case of the Poncas seems entitled to especial consideration at the hands of Congress. They have always been friendly to the whites. It is said, and, as far as I have been able to learn, truthfully, that no Ponca ever killed a white man. The orders of the government always met with obedient compliance at their hands. Their removal from their old homes on the Missouri River was to them a great hardship. They had been born and raised there. They had houses there in which they lived according to their ideas of comfort. Many of them had engaged in agriculture, and possessed cattle and agricultural implements. They were very reluctant to leave all this, but when Congress had resolved upon their removal, they finally overcame that reluctance and obeyed. Considering their constant good conduct, their obedient spirit, and the sacrifices they have made, they are certainly entitled to more than ordinary care at the hands of the government, and I urgently recommend that liberal provision be made to aid them in their new settlement.

In the same volume the report of E. A. Howard, the agent of the Poncas, is published, which contains the following:

I am of the opinion that the removal of the Poncas from the northern climate of Dakota to the southern climate of the Indian Territory, at the season of the year it was done, will prove a mistake, and that a great mortality will surely follow among the people when they shall have been here for a time and become poisoned with the malaria of the climate. Already the effects of the climate may be seen upon them in the *ennui* that seems to have settled upon each, and in the large number now sick.

It is a matter of astonishment to me that the government should have ordered the removal of the Ponca Indians from Dakota to the Indian Territory without having first made some provision for their settlement and comfort. Before their removal was carried into effect an appropriation should have been made by Congress sufficient to have located them in their new home, by building a comfortable house for the occupancy of every family of the tribe. As the case now is, no appropriation has been made by Congress, except for a sum but little more than sufficient to remove them; no houses have been built for their use, and the result is that these people have been placed on an uncultivated reservation to live in their tents as best they may, and await further legislative action.

* * * * *

These Indians claim that the government had no right to move them from their reservation without first obtaining from them by purchase or treaty the title which they had acquired from the government, and for which they rendered a valuable consideration. They claim that the date of the settlement of their tribe upon the land composing their old reservation is prehistoric; that they were all born there, and that their ancestors from generations back beyond their knowledge were born and lived upon its soil, and that they finally acquired a complete and perfect title from the government by treaty made with the "great father" at Washington, which, they claimed, made it as legitimately theirs as is the home of the white man acquired by gift or purchase.

* * * * *

The subject was again referred to in similar terms in the annual report of the Interior Department for 1878, in the reports of the Commissioner of Indian Affairs and of the agent of the Poncas, and in 1879 the Secretary of the Interior said:

That the Poncas were grievously wronged by their removal from their location on the Missouri River to the Indian Territory, their old reservation having, by a mistake in making the Sioux treaty, been transferred to the Sioux, has been at length and repeatedly set forth in my reports, as well as those of the Commissioner of Indian Affairs. All that could be subsequently done by this department in the absence of new legislation, to repair that wrong and to indemnify them for their losses, has been done with more than ordinary solicitude. They were permitted to select a new location for themselves in the Indian Territory, the Quapaw Reserve to which they had first been taken being objectionable to them. They chose a tract of country on the Arkansas River and the Salt Fork, northwest of the Pawnee Reserve. I visited their new reservation personally to satisfy myself of their condition. The lands they now occupy are among the very best in the Indian Territory in point of fertility, well watered and well timbered, and admirably adapted for agriculture as well as stock-raising. In this respect their new reservation is unquestionably superior to that which they left behind them on the Missouri River. Seventy houses have been built

by and for them of far better quality than the miserable huts they formerly occupied in Dakota, and the construction of a large number is now in progress; so that, as the agent reports, every Ponca family will be comfortably housed before January. A very liberal allowance of agricultural implements and stock cattle has been given them, and if they apply themselves to agricultural work their is no doubt that their condition will soon be far more prosperous than it has ever been before. During the first year after their removal to the Indian Territory, they lost a comparatively large number of their people by death, in consequence of the change of climate, which is greatly to be deplored; but their sanitary condition is now very much improved. The death-rate among them during the present year has been very low, and the number of cases of sickness is constantly decreasing. It is thought that they are now sufficiently acclimated to be out of danger.

* * * * *

A committee of the Senate, after a very full investigation of the subject on the 31st of May, 1880, reported their conclusions to the Senate, and both the majority and minority of the committee agreed that "a great wrong had been done to the Ponca Indians." The majority of the committee says:

* * * * *

Nothing can strengthen the government in a just policy to the Indians so much as a demonstration of its willingness to do ample and complete justice whenever it can be shown that it has inflicted a wrong upon a weak and trusting tribe. It is impossible for the United States to hope for any confidence to be reposed in them by the Indian until there shall be shown on their part a readiness to do justice.

The minority report is equally explicit as to the duty of the government to repair the wrong done the Poncas. It says:

* * * * *

We should be more prompt and anxious because they are weak and we are strong. In my judgment we should be liberal to the verge of lavishness in the expenditure of our money to improve their condition, so that they and all others may know that, although like all nations and all men, we may do wrong, we are willing to make ample reparation.

The report of the commission appointed by me, of which General Crook was chairman, and the testimony taken by them, and their investigations add very little to what was already contained in the official reports of the Secretary of the Interior, and the report of the Senate committee touching the injustice done to the Poncas by their removal to the Indian Territory. Happily, however, the evidence reported by the commission and their recommendations point out conclusively the true measures of redress, which the Government of the United States ought now to adopt.

The commission in its conclusions omit to state the important facts as to the present condition of the Poncas in the Indian Territory, but the evidence they have reported shows clearly and conclusively that the Poncas now residing in that Territory, five hundred and twenty-one in number, are satisfied with their new homes; that they are healthy, comfortable, and contented, and that they have freely and firmly decided to adhere to the choice announced in their letter of October 25, 1880, and in the declaration of December 27, to remain in the Indian Territory, and not to return to Dakota.

The evidence reported also shows that the fragment of the Ponca tribe, perhaps one hundred and fifty in number, which is still in Dakota and Nebraska, prefer to remain on their old reservation.

In view of these facts I am convinced that the recommendations of the commission, together with the declaration of the chiefs of December last, if substantially followed, will afford a solution of the Ponca question which is consistent with the wishes and interest of both branches of the tribe, with the settled Indian policy of the government, and as nearly as is now practicable with the demands of justice.

Our general Indian policy for the future should embrace the following leading ideas:

1. The Indians should be prepared for citizenship by giving to their young of both sexes that industrial and general education which is required to enable them to be self-supporting and capable of self-protection in a civilized community.

2. Lands should be allotted to the Indians in severalty, inalienable for a certain period.

3. The Indians should have a fair compensation for their lands not required for individual allotments, the amount to be invested with suitable safeguards for their benefit.

4. With these prerequisites secured, the Indians should be made citizens and invested with the rights and charged with the responsibilities of citizenship.

It is therefore recommended that legislation be adopted in relation to the Ponca Indians, authorizing the Secretary of the Interior to secure to the individual members of the Ponca tribe, in severalty, sufficient land for their support inalienable for a term of years, and until the restriction upon alienation may be removed by the President. Ample time and opportunity should be given to the members of the tribe freely to choose their allotments, either on their old or new reservation.

Full compensation should be made for the lands to be relinquished, for their losses by the Sioux depredations, and by reason of their removal to the Indian Territory—the amount not to be less than the sums named in the declaration of the chiefs made December 27, 1880.

In short nothing should be left undone to show to the Indians that the Government of the United States regards their rights as equally sacred with those of its citizens. The time has come when the policy should be to place the Indians as rapidly as practicable on the same footing with the other permanent inhabitants of our country.

I do not undertake to apportion the blame for the injustice done to the Poncas. Whether the Executive or Congress or the public is chiefly in fault is not now a question of practicable importance. As the Chief Executive at the time when the wrong was consummated, I am deeply sensible that enough of the responsibility for that wrong justly attaches to me to make it my particular duty and earnest desire to do all I can to give to these injured people that measure of redress which is required alike by justice and by humanity.

RUTHERFORD B. HAYES.

EXECUTIVE MANSION,
February 1, 1881.

REPORT OF SPECIAL COMMISSION TO THE PONCAS.

WASHINGTON, D. C., *January 25, 1881.*

SIR: In compliance with the request contained in the following letter of appointment and instructions, the undersigned have the honor to report:

EXECUTIVE MANSION,
Washington, D. C., December 18, 1880.

I request the following gentlemen to proceed to the Indian Territory as soon as may be, and, after conference with the Ponca tribe of Indians, to ascertain the facts in regard to their recent removal and present condition, so far as is necessary to determine the question what justice and humanity require should be done by the Government of the United States, and report their conclusions and recommendations in the premises: Brig. Gen. George Crook, U. S. A.; Brig. Gen. Nelson A. Miles, U. S. A.; William Stickney, Washington, D. C.; Walter Allen, Newton, Mass.

It is the purpose of the foregoing request to authorize the commission to take whatever steps may, in their judgment, be necessary to enable them to accomplish the purpose set forth.

General Crook is authorized to take with him two aides-de-camp to do clerical work.
R. B. HAYES.

They have made a careful investigation of the subject referred to them, and respectfully submit the following conclusions and recommendations:

1st. That the removal of the Ponca Indians from their reservation in Dakota and Nebraska, where they were living by virtue of treaties with the United States of 1858 and 1867, was not only most unfortunate for the Indians, resulting in great hardships and serious loss of life and property, but was injudicious and without sufficient cause. It was also without lawful authority, inasmuch as the law requiring the consent of the Indians as a condition precedent to their removal was overlooked or wholly disregarded.

2d. That the lands from which the Poncas were removed had been "ceded and relinquished" to them by the United States for ample consideration specified in the treaties. That the government solemnly covenanted not only to warrant and defend their title to these lands, but also to protect their persons and property thereon. That the Indians had violated no condition of the treaty by which their title to the lands or claim to protection had been forfeited, and that this rightful claim still exists in full force and effect, notwithstanding all acts done by the Government of the United States.

3d. That up to within a few months of the present time they have manifested the strongest desire to return to their reservation in Dakota, and a portion of the tribe succeeded in getting back to their native country. The remainder of the tribe were greatly discouraged in their efforts to return, and they finally despaired of regaining their rights. Under the belief that the government would not regard their title to the land in Dakota as valid, and that they could obtain a stronger title to the land in the Indian Territory, as well as other promised considerations, they decided to accept the best terms they could obtain. Their chiefs and headmen agreed to remain in that Territory. Having once committed themselves in writing to that course, they, with commendable integrity, regarded their action as sacred so far as they were concerned, and the majority of their people acquiesced and indorsed the action of their headmen.

4th. That the Indians who have returned to their reservation in Dakota have the strongest possible attachment to their lands and a resolute purpose to retain them. They have received no assistance from the government, and, except the limited aid furnished by benevolent people, they have been entirely self-sustaining. With few agricultural implements they have cultivated a considerable tract of land for their support. They are on friendly terms with all other Indian tribes, including the Sioux, as well as with the white settlers in their vicinity. They pray that they may not again be disturbed, and ask for a teacher to aid and instruct them in the arts of industry, and for a missionary to teach them the principles of morality and religion.

In the settlement of the problem presented by this state of affairs, the commission believe that the government should be controlled by the principles that would be applicable to any peaceable and law-abiding people in the same circumstances, and that not only the welfare of the Ponca Indians, but the future influence and authority of the government over other Indian tribes (who are better informed than is generally supposed concerning the circumstances of the Poncas), demand that there should be an ample and speedy redress of wrongs, thus exhibiting a conspicuous example of the government's purpose to do justice to all. It is therefore recommended—

That an allotment of 160 acres of land be made to each man, woman, and child of the

Ponca tribe of Indians, said lands to be selected by them on their old reservation in Dakota, or on the land now occupied by the Ponca Indians in the Indian Territory, within one year from the passage of an act of Congress granting such tracts of land. That until the expiration of this period free communication be permitted between the two branches of the tribe. Said land to be secured to them by patent; that the title to the same shall not be subject to lien, alienation, or incumbrance either by voluntary conveyance, or by judgment, order or decree of any court, or subject to taxation of any character for a period of thirty years from the date of the patent, and until such time, thereafter as the President may remove the restriction. That any conveyance made by any of these Indians before the expiration of the time above mentioned shall be void, and it shall be the duty of the Attorney-General, at the request of the Secretary of the Interior, to institute suit to set aside such deed or conveyance, that their title to the lands may be intact, and that they shall be subject to the laws, both civil and criminal, including the laws of alienation and descent in force in the State or Territory where such lands are selected.

That the United States take immediate action to extinguish all claims that would be an incumbrance upon the title to any lands, which it is proposed shall be allotted to all members of the Ponca tribe of Indians.

That the government continue its appropriations the same as at present, not less than \$53,000 per year during the period of five years from the passage of the act making the allotments as aforesaid, the same to be for the benefit of the members of the tribe *pro rata*.

That the additional sum of \$25,000 be immediately appropriated and expended in agricultural implements, stock, and seed, \$5,000 of which shall be for the exclusive benefit of the Poncas in Nebraska and Dakota, the remaining \$20,000 to be divided among the families of the whole tribe according to the number in each family, to be in full satisfaction for all Sioux deprivations and losses of property sustained by these Indians in consequence of their removal. That the further sum of not less than \$5,000 be appropriated for the construction of comfortable dwellings, and not more than \$5,000 for the erection of a school-house for the Poncas in Nebraska and Dakota, and that suitable persons be employed by the government for their instruction in religious, educational, and industrial development, and to superintend, care for, and protect all their interests. We respectfully suggest that the welfare of these Indians requires us to emphasize the necessity of prompt action in settling their affairs, to the end that this long pending controversy may be determined according to the dictates of humanity and justice.

In conclusion, we desire to give expression to the conviction forced upon us by our investigation of this case, that it is of the utmost importance to white and red men alike that all Indians should have the opportunity of appealing to the courts for the protection and vindication of their rights of person and property. Indians cannot be expected to understand the duties of men living under the forms of civilization until they know by being subject to it the authority of stable law as administered by courts, and are relieved from the uncertainties and oppression frequently attending subjection to arbitrary personal authority.

The evidence taken by the commission, together with documents pertaining to the inquiry, accompany this report.

All of which is respectfully submitted.

GEORGE CROOK,
Brigadier-General, U. S. A.
NELSON A. MILES,
Brigadier-General, U. S. A.
WILLIAM STICKNEY.

The PRESIDENT.

MINORITY REPORT.

The undersigned agrees with and subscribes to the conclusions and recommendations of his colleagues in the inquiry as far as they go; but, differing with them in his view of the duty of the commission to report the facts and reasons upon which the conclusions and recommendations are based, instead of unsupported conclusions and recommendations which may appear to be uncalled for, he, with their consent, submits what follows as forming in proper connection with what the rest have substituted to, his complete report.

With regard to the removal of the Ponca tribe of Indians from their reservation in Nebraska and Dakota to the Indian Territory, the commission have acquired but little new information and no new important particulars. The thorough investigation of this matter by a select committee of the United States Senate during the last session of Congress made it unnecessary for us to institute an original inquiry. That commit-

tee had more powers and more time for prosecuting such an investigation than in the nature of the case this commission could use. The witnesses who came before it were examined under oath, and it may be presumed that all the facts necessary for forming a full and just opinion concerning the circumstances of the removal and the lawfulness or unlawfulness of it are contained in the volume of five hundred printed pages of testimony taken by the Senate committee, upon which is based the elaborate report made to the Senate on the 31st May, 1880. Whatever new evidence has been received by this commission is confirmatory and not contradictory of the facts that appear to be clearly established by that inquiry, and these facts it is necessary to consider in determining what justice and humanity require the United States to do in respect of the Ponca tribe of Indians.

In 1858 the Ponca tribe of Indians, by a formal treaty with the United States, did "cede and relinquish" to the United States a portion of the lands owned and claimed by them, reserving another portion for their future homes. By the same treaty the United States, "in consideration of the foregoing cession and relinquishment," agreed and stipulated "to protect the Poncas in the possession of the tract of land reserved for their future homes and their persons and property thereon during good behavior on their part."

In 1867, by another treaty, the Ponca tribe of Indians did "cede and relinquish" to the United States 30,000 acres of the land reserved for themselves by the treaty of 1858, and in the possession and enjoyment of which the government had pledged itself to protect them. By the same treaty of 1867 the Government of the United States, "in consideration of the cession or release of" such portion of their reservation, and "by way of rewarding them for their constant fidelity to the government and citizens thereof, and with a view of returning to said tribe of Ponca Indians their own burying-ground, and cornfields," did "cede and relinquish" to the tribe of Ponca Indians certain lands definitely described in the treaty itself. The lands which the Poncas held under these two absolute grants and quit-claims from the United States constituted the reservation of 96,000 acres occupied by the Ponca Indians after 1867.

In 1868 a commission, acting in behalf of the Government of the United States, negotiated a treaty with some Sioux Indians, by the terms of which the lands which had been "ceded and relinquished" to the Ponca Indians in 1858 and 1867, and in the possession and occupation of which the government had solemnly pledged itself to protect them, were included in a grant for a reservation for these Sioux. Ten years afterwards a Commissioner of Indian Affairs, under the present administration, in his annual report characterized this feature of the Sioux treaty as "a blunder," and declared that "the negotiators had no right whatever to make the cession"; an opinion not likely to be contradicted.

For several years after the Sioux took possession of their new reservation their marauding parties troubled the Poncas, who still occupied their own land, by stealing their ponies, and occasionally murdering a member of the tribe.

The United States Government made no adequate effort to protect the Poncas against these incursions of roaming parties of Sioux, although frequently and strongly appealed to on the subject. Neither did the government, so far as appears, ever notify the Sioux that it had included in their reservation land which belonged to the Poncas, or make any proposition to the Sioux to give them "a oney or land, or other consideration, in lieu of the Ponca lands which had been wrongfully included in their reservation. Nor did the government, before the removal of the Poncas to the Indian Territory, make any proposition to them to purchase their lands for the Sioux, or offer them any indemnity for the wrong done them in presuming to cede away their lands. But the right of the Poncas to their lands, and the obligation of the government to protect them thereon, was recognized by appropriation of money to indemnify the tribe for losses by thefts and murders committed by the Sioux. This unfortunate and sorry condition of affairs continued eight years without correction, the government seeming to consent to the sacrifice of the rights and the peace of a tribe which had never made war upon it, and never broken faith with it, rather than seek a just settlement with a more powerful tribe that had defied it.

The depredations referred to created among the Poncas a feeling of insecurity, which was increased by the negligence of the government, and at one time they seriously considered a plan to remove to the lands of the Omahas, a kindred and friendly tribe, who were then willing to receive them and share with them their ample reservation in Nebraska. But the plan, although approved by the Indian Bureau as an easy and practicable solution of an embarrassing difficulty, was never consummated. Congress, instead of adopting the recommendation, inserted in the Indian appropriation bill of 1876 the following provision:

"That the Secretary of the Interior may use of the foregoing amounts the sum of twenty-five thousand dollars for the removal of the Poncas to the Indian Territory, and providing them a home therein, *with the consent of said band.*"

This was done without previous consultation with the Poncas, and without their knowledge, nor were they informed of what was in contemplation until an agent of

the Indian Bureau appeared among them, in January, 1877. The details of this man's negotiations with, and intimidation of, these Indians, in the effort to obtain their consent to remove to the Indian Territory, make a voluminous and scandalous record. This record need not be rehearsed here, for his conduct is no longer defended by anybody.

At the date when this administration came into power the consent sought had not been obtained. It appears that the new Secretary of the Interior and the Commissioner of Indian Affairs were fully and repeatedly informed, by dispatches, by letters, and by personal interviews, on the authority of many persons of established, honorable reputation, and clearly entitled to have their earnest representations heeded, that the Poncas did not consent to the removal, but were opposed to it; and they were informed in good time to enable them to prevent the removal and its lamentable consequences.

Humane and creditable as these efforts to prevent the doing of an unlawful injury were, the surprising thing is that they were ever necessary. How any responsible official, not bound to force the Indians to go whether they desired to or not could avoid being convinced that the removal would be a violation of the spirit and authority of the law, it is not easy to comprehend, in view of the character of the reports made to the Commissioner of Indian Affairs by the agent sent out to do the work. But an order, "Press the removal," was given April 12, 1877.

The necessity of employing a sheriff to eject a tenant is not commonly considered a proof of the tenant's desire to quit the premises. But in this case the Army was called in to turn a community out of the homes they owned, and push them off the land ceded and relinquished to them by the government for a consideration, and with warranty of protection in the occupation of it. And this was done when the law under which the action was taken was not imperative but permissive, the permission being expressly conditioned upon their willingness to go.

The removal was effected, the first party starting on the 15th of April, but it was the 16th of May before, in the words of the agent, "the last Ponca turned his face southward." They arrived in the Indian Territory the latter part of June and early part of July, having endured much hardship, lost much property on the way, besides what they were compelled to abandon when they started, and suffered severely from sickness, resulting in many cases in death. Adequate provision had not been made for them in the Quapaw country, to which they were taken and where they lived for several months. They were afterwards removed to a location at the junction of the Arkansas and Salt Fork Rivers, where those who are now in the Territory live. For more than two years they suffered terribly on account of the climate, the want of proper shelter and food, and the homesickness and despair caused by their cruel exile. The number of those removed was a few more than seven hundred, as reported. More than two hundred have died there. More than a hundred have escaped as fugitives and made their way back to their old home in Dakota, or to the vicinity of it.

The Secretary of the Interior has recognized that "a grievous wrong" was committed in the removal of the Poncas from their home in Dakota to the Indian Territory without compensation for their losses of land and other property, and he has proposed that the government give them a large sum of money as redress of the injustice and indemnity for the spoliation. It was a grievous wrong, and it would have been a grievous wrong if done in obedience to law, although the responsibility would then have rested elsewhere. But the removal of the Poncas "with their consent," as provided for by Congress, would have been no wrong, unless the consent was unfairly obtained. Under the conditions set forth, the act was something more than, and different from, a hurt to the Poncas to be healed with the salve of an appropriation. It was a grievous error of administration, compromising the good faith of the nation in its relations with all the Indian tribes, and, unless rebuked, disowned, and atoned for, standing as a pernicious example.

The Secretary of the Interior has absolutely said that if he had been aware of the circumstances of the case as they became known to him afterwards he should have opposed the removal. It is in evidence, as already stated, that all the essential and relevant facts were brought to his attention in good time. Unfortunately for all concerned, he gave credence to false reports and misleading advice.

Justice required that the Government of the United States should promptly restore the Poncas to their old homes if they had any wish to return, and restore to them in generous measure all they had lost by the unjust removal. Humanity required that the Government of the United States should do this with such consideration and kindness as would somewhat atone for the cruelty of its former course. The officials in charge of Indian affairs have proposed no such action, for reasons the sufficiency of which it is pertinent to consider, since they affect the decision of the question of what ought to be done now, and because this natural remedy has been urged often and strongly by the Indians themselves and by those interested in them.

One reason is that Congress had appropriated no money to do it. To this there are two obvious replies. The first is that the department has never asked for such an ap-

propriation, and, therefore, as appropriations are based upon department estimates, it is not justified in pleading the want of what possibly it might have had for the asking. The second is, that it need not cost much to move Indians where they are eager to go. A tithe of the money spent to force the Poncas to the Indian Territory without their consent would have sufficed to return them. Indeed, they would have gone without other assistance than their regular rations and supplies at any time within three years of their removal, when traveling was practicable, if they had not been restrained.

Another reason alleged is, that if they were returned to Dakota they would again suffer from the Sioux, and a war between the whites and the Sioux would be imminent. The Poncas themselves might have been considered capable of judging what they had to fear from the Sioux. Before they were removed they had established relations and made a treaty with the most troublesome band, which promised security from future molestation. There was no war between the tribes—no ineradicable feud. As they became better acquainted, and the Sioux better understood the circumstances and disposition of the Poncas, they were less disposed to fret them. The government could have done nothing more likely to give all Indians living on reservations confidence in its disposition to be just, and therefore nothing more apt to prevent discontent and strife, than the restoration of the Poncas, as no recent act has more alarmed and discouraged them with regard to the security of their tenure of their homes than the removal of this tribe. The original pretext for the removal—that the Sioux were to be brought to live in the immediate neighborhood of the Poncas—long ago ceased to be a pretext for keeping the Poncas away, for the Sioux did not stay there.

Another reason given is, that the removal of one tribe of northern Indians from the Indian Territory would have aroused among all the rest located there a desire to be restored to their old homes. If this is true, it indicates that no northern Indians, not even those who have been there longest and know the country best, are really contented. But if there are any other Indians who have been forced there by such violation of their rights, and of this nation's obligations to them, as was committed in the Ponca case, justice and humanity would require the government to give them their old or a new and satisfactory reservation, if they still desire it. If there are no cases of similar wrong, there can be no similar claims and no similar duty.

Still another reason put forth is, that the retention of this tribe in the Indian Territory was necessary, because if they were removed the government would be weakened in its power to hold the Territory as an Indian reservation against the eager desire of white men to enter into and possess it. That enterprising frontiersmen and calculating capitalists are covetous of the fertile land of the Territory which is in the path and neighborhood of civilization is indisputable; but as yet these forces seek only rights of way to regions beyond, or rights of settlement on lands of which the government has recovered possession, and which are not in that part of the Territory occupied by the Poncas. When their demand shall become more powerful and more impatient, the precedent of the unlawful removal of the Poncas from their reservation in Dakota will weaken the government in maintaining the rights of any Indians in the Indian Territory to reservations there, or in holding the unoccupied lands of the Territory as a reservation for the settlement of Indians who may hereafter wish to go there. But such assertion and vindication of the government's intention to maintain the rights of Indians as the restoration of the Poncas to their own home would be would strengthen the government. The nation cannot enhance the public appreciation of and respect for its purpose to be just by refusing to correct an arbitrary act of injustice. If the government at any time during three years after the removal of the Poncas, instead of persecuting them to submission, had restored their rights, all men who want it to do another wrong to Indians would have less confidence of success than now they reasonably have. If the government had violated no obligations to the Indians, none would challenge its good faith as to the Indian Territory.

All the facts thus far considered, and all the conditions and circumstances of the removal of the Poncas from their reservation in Dakota to the Indian Territory, show that they were removed in violation of the nation's treaty covenants with them, by an exercise of force not warranted by any law, and that the redress which justice and humanity dictated was long refused for reasons which would not have stood in the way of a resolute purpose to repair the wrong in the most complete and satisfactory manner.

The present condition of these Indians could not be properly considered, with regard to doing justice, without a thorough understanding of the way they came to be in it. Their present condition, so far as their rights and the present duty of the government are involved, differs from their past condition only in the circumstance that those who are yet in the Indian Territory have recently indicated a willingness to dispose of their title to their old lands and remain permanently where the government has placed them.

It is proper to inquire, first, how far this decision is to be regarded as a free determination. Had they a fair chance to make a choice? Did they have an uncompelled option in the matter? Had the government ever informed them that they could re-

turn to their old homes if they wished to do so? It had done no such thing. Constantly, persistently, directly and indirectly, without qualification and without indecision, the government had told them that they had no option in the matter; that it was impossible for them to return. The only choice the government had ever allowed them to imagine they could make was that between continuing to cherish a vain hope of regaining their rights on the one hand, and on the other submitting to an irresistible and implacable power that had fixed their lot and would not change it. For three years and a half this wronged tribe appealed to God, to the government, and to the people, wherever they could get a hearing, to be released from their cruel exile, and allowed to repossess the lands which belonged to them and were never forfeited, and to which they were strongly attached. God seemed not to hear them except as he endowed them with heroic patience. The American people, too much engrossed in trade and politics to investigate the merits of an Indian's appeal, were content to accept the verdict of department officials on their own conduct, and trust them to do "about right" in the matter. The few who listened to and heeded their cry seemed unable to make their interest effective against the indifference of the majority and the taunts of men in high places. The question of their rights had been submitted to the courts; but judgment was slow, nor is it presumable that they understood how a relinquishment of their claims to their old reservation might affect suits already brought, in which the rights under the law of other Indians as well as their own were involved. They heard that some of their numbers escaping from the Indian Territory had been arrested and imprisoned, and that all who got back to the old reservation found the homes they had abandoned destroyed, and were treated by the government as outcasts, who had forfeited their share of the common annuities of the tribe and their right to any consideration or help. One of their chiefs had been killed under circumstances which made them fearful of their fate if they put themselves in position to be charged with insubordination. The chiefs who came to see the Great Fathers in Washington, to whom they reported fully the wrongs they had endured, their dissatisfaction and their earnest desire to go back, returned without encouragement. Time wore on without relief, and finally, last summer, they saw one, who on account of his appreciation of their sufferings and their hopes and his vigilant service, they considered their best friend, arrested when he came to visit and confer with them, and forced to leave the Territory under guard of the agent's police. Then their resolution gave way; they said to themselves, "We are a weak people and the government is strong. Whatever our rights and whatever our hopes, it is useless to attempt to realize them, for it is impossible to do it. In this land we must live. It is wise to make our situation as comfortable as possible, and get what we can for the land on which we are not allowed to live. Let us cease to contend against the purpose we cannot change; the power which ignores our rights, despises our wishes, is angered by our complaints, and will be appeased only by our submission."

There could hardly be a more perverse mockery of right sentiment than to hail such a consent, given, as it were, under duress and extorted by despair, as confirmation of the lawfulness and indication of the wisdom of the government's course toward these Poncas, or as a conclusive demonstration that all those who for two years past have desired and urged the restoration of the Poncas to their old homes, as being the duty of a just and humane government, have been all the time ignorantly misrepresenting the Indians and needlessly vexing the responsible powers.

There are circumstances in which the courts in the administration of justice will not allow a party to jeopardize his rights and his interests, or even to create a presumption against them, by declarations made under conditions when he might not be fair to himself. All such declarations are rightly gauged, as to the weight that ought to be given to them, by consideration of what the party would have been likely to say under more favorable conditions.

Suppose that before the Poncas in the Indian Territory had sent the letter of October last, in which they expressed their desire to remain where they are and to sell the old reservation, the government had restored them to their rights, re-established them in their native country with houses and furniture and ponies and cattle and tools, with a school and a mission, all in as good condition and as great abundance as when they were removed; suppose that they had all the knowledge of the Indian Territory that they had when they wrote the letter, would they have chosen to go to the Indian Territory instead of remaining in Dakota? Probably there is not a person anywhere who believes they would. Those who are on the old reservation, poorly sheltered, scantily clothed, meagerly fed, and hard working, as they are, prefer to want the government's bounty there than to share it in the Indian Territory. None of them intimated a desire to go to the latter place on any terms, and it is not believed that any of them would consent to go unless possibly for the sake of being with their families, who could not come to them.

In view of these considerations, the reason why no great significance should attach to that letter as a solution of the Ponca question, and an indication of what justice and humanity require the United States to do in their case, will be apparent.

The next fact of the present situation that requires consideration is the "agreement" made in pursuance of the letter and signed at Washington by representative chiefs and headmen of the Poncas on the 28th (?) December, 1880.

It was after the letter referred to above was sent to the Secretary of the Interior and given to the public that a commission of inquiry was determined upon, and it was after the commission was appointed that a delegation of Poncas from the Indian Territory came to Washington to conclude the negotiation which their letter said they desired to make. It was a question whether, pending the investigation to be made, it was just to these Indians whose rights and welfare were at stake that they should be induced or permitted to commit themselves by any new declaration of their wishes, especially one so formal as the execution of a written agreement with the government to sell their lands in Nebraska and Dakota for a stipulated price; and this question was the more serious because a portion of the tribe, unrepresented in the negotiation but equally interested in the land to be sold, had not been consulted. In fact, those unrepresented were more deeply interested than the others, because they were living on the land and presumably desired to remain there, while those in the Indian Territory had given up hope of occupying the land. To one portion of the tribe it was a question of obtaining a large sum of money and other valuable considerations for an otherwise useless property. To the other portion it was a question of being again driven without their consent from the homes and fields that were dear to them, and forced to go to the land that to them was accursed, or become wanderers among tribes that might fear to receive them, however strong their sympathy.

The commission had your assurance that whatever agreement might be negotiated between this delegation of Indians and the Interior Department, it should not be consummated before our report was made, and that there should be no final settlement of their location and rights until the results of our inquiry were known to you. Of this we everywhere informed the Indians interested.

The conclusions and recommendations now unanimously submitted by the commission are wholly incompatible with the terms of that agreement, the ratification of which in the form proposed would work great injustice and be far from making that humane reparation for the grievous wrong done that the government, in satisfaction of its own honor as well as of the righteous claims of the Poncas, ought to make. The land is worth much more money than the Indians, who are not in a position to insist upon terms, have consented to accept for it. The tract consists of 96,000 acres at the confluence of the Missouri and Niobrara Rivers. Much of it is rich bottom land; the bluffs on the confines of the bottoms are excellent grazing country; there is a large proportion of good prairie, and for that section of country a good supply of timber. The land approaches within four miles of the rapidly growing town of Niobrara; in Nebraska, on the Missouri River, and within six miles of the terminus at Running Water, in Dakota, of a railroad which when continued, either up the Missouri or across it and up the Niobrara, will run a long distance near this reservation. Land so situated is worth much more than a dollar and a quarter an acre. But this objection to the conditions of the agreement is not so grave as another. A large number of the tribe which owns it do not consent to sell out their rights, but wish to stay on the land and take farms upon it to be owned in severalty by a sure title, and there to make progress in the ways of civilization under Christian teachers.

With regard to the condition of the Ponca Indians who are in the Indian Territory, it is to be said that the tract of land on which they are now living appears to be a good one. Their cabins are perhaps as good as Indian cabins on most reservations. The agency buildings are commodious and numerous. To carry on the business of this agency there are employed and paid by the government about twenty-five persons, not counting the Indian police and other Indians who are employed in various capacities for regular or job wages. The building of a large school-house, for which a special appropriation of \$10,000 was made and for which the brick and the lime are made on the land, accounts for two or three of the force of white men. Much of the unskilled labor is done by the Indians. The annual appropriation for this agency is \$53,000, which would not be too large if all the tribe shared its benefits. The present school-building is comfortable and well furnished, but the attendance is small and irregular. According to the reports upon which rations are issued, the number of Indians is about 520. Although the request was made that all the Indians should come to the council, not 250 appeared, and the number of men was less than 60; but it was a cold day. As an illustration of the difficulty of finding out precisely the number of Indians at an agency where families get rations in proportion to their size, the report of births and deaths among the Poncas in the Territory, which is among the documents accompanying this report, represents that the period of greatest mortality was also the period of most births; so that there was apparently no decrease, but rather an increase of the tribe!

The past season has been an unusually dry and healthy one in all that region, and the Indians, who are now in the fourth year there, are better acclimated than formerly. The health of the tribe is now good. They can hardly be said to have made much prog-

ress in agriculture since their removal, whatever they may have learned about freighting with teams, wheeling earth, and making brick. Before 1870, according to the reports of the Commissioner of Indian Affairs, they cultivated in more than one season, and cultivated well, between 500 and 600 acres of corn and vegetables, and, except when drought or grasshoppers destroyed the crops, they were nearly self-supporting. Last year, in the Indian Territory, they cultivated about 50 acres, and are almost entirely supported by the government. Those who are in Dakota did much better than these. With a few cattle and implements given them by private charity, they cultivated about four times as much land as four times their number did in the Indian Territory, and they have now corn in their cribs.

The council was held on the second day after the arrival home of the chiefs and headmen who had been to Washington. The object of the commission was explained to the Indians, and they were informed that what the chiefs had agreed to was not necessarily final. The terms of the agreement were interpreted to them, and it appeared to be approved by all. The council was a long one, and was resumed the following day. To all inquiries about their desire to remain in the Territory, they made but one response. The final words of White Eagle, the head chief, on the subject, were, "We have put our hands to the pen, and when the Indian puts his hand to the pen, he considers that he has done a precious thing"—a plain intimation that, so far as they were concerned, the question of their staying or going back was no longer an open one.

Careful questioning discovered that they understood that the agreement they had made would give to them in the Indian Territory all the proceeds of the sale of the old reservation, and that the Poncas in Dakota would not share the proceeds unless they came to live in the Indian Territory. In many forms they reiterated their understanding that it would not be in accordance with the agreement if Standing Bear's party were allowed to keep and occupy a part of the old reservation as satisfaction of their interest in it, those in the Indian Territory receiving only a proportionate part of the price they had agreed to sell it for. Notwithstanding the declaration of some, that, having become "used to the land" where they were, they preferred it to the old land, it was evident that the amount of money expected was a strong motive in their preference; and it is by no means certain, if they do not receive that amount for themselves, that they will be long content to stay on the southern land. Because of this doubt it would seem to be wise to afford them reasonable time for developing their final judgment, and to give them freedom to first visit the Dakota land if they shall desire to do so.

Recognizing that it was a thing to be wished for, if it could be brought about without forcing, that the whole tribe should be reunited in one place or the other, and believing that it would be advantageous to that end for representatives of those in the Indian Territory to meet those on the old reservation in council and state to them in their own way the considerations that had influenced their change of mind, the commission asked and received from the Secretary of the Interior permission to take with them to Dakota a delegation of Indians. There was an evident disinclination among some of the leading chiefs to go, they excusing themselves on one pretext or another. No doubt some of them were too tired to go with any comfort. Hairy Bear, Cheyenne, a Sioux who has a Ponca wife and lives with the Poncas, and Pete Primaux, a half-breed, who is chief of police, were selected by the Indians.

The speech which Hairy Bear made to Standing Bear's band when they came together revealed something of the cause of the unwillingness of the others to go. He said that in the first council at which the question of consenting to stay in the south and sell the old reservation was considered, he had told them that they ought not to proceed without consulting with those living in Dakota; but White Eagle and the rest would not heed him, and they were now rather afraid to meet Standing Bear. It is not supposed that he meant they were afraid of violence, but were unwilling to encounter the reproaches they were, perhaps, conscious of deserving for proceeding in such a matter, not only without hearing him, but without notifying him of their intention.

These Indians who accompanied the commission had the fullest opportunity to take counsel with their brethren of the tribe. Two of them made speeches in the presence of the commission, to which Smokenaker replied in terms of superb scorn, and Standing Bear more contemptuously refused to reply at all. They were allowed to spend the night in the Indian camp where another long council was had, no white man being present; but it was of no avail. The Indians on the old lands, so far as could be ascertained, were not affected by their arguments or their persuasions. It is very doubtful, if the agreement signed by the other portion of the tribe should be consummated, whether these Indians could be induced to go again to the Indian Territory without the compulsion of military force. The probability is that they would scatter and attach themselves to other tribes dwelling in that part of the country, as many did before the last removal. An attempt was made to ascertain the number of persons properly belonging to the Ponca tribe who were now living with other tribes and might be ex-

pected to return if they could occupy their old lands in security. Between 70 and 80 were definitely counted, and it was thought there were more. It is clear that there are about 200 Poncas not now in the Indian Territory.

At the councils held at Niobrara an important and significant fact, not heretofore sufficiently emphasized, was prominent. Not only have the Sioux entirely ceased troubling the Poncas, but those living on the old reservation have been on quite friendly terms with the bands of Spotted Tail and Red Cloud, who now understand better than ever before the grounds of the Poncas' claim, and acknowledge its rightfulness. The Ponca and Sioux chiefs have had many conferences, and the Poncas were one of the twelve tribes represented at a great council held at Spotted Tail's camp at the time of the sun-dance last summer. The question of the occupation by the Poncas of their old reservation was considered at this council. The Indians report, and doubtless truly, that all desire that the Poncas shall continue to keep what Spotted Tail calls "the end of the land," meaning the extremity of the reservation granted to the Sioux by the treaty of 1868. He is reported as saying that it was the Poncas' own land, which had always been theirs, and they ought to live on it. Whether he said so or not, the report does no discredit to the most knowing politician of the plains.

Having thus submitted, with the fullness and candor which the nature and long standing of this grievous error of administration and grievous wrong to a weak and guiltless people seemed to make necessary, "the facts regarding the recent removal and present condition of the Ponca tribe of Indians," with careful consideration of their significance in a determination of "what justice and humanity require the Government of the United States to do," it only remains to be said, in justice to the other members of the commission, that the portion of this report not signed by them does not presume to represent either their understanding of the facts in the case or the reasoning by which they have arrived at the conclusions and recommendations subscribed to by them, which conclusions and recommendations the undersigned adopts and includes as a part of the report to which he here subscribes.

All of which is respectfully submitted.

WALTER ALLEN.

To the PRESIDENT.

PROCEEDINGS OF THE PONCA COMMISSION.

Proceedings of the Ponca Commission, constituted by virtue of the following letter of instructions from his excellency the President of the United States:

EXECUTIVE MANSION,
Washington, D. C., December 18, 1880.

I request the following gentlemen to proceed to the Indian Territory as soon as may be, and, after conference with the Ponca tribe of Indians, to ascertain the facts in regard to their recent removal and present condition, so far as is necessary to determine the question what justice and humanity require should be done by the Government of the United States, and report their conclusions and recommendations in the premises: Brig. Gen. George Crook, U. S. A.; Brig. Gen. Nelson A. Miles, U. S. A.; William Stickney, Washington, D. C.; Walter Allen, Newton, Mass.

It is the purpose of the foregoing request to authorize the commission to take whatever steps may in their judgment be necessary to accomplish the purpose set forth.

General Crook is authorized to take with him two aides-de-camp to do clerical work.
R. B. HAYES.

WASHINGTON, D. C.,
December 24, 1880—12 m.

The commission met in the office of the honorable the Secretary of the Interior. Present, all the members.

And after hearing the foregoing letter read, and informally discussing its provisions, agreed to meet at the Coates House, Kansas City, Mo., on Monday, January 3, 1881, and then proceeded to the office of the chief clerk of the Indian Bureau, where the Ponca Indian chiefs were assembled in consultation with the honorable Mr. Schurz, Secretary of the Interior. There were present at this consultation Hon. Carl Schurz, Secretary of the Interior; Brig. Gen. George Crook, U. S. Army; Brig. Gen. Nelson A. Miles, U. S. Army; Mr. William Stickney, Washington, D. C.; Mr. Walter Allen, Newton, Mass., Ponca Commission; Capt. C. S. Roberts, Seventeenth Infantry, U. S. Army, and Lieut. John G. Bourke, Third Cavalry, U. S. Army, aides-de-camp to General Crook, who acted as secretaries to the Ponca Commission; the chiefs White Eagle, Standing Buffalo, Black Crow, White Swan, The Chief, Hairy Bear, Big Soldier, Red Leaf, Child Chief, Buffalo Chief; Antoine Leroy and Joseph Esau, half-

breeds; Mr. Dorsey, interpreter; Mr. Ryan, stenographer; Agent Whiting, Inspector Hawthorth, and others.

General CROOK (to Mr. DORSEY). Please say to the Indians that, some complaints having come from the Poncas, the President has appointed a commission to inquire into the whole affair for his own information, and I now wish you would read and interpret to them the letter authorizing the commission to act.

Mr. Dorsey read and explained the letter and pointed out to the Poncas the members of the commission.

THE CHIEF. How! How! How!

General CROOK. As nothing can be done towards settling their affairs until our report is made, we wish to do it as quickly as possible. We don't want to ask them many questions here, but we want to examine them in the Indian Territory as soon as they can get there. I understood them to say the other day that they were forced to leave their lands; will they state who forced them to leave?

WHITE EAGLE. (First shaking hands.) My friend, as you have asked the question, I will tell you. It is as I told the Great Father. When I lived up there the Dakotas made attacks upon me, killed some of my people, and stole some of my ponies, and I was thinking that I could get pay for that. A white man came there suddenly after Christmas to see us. We didn't get any news he was coming; he came suddenly. They called us all to the church and there they told us the purpose of his coming. This is the fifth winter since that time. "The Great Father at Washington says you are to move, and for that reason I've come," said he. "These Dakotas are causing you a great deal of trouble, and they'll put you out of patience very soon." "My friend, you have caused us to hear these things very suddenly," I said. "When the Great Father has any business to transact with us he generally sends for us to come to Washington and there we transact it. When the Great Father has any plans on foot he generally sends word to all the people, but you have come very suddenly." "No; the Great Father says you have to go," said he. "My friend, I want you to send a letter to the Great Father, and if he really says this I desire him to send for us," I said. "If it be so, and I hear of it the right way, I'll say his words are straight. The Great Father can't be surpassed." "I'll send a letter to him," said he. He struck the wire. He sent the message by telegraph and it reached the Great Father very soon. "Your Great Father says you are to come with ten of your chiefs," said he. "You are to go and see the land, and after passing through a part you are to come to Washington." We consented to that proposition and went. "You are to look at the Warm Land (Indian Territory) and if you see any land that is good there you are to tell him about it," said he, "and also about any bad land there; tell him about both." And so we went there to the Warm Land. We went to the terminus of the railroad and passed through the land of the Osages and on to the land full of rocks, and next morning we came to the land of the Kaws; and leaving the Kansas reservation we came to Arkansas City, and so, having visited the lands of two of these Indian tribes and seen this land full of rocks and how low the trees were, I came to this town of the whites. We were sick twice and we saw how the people of that land were, and we saw those stones and rocks, and we thought those two tribes were not able to do much for themselves. And he said to us the next morning, "We'll go to the Shicaska River and see that;" and I said, "My friend, I've seen these lands and I've been sick on the journey. From this on I'll stop on this journey, seeing these lands, and will go and see the Great Father. Run to the Great Father. Take me with you to see the Great Father. These two tribes are poor and sick, and these lands are poor; therefore, I've seen enough of them." "No," said he, "come and see these other lands in the Indian Territory." "My friend," said I, "take me, I beg, to see the Great Father. You said formerly we could tell him whatever we saw, good or bad, and I wish to tell him." "No," said he, "I don't wish to take you to see him. If you take part of this land I'll take you to see him; if not, not." "If you will not take me to see the Great Father," said I, "take me home to my own country." "No," said he, "notwithstanding what you say, I'll not take you to see the Great Father. He did not say I should take you back to your own country." "How in the world shall I act," said I; "You are unwilling to take me to the Great Father, and you don't want to take me back to my own country. You said formerly that the Great Father had called me, but now it is not so; you have not spoken the truth; you have not spoken the straight word." "No," said he, "I'll not take you to your homes; walk there if you want to." "It makes my heart feel sad," said I, "as I do not know this land." We thought we should die, and felt that I should cry, but I remembered that I was a man. After saying this, the white man, being in a bad humor, went up stairs. After he had gone up stairs, we chiefs sat considering what to do. We said, "He does not speak of taking us to see the Great Father or of taking us to our own country. We don't think the Great Father has caused this." We had one interpreter there with us, and we said, "As he will not take us back, we want him to give us a piece of paper to show the whites, as we don't know the land." The interpreter went up stairs to see the man and came back and said, "He will not give you the paper. He does not wish to make it for you." We sent the interpreter back again

and said: "We want some money from that due us from the Great Father, so we can make our way home." When he came back he said, "He does not wish to give you the money." He said, "The interpreter and three others, half-breeds, must stay. The rest of you can go on foot." We sat talking with each other and said, "Although the Great Father has not caused this, yet if we stay here what man will give us food? Let go towards our own home." He said to those who were part white and who could act as interpreters, "You must not go to your homes." Two of these half-breeds, Michel and the Lone Chief, remained. Another, Big Elk, said to the full-bloods, "Wherever you go I'll go and die." We said, "He has behaved shamefully towards us, and now, at night, let us go," and so we went towards our home. This man, Standing Bear, said, "Beware, lest they say of us these men have stolen off." We did not know the land; we were without food; we were without moccasins, and we said, "Why should we die? What have we done?" I thought we should die. Passing on, I was sick on the way—very sick. At last we came to the land of the Otoes, and on the way we lived on corn. For ten days we staid with the Otoes and they gave us food. Passing on our homeward way, we reached the Omahas, and from that place we soon reached our home. When we got home we found that he had anticipated us and was there in advance of us. When we reached home we found that he had ordered the Poncos who were there to get ready to move. Having called us, we went there to him. "Move ye," said he; "prepare to remove." We were unwilling. Said I, "I've come back weary; every one of us is unwilling to move; this removal is difficult. Much money will be lost, fall to the ground. Stop your speaking; that is enough," said I. "No," said he, "the Great Father wishes you to remove at once, and you must move to the Indian Territory." "If you wish to speak saucy to us and scold us, scold us," said I. Some soldiers came there. "Only this day will I speak about it," said he. "I will leave this matter in the hands of the leader of the soldiers," said he, "surrender my charge to him." I said, "There are white people traveling around and some of them may come here and look at my body and say, 'Why did they kill him?' and they will say 'Because he did not go.' And I wish the Great Father to know it. I want no trouble with the white soldiers. If the soldiers should shoot at me, I'd not take revenge; I'll not shoot back." "My friend, stop saying that; I do not want it that way," said he. They separated the half-breeds from the pure bloods, and talked separately to them, and suddenly they were carried away. The white man came with the rations intended for us, but we did not take and eat of them. They had taken away some of our people in advance and we sat without eating. We commenced plowing our land, thinking the affair was ended, so we commenced to dig up our land. I wanted to see some of the leading men of the whites, but I could not see any of them. On the other side of the Niobrara River, at the town of Niobrara, was a white man, one who was a lawyer. I went to see him. "Alas, my friend, I want to find out—I want you to send a message to the Great Father, but I haven't any money. If you will send to him quickly, I'll give you this horse." He sent the message, but none ever came back, although I'd given him the pony. Then I said to this lawyer, "My friend, I want you to go to the Great Father." "I have no money," said he. "My friend, I have thirty-two horses, I'll give them to you." "Well, bring them to me," said the white man. Driving the horses before me, I took them to the white man and gave them to him. He sold the ponies and went to the Great Father and returned. This white man sent a letter to me. In it he said, "I've been to see the Great Father." He sent the first letter before he returned and he was on his way home when he sent a second letter, saying, "My friend, I am sick and on my way home." It came to pass a person came there. A white man came with a half-breed interpreter back from the party of Poncas first removed; not the first white man, but another. He called us to come across the Niobrara River. It was a place not quite at the town of Niobrara, but a little northwest of it, between the bank of river and town. He spoke gently and softly to us. "My friend, I've come back to you that we may go; that we may remove." At that time we were very tired. Before we returned home a young Ponca, a young man, came to us and said, "The soldiers have come to the lodges." We had not yet seen them. Buffalo and myself said to the young men, "Come to decision; if you say we are to remove we are to remove." The Ponca women were afraid of the soldiers. The soldiers came to the borders of the village and forced us across the Niobrara to the other side, just as one would drive a herd of ponies; and the soldiers pushed us on until we came to the Platte River. They drove us on in advance just as if we here a herd of ponies, and I said, "If I have to go, I'll go to that land. Let the soldiers go away, our women are afraid of them." And so I reached the Warm Land, and so I've been there up to this time. And this is the end.

General CROOK. Ask him if he was satisfied after he got down there.

WHITE EAGLE. We found the land there was bad and we were dying one after another, and we said "What man will take pity on us?" And our animals died. O, it was very hot. "This land is truly sickly, and we'll be apt to die here, and we hope the Great Father will take us back again." That is what we said. There were one hundred of us died there, and then we who are here came to Washington to see the Great Father. In the winter we came here—in September, 1877. "My friend," we said to

the Great Father, "you have brought us up very well, but you have treated us very meanly, and we wish you to send us back to our own land." The three Great Fathers sat listening to this; one of them is not here now. "No, that is very difficult; you have come from a great distance." "Not so, Great Father; it is very difficult for us. I did not cause this myself, to dwell at so great a distance. Some of us have died already. We are walking Indians, I said, and walk to our homes. The land being very small where we are, when we put out our horses some one comes and steals them away from us. I am speaking of troubles, but down here where I am living, it seems as if I had leaped into difficulties." He said, "Search around for other lands. Those all belong to the Indians; those in Indian Territory." He gave me a paper authorizing me to search for other lands. There were three lands mentioned in the paper. I did not go. These men went. They came back, saying "These lands are very good." They all came back, saying "We have found good land and will move there." But the Great Father didn't send us there and so we sat waiting. There was an agent with us and he didn't want us to go. He wished to keep us in the land of the Quapaws. "This land is very bad," we said; "the Great Father has told us to hunt for land and we'll go and not listen to anything the agent may say." About ten lodges remained, waiting for instructions to move; the rest moved off, and those who went to the new lands, being without provisions, nearly starved to death. The agent had the provisions with him, but gave them to those who remained with him. And we said, "We'll send a message by telegraph to the Great Father. We'll abandon this old agent and get a new one." I arrived there. The land was good, but in the summer we were sick again. After the 4th of July we were as grass that is trodden down; we and our stock. Then came the cold weather, and how many died we did not know. Next year there was not quite so much sickness, but from last spring up to this time we have not had sickness. We had made a turn in our course; turned over a new leaf, and we think now that God has pity on us and that we'll have better times. A bad agent and sickness and the wind blowing all these bad things upon us, were very hard to bear, but we have now a good agent and are doing better. The agent having spoken gently to me, and having spoken to me about working, I wished to remain where we are, and so he wrote the letter. For five winters I've been looking for some one to help me, and now the sickness is going away and now we think we will dwell in the land where we are. I said to my agent, "Write this business for me; the land we had I'll sell, and I will dwell in this land. We wish you to write and say we desire a firm paper for our lands (a good title).

Secretary SCHURZ. Ask them what are their relations with the Indians around them.

WHITE EAGLE. All those nations are good. We consider them all our friends.

General CROOK. Ask them whether any threats or promises were made to induce them to change their minds.

WHITE EAGLE. Nobody caused it. We, who are Poncas, coming to a decision for ourselves, wish to work for ourselves. We haven't done much work heretofore, and now we wish to work, and so we've come here to settle that question, so we can go to work there. We hoped that the Great Father would give us a school, into which we could put our children, and so we could end this matter about our lands. I made my affairs straight for myself, and I told the agent to write to the Great Father, and then somebody came from the Great Father to see about it.

General CROOK. Ask if all the Poncas have agreed to this. Are they all satisfied?

WHITE EAGLE. I think that all the Poncas are willing.

General CROOK. Tell him that is all I have to ask him now.

Mr. STICKNEY. How many children have you of school age?

WHITE EAGLE. A great many; it is difficult to give exact numbers; we here have two or three apiece able to talk.

General CROOK. Tell him we'll ask him all these questions when we see them at their own homes.

Mr. ALLEN. Ask him if he thinks they could have a better title to their lands than they have had to their lands in Dakota.

WHITE EAGLE. We think the paper you'll give us to this land will give us a better title than we have had.

Secretary SCHURZ. Ask him if he don't think it would be better to have lands in severalty, so that white men may say, "This is my farm, and over there is Standing Buffalo's farm"; just as white men do with their own farms.

WHITE EAGLE. Yes.

Secretary SCHURZ. We have submitted a bill to Congress to enable us to give them such a title—each to his own farm—so that each one of them may have a title to his farm, as a white man has to his farm. That is what you desire?

General MILES. I would suggest that they be informed that the bill has not yet become a law.

Mr. ALLEN. Do they understand that the President wishes this Commission to investigate the condition of all the Poncas, those in Dakota and those in Indian Terri-

tory, and to report to him, and that he will do nothing until the Commission comes back?

WHITE EAGLE. We know it all.

Secretary SCHURZ. I drew up that paper; one copy, if they will sign it, to be kept here and given to the President; the other copy to be given to them and taken back to their people to show to them. Do they want it read again?

(At this point the Commission withdrew.)

KANSAS CITY, MO., *January 3, 1881.*

The members of the Commission met at the Union Depot Hotel and proceeded via the Atchison, Topeka and Santa Fé Railroad to Arkansas City, Kansas, and thence to the Ponca Agency, Indian Territory.

Rev. Mr. Riggs reported to the Commission for duty as interpreter, and Captain E. L. Huggins, Second cavalry, U. S. Army, for special duty, under orders from the honorable the Secretary of War.

PONCA AGENCY, INDIAN TERRITORY,
January 5, 1881.

The Commission assembled in the agency school-house.

Present: Brig. Gen. George Crook, U. S. Army; Brig. Gen. Nelson A. Miles, U. S. Army; Mr. William Stickney, Washington, D. C.; Mr. Walter Allen, Newton, Mass., members of the Commission. Capt. C. S. Roberts, Seventeenth Infantry, A. D. C.; First Lieut. John G. Bourke, Third cavalry, A. D. C.; Capt. E. L. Huggins, Second cavalry, attached. Rev. Mr. Dorsey and Rev. Mr. Riggs, interpreters; Antoine Leroy, interpreter.

All persons connected with the Interior Department, and not members of the tribe, were excluded from the conference.

There was present a large representation of the Poncas, including many squaws and papposes, and the following-named chiefs and headmen: White Eagle, Standing Buffalo, White Swan, Black Crow, The Chief, Hairy Bear, Child Chief, Red Leaf, Big Buffalo, Big Bull.

Rev. Mr. RIGGS. My friends: You have known me a long time. When you have been in trouble, you have come to me, and I have helped you. I have always remembered you, ever since you were taken away from the country where I live, and you have always said to me, and said to others, that I have never told you anything that was false. I have come to say with the same purpose, to help you and to tell you the truth. For many years past you have been very much troubled, and have not known the way in which you should go. You have appealed to your friends to help you and to show you a good way in which you could travel. You have been divided into two bands; part of you have remained here and part of you at your old homes. They have been anxious to know of your welfare, and you also of theirs; altho' separated, you have been one people. You have been waiting for something to be made clear to you here in this country; they have been watching and waiting for the same thing—a permanent home. You have been waiting here, and have now just told your Great Father that you would accept this as your home. Standing Bear is located upon your old lands, and wants to make his permanent home there. Standing Bear has been planting, and has built him some houses, and, with the help of his friends, is living quite comfortably. I am glad to learn that you have been free from sickness recently, and to see that you have been working and getting more comfortable homes for yourselves here. The President, and all your friends among the whites, have been very much in distress at your trouble and at the deaths you have suffered. Your friends among the Sioux have also been very much grieved to hear of your distress, and have sympathized with you. The President has heard that you are very much dissatisfied with your lands here, and then again he has heard that you wish to stay here. And so he has sent to inquire about this, to find out what is the truth and what is your real mind about it, and for that purpose he has sent these men to ask you; he has sent them down to see how you are and to judge in reference to this matter; to hear from your own lips, and to hear not only from the lips of the big men, but from the lips of all. He has sent me here as your friend to tell you that these men are to be trusted. You know me and you have trusted me. I know these men and you can trust in them. They wish it to be understood that they come from the President to see you and hear your story, which they will report back to him. The President wishes you to understand that nothing is finished yet, and he waits until he hears the report of these four men before anything is to be done. They have come to see you and talk with you, and then they will go to see Standing Bear and talk with him and his people. I wish you now to open your minds to these friends and tell them all you have in your hearts; keep nothing from them. They understand the story of your coming here and

all you have suffered. They do not need to learn about that, but they wish to know how you are to-day and your wishes for the future. They do not ask you to make long talks about this, but to, each one, give his own mind in a few words. This is all that I have to say. Another thing which I forgot. You are not to be afraid to say anything in your minds, for nothing you say here will ever be used against you."

Mr. Dorsey here began to interpret: The Indians said they wanted Antoine Leroy also to be present as interpreter. Mr. Riggs, at the suggestion of the Commission, told the Indians that Esau had been an employé of the government they would probably express their minds more freely in his absence, but if they wanted him the Commission would send for him. The Indians said "you need not send for him."

General CROOK. We want to find out, in the first place, what their chiefs did in Washington. When their chiefs were in Washington, they signed this paper.

(Here Mr. Dorsey read and translated the agreement made with the honorable Mr. Schurz, as follows:)

We, the undersigned, Chiefs of the Ponca tribe of Indians present in Washington, D. C., hereby declare that we desire to remain on the lands now occupied by the Poncas, in Indian Territory, the same being a tract of 101,894 acres, and to establish our permanent homes thereon. We desire, further, to relinquish all our right and interest in all the lands formerly owned and occupied by the Ponca tribe in the State of Nebraska and the Territory of Dakota. In compensation for such lands, as well as for the various articles of property we left behind and lost at the time of our removal to the Indian Territory, in the year 1877, and for the depredations committed upon us by the Sioux Indians, for which indemnity was promised us, we ask the Congress of the United States to appropriate the sum of \$140,000; the sum of \$50,000, or so much thereof as may be necessary, to be expended by the Secretary of the Interior for the purchase of the title to the land at present occupied by the Poncas in the Indian Territory, such title to be invested in the Poncas in fee-simple; \$10,000 to be distributed among the Ponca tribe in cash, in equal shares, per capita, and \$10,000 to be expended for the purchase of stock, cattle, and draught animals by the Secretary of the Interior, the said stock, cattle, and draught animals to be distributed among the several families of the Ponca tribe, and the remainder of the said sum of \$140,000 to be held as a permanent fund in the Treasury of the United States, bearing interest at the rate of five per centum per annum, the said interest to be annually distributed in cash among the members of the Ponca tribe in equal shares per capita. This sum of \$140,000, so expended and invested as aforesaid, is to be a full satisfaction of all our claims for the lands formerly owned and occupied by us in Nebraska and Dakota, as well as for the goods and property lost by us in consequence of our removal to the Indian Territory, and for the depredations committed upon us by the Sioux, provided, "that this is not to be construed as abrogating the annuities granted to the Poncas by former treaties. We declare this to be an expression of our free will and desire, as well as that of our people at present residing on the Ponca Reservation in the Indian Territory, and we ask that this declaration and request be submitted to the Congress of the United States for its favorable consideration and action.

Done at Washington, this 22d day of December, A. D. 1880.

Signed by—

WHITE X EAGLE.
BLACK X CROW.
WHITE X SWAN.
BIG X SOLDIER.
BUFFALO X CHIEF.

STANDING X BUFFALO.
THE X CHIEF.
HAIRY X BEAR.
CHILD X CHIEF.
RED X LEAF.

Authentication.

I hereby certify that the foregoing agreement was duly interpreted and explained to the Ponca chiefs by me before signing the same, and that they fully understood the contents thereof.

J. OWEN DORSEY,
Interpreter.

We also certify that we were present and heard the foregoing agreement read and interpreted to the Ponca chiefs, and that they fully understood the same.

JOSEPH ESAU, his X mark.
ANTOINE LEROY, his X mark.

Witness:

JOSEPH T. BENDER.

Attest:

E. M. MARVEL.
J. M. HAWORTH.
C. SCHURZ.

General CROOK (continuing). Now, if this expresses the wishes of all who are here, they are to say so; and, if not, they are to say not.

ANSWER FROM ALL. We all hear and understand it.

(The chiefs and others of the Poncas at this point consulted.)

General CROOK. Those who agree to it are to hold up their hands—men, women, and children.

(A general showing of hands.)

General CROOK. If there are any who don't agree to it let them hold up their hands.

(No reply.)

General CROOK. Tell them we understand that a short time ago they were very much opposed to staying in this country. If this is so, we want to know what brought about this change of mind.

WHITE EAGLE. Formerly, this was a business that was difficult for me. I will tell about my changing my mind. I came to the Quapaw land. When we were at the Quapaw land we wanted to go back to our own land, all of us; so we went to the Great Father. I told him, "I want to go home; so do all my young men, and all my people." "Not so," said the Great Father. "It is very difficult for you to go back; it is impossible. Seek a land for yourself"—and he gave me a paper.

General MILES. Does he mean the President himself?

WHITE EAGLE. I mean them all three (*i. e.*, President, Secretary, and Commissioner.) When they went to seek the new land I had the chills, so I didn't go. When the chiefs came back they told about the land, and so we moved from the Quapaw land. I sent again in another year to the Congress—to the Great House upon the Hill—last winter, and after what I was told when I was there I knew for myself that I had failed in that when I got there. I knew that I had failed to get permission to go back to my own land. There were three great men who questioned me at that time, and when I went on this time I saw two of them. The third wasn't there. I said, "My friends, whatever way it may be, make it straight for me." They said, "Yes; it is not straight. It is just like when a man takes a wife, and then tries to draw himself back; it is impossible." Up to that time he said that last spring I thought I had failed, and I myself asked him, "Friend, how is it? Tell me straight. Tell me exactly how it is, and when I get home I'll tell the young men." But he said, "No; it is not straight. Begone." (He was the principal examiner.) And the man who had been helping us—Mr. Tibbles—said, "It is impossible to help you. I can't help you farther." Bright Eyes was there, and her brother. And when I came home, thinking I had failed, I commenced cultivating the ground, and I told them to cultivate the land—last spring. I went to see the Cheyennes, and Mr. Tibbles came to the Cimarron, a little this side of the Cheyenne Agency; and when I came home I met him. The interpreter said to me, "I have come for you in order that you may go back to Dakota." "Yes," I said to the interpreter (Pontenelle), "whatever it is, friend, tell it to me." And the interpreter said, "By night, a few lodges at a time—not more than five—you are to go." "My friend," I said, "this is very difficult. Whatever things our young men use when they go traveling, there are none of those here now, and no ponies. How do you think I can go?" The interpreter said, "There are persons who have provisions for the journey." "And if I should go," said I, "what would be the consequences?" He said, "Although you should go, and there should be some trouble, it will not hurt you." He said also, "In some places they may tie you"; and at that time I was afraid of being arrested and confined, just like Standing Bear. "That's what they'll do for you," he said; and I was afraid of that danger. Fearing this danger, I did not want to go back. That is all. Therefore I sent a letter to the Great Father, saying I would keep still, and so he called me, and so I went there.

Mr. ALLEN. I would like to ask White Eagle some questions about what he said. I understand that when they were at the old land they did not want to come back to this land at all. Is that right?

WHITE EAGLE. Formerly that was so.

Mr. ALLEN. And when they were on the Quapaw land they also wanted to go back?

WHITE EAGLE. Yes, we did want to go, but because we have failed in this business we want now to remain here and cultivate the ground, so as not to be moving about.

Mr. ALLEN. And after they came to this land they still wanted to go back to their old home?

WHITE EAGLE. The three men told me I could not go back, and the chief questioner told me I could not go back—that it was very difficult. "You have come from a great distance," he said, and I said that which I did, after having failed; so I remained here.

Mr. ALLEN. When Mr. Tibbles came here, if they could have gone back to Dakota without danger would they have been glad to go?

WHITE EAGLE. No; when I came back from Washington in the spring, and I thought that the thing was finished, I went to farming, and made stables, and cultivated a field of about ten acres.

Mr. ALLEN. Ask him if he thinks this land is a better land than his old land?

WHITE EAGLE. I think this land is a better land; that it is improving. Whatever we plant will come up.

Mr. ALLEN. Ask him if he was on the old land with all the people, and they had houses, and ponies, and all the things they had before, would they want to come to this land?

WHITE EAGLE. I was dwelling up there just as we are now, but the Great Father caused us to come here, and as he caused us to come, we are here.

Mr. ALLEN. If the Great Father wanted to send you back there and give you all you had before, would you want to go or stay?

WHITE EAGLE. If the Great Father should make that for me, I should think he'd have me wandering around; and for that reason, I should be unwilling to go and should want to remain here.

Mr. ALLEN. If the Great Father should give him as strong a paper for that land as he said he wanted for this land, would he be willing to go back there and remain permanently?

WHITE EAGLE. I would remain here. The matter is finished, and so I'll sit here.

Mr. ALLEN. Ask him if the houses they have here are as good as those they had in their old home?

WHITE EAGLE. We think that these houses here are a little good. Those houses up there were bad; they had dirt roofs. These are better than the others.

Mr. ALLEN. Do they raise as large crops as they did up there?

WHITE EAGLE. In that land, there were insects that destroyed the crops; in this land there are no insects (grasshoppers) and no birds to hurt the crops (blackbirds and crows).

Mr. ALLEN. Would they like to have Standing Bear and the Poncas with him come back here to live with them?

WHITE EAGLE. I want them; they are my own people and I have been hoping they would come.

Mr. ALLEN. He said in his letter to the Secretary that he wanted to stay here because the young men were restless. Now, what made the young men restless?

WHITE EAGLE. The young men were not behaving themselves, and so I called them together and had a talk with them and so they came to a decision. Some of the young men wanted to go to Dakota.

Mr. ALLEN (to the other Poncas). Have the others all heard, and do they agree?

ANSWER (FROM ALL). Yes.

General CROOK. Ask them if that Dakota land was owned by these people here alone, and did Standing Bear and his people have no share in it?

WHITE EAGLE. That land up there—part of it was theirs and part ours; but they are very few and so we want them to come down to this land, part of which is ours and part theirs.

General CROOK. In case those Indians up here want to remain and the government sees fit to let them remain, what do these propose to do about it?

WHITE EAGLE. We want them to come, and if they do not, we think the Great Father will arrange the business for them and provide for them.

General CROOK. Ask them if they expect to get all the money appropriated or only their share of it, and a part to go to those people up there?

WHITE EAGLE. If he comes here, we want him and his party to take part of the money.

Mr. STICKNEY. But if he stays there?

STANDING BUFFALO. If he don't come back, we don't want him to take any of it.

Mr. ALLEN. Notwithstanding they (Standing Bear and his party) may wish to stay there, do you think it right to sign away all of that land?

WHITE EAGLE. We did not think about Standing Bear. We were hoping that he would come back. He is but one chief up there. We are many chiefs and many people down here, and we hoped he'd come back here, and so we wrote the letter.

Mr. STICKNEY. Does he think that Standing Bear would be willing to come down here, if he understood the situation?

WHITE EAGLE. I spoke to my young men and told them I hoped that if Standing Bear came back they would make his heart feel good. I think that if he understood perfectly the condition of affairs, he would come back here.

Mr. STICKNEY. Could he explain the situation to him, if he was to go to Standing Bear with us; he, with some other chiefs?

WHITE EAGLE. When I came back, I was anxious to get someone to send a letter to explain how things were to Standing Bear. I'd like to go see him myself.

Mr. STICKNEY. Would he not like to have some chief go with him?

WHITE EAGLE. I was thinking in my own mind that I would like to send a letter to Standing Bear, and then when I had heard from him I should like to go up to see him.

Mr. STICKNEY. Tell him we are going up now; why not go with us?

WHITE EAGLE. I am very tired and you seem in a great hurry; I can't go now.

General CROOK. Tell him Congress adjourns very soon and that it is important for us to have this report made out so they can act upon it.

Mr. STICKNEY. Tell him also, the present President goes out of office very soon and another one comes in; and this one knows all about this business.

General COOK. Tell them they needn't come back with us. We want to go to Washington as soon as possible, and they can come straight home.

STANDING BUFFALO. We shouldn't have any pay for our expenses.

General CROOK and Mr. STICKNEY. Tell them that's all right. The government will pay their expenses.

General MILES. Ask them if they are on friendly terms with Standing Bear and those Indians up there.

STANDING BUFFALO. He's my people. He's my nation.

General CROOK. It is very important that they should get a strong paper for their land, and they can't get it until we send in the report.

STANDING BUFFALO. I am sick. White Eagle can attend to this business.

WHITE EAGLE. I am very tired.

General CROOK. If they don't get this thing fixed now it may not be fixed for a year; it may never be fixed.

WHITE EAGLE. Will you take a letter from me? Will that do?

General CROOK. No, that won't do at all. They'll go in the cars all the way. This railroad has been finished to Niobrara since they left there; do they know that? In case he don't wish to go let him send some of the others.

WHITE EAGLE. We'll discuss that matter to-night.

Mr. STICKNEY. Will they let us know to-night? We may leave in the morning.

(White Eagle consults with his people.)

General CROOK (to the interpreter). Tell them that we are so pressed for time that if they don't settle this matter now we'll have to go on without them. We want them to settle it before we leave to-night.

Mr. STICKNEY. If they don't we shall be obliged to go on without them and do the best we can.

(Standing Buffalo here spoke to his people.)

STANDING BUFFALO (speaking to the Commission). Hairy Bear will be one to go. How if one of the young men should go?

General CROOK. We want them to send somebody in whom those in Dakota have confidence.

(Cheyenne here said he'd go.)

General MILES. I want to ask a few questions here. I want to inquire what is the condition of the tribe at present as regards health?

WHITE EAGLE. Counting this winter makes the third season we haven't been sick.

General MILES. Has there been much sickness in the tribe since they came to this Territory?

WHITE EAGLE. For two seasons there was sickness.

General MILES. To what extent? How many died?

WHITE EAGLE. I cannot write. I don't know. They just died.

General MILES. Can he ascertain by asking through the camp?

WHITE EAGLE. For those who are here I can ascertain by asking them.

General MILES. No, I want to know for the whole tribe. The Great Father sent us down here to find out the condition of the tribe—that among other things, and I must know for my own information. I will give him all the time he wants to find out, and he can tell me here or send to me.

WHITE EAGLE. I will try, sir.

General MILES. Do they find this country as healthy as that they left up there? Have they, during the past three years, been as healthy as they were during the three before they came down?

WHITE EAGLE. From the time the sickness stopped I have been walking here, and find it very good. I put this country before the other—find it healthier.

General MILES. Ask them if there is any sickness now.

WHITE EAGLE. No, sir; I think not.

Commission hereupon adjourned until 8 a. m., January 6, 1881.

PONCA AGENCY, INDIAN TERRITORY,
January 6, 1881—9 a. m.

Commission assembled. Present, all the members.
The proceedings of yesterday read and approved.

Agent WHITING sent for, and examined by Commission.

In answer to questions from General Miles, he spoke in the highest terms of the general honesty of the Poncas; said he never had found any fault with any of them in that respect, except with one half-blood and two half-witted persons. Poncas are generally well-behaved and orderly. There is a police force organized of fourteen men. The

whole Ponca reservation is divided into eleven districts, each inspected daily by the police officer in charge. The salaries of the Indian police are as follows: one captain, at \$8 per month; and three sergeants and ten privates, at \$5 per month each. At Oakland the Nez Percés have a similar police organization of six men. Three policemen have been discharged for drunkenness. White Eagle was one of those dismissed for drinking and gambling, against which stringent regulations have been passed. The regulations in vogue at the agency are the general regulations of the department. Has been in charge of this agency since last April. His first appointment. Has lived in this section only since coming here last spring, from Illinois. Has not had much experience with Indians. There are 521 Poncas here now. They are counted every three months. They were last counted on the 1st of January. They then numbered 519 or 520. The count was made during my absence in Washington. It was made by the police force and the issue clerk. Has no one to go around among the Indians; tickets are issued upon report of policemen, but agent does not rely entirely upon their representations; last appropriation for the Poncas was \$53,000; does not know what appropriations for Poncas may have been in previous years, but may be able to find out from documents. Mr. Carrier and Mr. Howard were agents for the Poncas in Dakota. Mr. Howard came to Quapaw with them. They have had one or two agents since Mr. Howard was relieved. The appropriation of \$53,000 does not include that for educational purposes. The school-building appropriation of \$10,000 is additional; doesn't remember any other appropriation. So far as he knows, the total sum appropriated for the Poncas this year is \$63,000. First heard of the communication going to Washington from the Poncas somewhere in June or July—maybe sooner than that. (Letter appended hereto, marked A.) The letter was sent in October, but they had been talking about sending it for some time. They asked me to write for them. They were told the clerk was there to write anything they might desire; letter was sent on in October, and an answer was returned in November. (Answer appended hereto, marked B.) Poncas have consulted Agent Whiting, but were told they ought to counsel among themselves and reach a conclusion for themselves; have had several councils among themselves, but Agent Whiting knew no one who had counseled them. The amount of money they were to receive for their lands in Dakota, the amount to be paid them individually, and other details have not been arranged at the Ponca Agency, but have been set out in the bill presented to Congress; thinks that bill was presented to Congress about a year or a year and a half ago. Agent Whiting concluded by saying he had not paid so much attention to days and dates as he should, as he has had so much to do outside.

Questioned by Mr. STICKNEY:

Beef is issued every Saturday; sometimes bacon; and we issue sugar, coffee, salt, mackerel, flour, hard tack, to each one of the family—to each individual. Twenty-one pounds gross of beef issued each week to each person—issued on hoof. If we took in beef-cattle at 900 pounds, and they gained to 1,200 pounds, we issue as 900 pounds. The Indians get the benefit of the increase. Bacon, 10 ounces to the ration. Now we weigh out and give them their beef dressed. We give them each 1½ pounds of dressed beef per diem; flour, 3½ pounds per week per capita. Every other week, 3 pounds hard bread; hominy, 3 ounces per week, alternating with beans, 3 ounces per week; rice, for sick only (dispensed by doctor); sugar, 9 ounces per week per capita; coffee, 4½ ounces per week per capita; soda and salt in sufficient quantities. We issue ration-tickets, dated and numbered, signed by agent, giving number of persons in family, and revised every three months. These are presented to the issue-clerk, checked, and entered on the record. By this we have a record of all the people on the reservation. The police report all absentees. In issuing groceries and provisions, we have one police at door, three for flour, one for beans. One employé acts as issue-clerk, and takes their receipts. The interpreter and head clerk are present. The head clerk examines, finally I approve and forward them to Washington. The Poncas take their supplies home in wagons; nearly all have wagons, and are accommodating to each other. The Poncas are much more interested in farming than I expected to find them. We have now all the farming implements we need. We have 62 new and 47 old plows. We need a few more harrows. Agricultural implements are loaned, not issued, to the Indians. We have 107 families. The Poncas are aware that the issue of rations is not a permanent thing, and for that reason are anxious to get to farming. I have no doubt but they will send all their children to school. They need more spades, forks, post-augers, hammers, &c., for making fences and stabling. We lend out agency tools when needed.

Questioned by Mr. ALLEN:

I came in April. They were here one season before, but had not broken any ground, as they had no implements. They had no ponies—a great many of them had small gardens. Seven or eight of them had as much as 5 acres apiece; others, smaller patches. Much of the corn was used green and to fatten hogs. They are beginning

to eat hog meat—have no prejudice against it. They raise potatoes, beans, pease, melons, pumpkins, and radishes—are very fond of them. There are 79 houses, built before my arrival—built by contract. The Indians got \$12 for each house, for furnishing the logs, &c., and then the interior and roofing was finished by contract. I came here after the Indians had been to Washington, last spring. I then thought the Indians were going to stay, yet there were some differences of opinion. I think they had bad feeling against their old agent. They received me very kindly. I pulled my coat off and got hold of a plow and asked them if they didn't want to do the same, and put the seeds in the ground. I received no special instructions about these Indians, knew nothing about their difficulties. I was not an applicant for this particular agency, but I was for an agency in this part of the country. I had no knowledge of these Indians and received no particular instructions about them. I did read Mr. Tibbles's letter in the papers, but knew nothing about these Poncas. Have seen very little discontent among them; there was a little last June, after Mr. Tibbles came, but only little. Five families left after I came here, and as I wanted to protect myself and had given bonds for government property, I wanted to know if they should be permitted to take it away, so I wrote to the department. I considered that anything I had issued to them and for which they had received to me was in their possession, and I need give myself no concern about that, but property not issued, I was anxious about. The department answered that I should use my influence with them to keep them from taking any government property away, and I communicated this answer to them. (Letter to Commissioner and reply hereto appended, marked C and D.) I didn't offer to send any policemen after those who left, and I informed all the Poncas that they must judge for themselves, and that I would not meddle with any who wanted to go. I have at no time told them that they could not take away their own property; I would not consider I had a right to do so. If the Dakota Poncas had come here, I should have used my best influences to provide houses for them.

Questioned by Mr. STICKNEY:

Several gentlemen have been here during the past year to hold religious services, but knowing that the Episcopalians have had charge of them, I did not wish to do anything. We have had Sunday school until after an accident occurred to the teachers. I think some of the Indians are professing Christians—some of them are Roman Catholics, and some Episcopalians, but I know nothing positive about this.

Questioned by Mr. ALLEN:

I should not have prevented the Poncas from taking away their own property, had they wanted to go. I should not without orders to do so. I considered that they had a right to take their wagons if they so desired. I don't know what orders my predecessors may have had.

Mr. ALLEN. If the Indians were at liberty to go to Dakota, why were they going on to Washington to ask for this permission?

Agent WHITING. I don't know anything about that; that was before my appointment. I don't know of any change of policy towards these Indians.

Questioned by General MILES:

I don't know of any Indians being arrested for trying to get back to Dakota. Big Snake was arrested at Cheyenne Agency. Mr. Tibbles was arrested for violation of the President's proclamation of last winter to keep people out of this section of country without proper authority. The purport of the proclamation I can't give. I can get you a copy of it. I arrested Mr. Tibbles upon orders from the department to arrest him and send him out. I telegraphed to department because Mr. Tibbles was here against law and against the regulations of the department relating to Indian Territory. They relate both to people settling in Indian Territory and to people visiting here. I understand that no person can come to visit in this Territory without making his business known to the agent, and that the agent has a right to object to his visit if he pleases.

General MILES. If one of the Indians should write to a lawyer in Kansas City or Topeka, stating he wished to consult with him about business relating to his rights and property, do you hold that this lawyer could see this Indian and consult with him without first getting a permit from you?

Agent WHITING. I don't understand that he has a right to come here without a permit from some authority. I think that the law is explicit upon this point. He would have no right to communicate with any Indian without permission. There is no restriction upon the rights of the Indians to write to whom they please. I let the Indians go up to Arkansas City when they please. The police only must obtain permission and all Indians when they go to visit other tribes.

(The Commission here adjourned under the agent's residence to the school-house.)

General CROOK (to Rev. Mr. Dorsey) Ask the Indians if they have agreed upon the persons who are to go with us to Dakota.

STANDING BUFFALO. We have come to a decision and wish to send Hairy Bear and

Cheyenne with you. If you want an interpreter to go with them, if you'll have some one to bring them back, we'd like one to go. We want Peter Primaud to go with them.

General MILES. Ask White Eagle if he is prepared to answer my question of yesterday as to number of deaths in the tribe since coming to Indian Territory.

WHITE EAGLE. I don't know the number of children; I know the number of adults. Fifty in the land of the Quapaws—30 men and 20 women. That is the whole number of adults who died there and here too; but I don't know the number of children.

General MILES. Can he find out in the course of the next two or three days and send word to us?

WHITE EAGLE. When I know it, of course I will tell you. Last night I counted over the chiefs, women, and men that had died, and that is the number, but the children I couldn't remember.

General MILES. Ask him to try and find out in the next two or three days and send it to me.

STANDING BUFFALO. I think that altogether in the land of the Quapaws and here we have lost 130.

WHITE EAGLE. I'll send.

General MILES. He stated yesterday that he regarded this as a better country than Dakota. Ask him if he knows anything of the relative productiveness of this country as compared with that of the country he left.

WHITE EAGLE. I told yesterday about my affairs in that land and about how I planted my crop and very often I failed, and when my corn came up and I would see it the grasshoppers would destroy it, and I thought it was very hard; therefore, in each season, I did not have much corn; and the Sioux also caused me to suffer. Therefore it was hard for me.

General MILES. Has he ever heard of grasshoppers in Kansas or in Indian Territory?

WHITE EAGLE. I have not heard of them. Whatever the whites planted, I saw it came up. I planted the summer before last a small piece of land in melons and vegetables which came up very finely, and I caused this man to take a team load of my melons and vegetables to sell to the whites.

General MILES. He stated yesterday that the last three seasons his people were healthy. I want to know whether he is aware whether last year was an unusually dry season or an ordinary season.

WHITE EAGLE. When we came to this country we were sick, because we were not accustomed to the warm weather, but now we are used to it and are better and think we'll like it.

General MILES. Does he know of any other cause?

WHITE EAGLE. No, I don't think there was; the rain had nothing to do with it.

General MILES. Of the men who went on to Washington and signed the paper read yesterday, how many are chiefs? The first name is White Eagle; is he chief of the whole tribe or only of a certain number of lodges?

WHITE EAGLE. You should not ask me; you can ask any one else.

General MILES. Is Black Crow a chief? If so, of how many lodges?

WHITE EAGLE. You have principal men among the whites who are over the people, and so with us; Black Crow is one of those among us. He is a chief over his clan or gens or band, and at the same time a chief in the tribe.

General MILES. Over how many lodges?

WHITE EAGLE. I haven't counted them.

General MILES. Is White Swan a chief?

WHITE EAGLE. He's a chief, and also a chief in one part of the tribe.

General MILES. Of how many lodges?

WHITE EAGLE. I haven't counted them, but the agency clerk knows.

General MILES. Is Big Soldier a chief?

WHITE EAGLE. Big Soldier and The Chief are together chiefs in one band.

General MILES. Is Buffalo a chief?

WHITE EAGLE. Yes.

General MILES. Is Standing Buffalo?

WHITE EAGLE. Yes.

General MILES. Can he tell of how many lodges they are chiefs?

WHITE EAGLE. I cannot remember exactly; some have over ten and some have twenty lodges.

General MILES. I want to know about changing their minds—staying here instead of going back to Dakota?

WHITE EAGLE. Mr. Tibbles was working for us, and, as he failed, we changed our minds.

General MILES. I understood them to say that no threats had been made to induce them to change their minds. Now, I want to know what effect the promises and assurances made to him and his people have had upon him and his people in bringing about this change of mind?

WHITE EAGLE. We were dwelling in this land and doing nothing, and were foolish as it were; so we assembled together and sent a letter to the Great Father, asking him to send for us. We did this of our own accord; nobody caused it.

General MILES. At that time did they regard the treaty giving them their land in Dakota as null and void?

WHITE EAGLE. The whites caused our title to that land to be destroyed, and because I wanted to get more money I desired to sell.

General MILES. I want to know if he thinks he can get any stronger title to this land than he had to that land in Dakota?

WHITE EAGLE. Because I did not have a good title to that land I was brought here, and because I did not wish to have a similar title to this land—one easily broken—I sent to the Great Father. I wanted for all these people a good title to this land, and so when I went to the Great Father I asked for it.

General MILES. Did the men who signed this paper and who held up their hands yesterday imagine they were getting a better title to this land than they had to the Dakota land?

ALL THE INDIANS ANSWER. Yes.

General MILES. These questions I consider as very important, and in their replies they can be as deliberate as they please, because we must base our judgment upon what we learn here, so that we can inform the Great Father. That's what he sent us out here for. Now, I want to know if they regard it as a certainty that, in case they consent to remain here, they'll receive as much land as they had before and \$90,000 besides?

STANDING BUFFALO. Yes; we regard it as very certain.

General MILES (upon suggestion of Mr. STICKNEY). Don't they remember that the Secretary told them that when this affair came before him he would recommend it to the favorable action of Congress, but he himself had nothing to do with making the appropriation?

ANSWER FROM ALL. We so understood it.

General MILES. In case Congress fails to appropriate \$90,000, but allows them to remain here without the \$90,000, what effect will that have upon the tribe?

STANDING BUFFALO. Even if they did not wish to give us that money, we should wish to remain here and work for ourselves.

Mr. STICKNEY. Does he speak for all?

ANSWER FROM ALL. We speak with one heart.

General MILES. If no money is appropriated, but the privilege granted of remaining here or going back to their old homes, how many would remain here and how many go back to Dakota, supposing it to be left optional with them and they to be perfectly free to do as they please?

STANDING BUFFALO. We think that if we went back to Niobrara we'd receive no tools and no rations, and so we'd prefer to remain here.

General MILES. But supposing they received the same treatment in every way—houses, tools, rations, everything—at Niobrara as here, what then would they do? I want to get at the bottom of their hearts in this thing.

STANDING BUFFALO. Even if the Great Father should give us all those things up there, we'd fear wandering around, and would prefer to stay here.

General MILES. Ask White Eagle.

WHITE EAGLE. I think the same.

General MILES. Ask him if he is sure that all his people think the same about this as he does.

WHITE EAGLE. Even if the Great Father should be willing, it is a very abominable thing for us to be going about doing nothing, and so we want to stay here.

General MILES. Is he sure that all his camp think the same way?

WHITE EAGLE. We have talked with a good many of them, and they all talk the same way.

Mr. STICKNEY. Does he know anybody of a different opinion?

WHITE EAGLE. All are of one opinion.

General MILES. If there is any man in this room who would go back to Dakota if assured the Great Father would grant the same privileges as now given here and they should not be disturbed, let him speak out—if he would want to spend the remainder of his days there, with a firm title to his land and the conditions the same.

PETER PRIMAND (chief of police). If the Great Father was to say to me, "Go! you can go back to that place," even if he was to give me \$20,000, I wouldn't go.

STANDING YELLOW. What these chiefs say they say for us, and we agree to.

BEAR'S EAR. We young men sent the chiefs to Washington and they have come back with good news. I have put a big stone down here and will sit upon it. I prefer to stay here. (Meaning, Mr. Dorsey explained, that he thought his title to land was now permanent.)

General MILES. What do they understand they will receive if they remain here?

WHITE EAGLE. If I stay on this land I think that I will receive something.

General MILES. Do they think that Standing Bear's rights will be respected in that Dakota land, and that the Great Father takes the same interest in those Poncas as he does in these here?

WHITE EAGLE. I think the Great Father will treat us somewhat alike.

General MILES. Does he think the Great Father would give them any of that money if they remained there?

WHITE EAGLE. In consequence of my selling the land I think that he would come down here, and then the Great Father would do these good things for all of us together.

General MILES. Does he think that he has a right to sell all of that Dakota land, or only a portion of it, and Standing Bear sell the rest or live on it as he chooses?

WHITE EAGLE. I think the Great Father will do in this matter as he thinks best; let Standing Bear's people remain there or come down here; he can give them a piece of land up there.

General MILES. Well, then, if the Great Father let those remain there, and let them keep some of that land, and gives them some of that money will these Indians here be satisfied?

STANDING BUFFALO. About the land, if Standing Bear did not choose to come down here he could keep some of the land and stay there; but as to the money, since we have sold the land, why should we give him part of it?

General MILES. Do you understand that the treaty includes the selling of all the land?

STANDING BUFFALO. We thought when we went to Washington we had finished this business.

General MILES. Do they know that the business is still unfinished?

STANDING BUFFALO. We know that, but it is finished so far as we are concerned.

General MILES. In case the Great Father shall decide to give those up there a paper as strong as this, restoring that land to them, and shall decide to send the \$90,000 to those up there, I want to know how many of these here would wish to go back there, or whether they would wish to remain here without the \$90,000?

STANDING BUFFALO. Even if he didn't give us the money, we'd all be willing to stay here; but why should he not give us the money?

General MILES. I am not answering questions, I am asking questions just to find out their minds and exactly how they feel. These important serious questions are to find out just how they feel, so that we can recommend to the Great Father what is best for their own good. So, if they have anything to say on this subject, hold nothing back. It is a serious matter for them, and now is a good time to say all they have to say. Or, if there is any in the tribe of a different opinion or different desires, we want to know it, and they should tell us, and not hold anything back.

STANDING BUFFALO. We understand every word.

General MILES. Is Michel here?

STANDING BUFFALO. His eyes are bad; he's not here.

General MILES. Is he a chief?

STANDING BUFFALO. Yes.

General MILES. Of how many lodges?

STANDING BUFFALO. He and White Swan are together over one band. His eyes are bad and he couldn't come here, but he sent his young men here.

General MILES. Why didn't Michel sign the paper sent to Washington?

STANDING BUFFALO. He went traveling among the whites, and said to us, "Whatever you do, that is good."

General MILES. Is Buffalo sure that Michel thinks as he does about this business?

STANDING BUFFALO. I myself have heard Michel say that dwelling in this land was very good, and, furthermore, Michel wished to send word to one of his younger brothers (David), in Dakota, to come down here as his brother feared poverty. David lived on the Santee Reservation. Mr. Riggs knows where.

Mr. RIGGS. On the Santee Reserve?

WHITE EAGLE (rising and shaking hands). My friend, I will speak about something. The Great Spirit has given you some mysterious things—some things we cannot comprehend—and He has left us. He has conferred benefits upon the whites He has not given to us. The Great Spirit has taught us that when we put our hands to the pen that is something to stand, and we must tell the truth in this matter. I have put my hand to the pen, and I wish the matter to stand; and when we put our hands to the pen we regard the matter as something precious—something sacred—and I prize it. I was thinking it will be for my good, and so I sold the land, and put my hand to the pen in presence of the Great Father in Washington. And these words I've said. I thought these things would be good if I dwelt in the land, and so I consulted with the Great Father about the matter and paid attention to what he said. When I reached Washington I went to see the Superior Great Father, the President himself, and he said to me: "You think for yourselves—come to a decision in this matter. Whatever you think is for your good, that do for yourselves"; and he said: "I will send four (4) of your friends to you (this Commission), and whatever things you think

will be for your good do you tell them." and as I've been thinking this land is for my good, I tell you, my friends, I would like you to tell the President. I will speak to you about another matter, my friends. You white people, my friends, I have not done any bad deed toward you, and from the former days to the present, I have not thought in my heart to do any evil towards you. When I've seen you in former days, even though you should have hit me, I regarded you, took care of you, and did nothing against you. I have been hoping from time to time, with reference to these officers of the white soldiers, that I would see one of them at some time. I have been thinking that I would tell him something. Whether there may be one or two of you officers, I want to tell you something. Among you white people, your words bring good, that only we follow. Some of the young men of the soldiers of the Great Father came formerly to this place where we Poncas are, and they killed one of our chiefs. And I did not scold those young men at that time, because I was thinking that, at some time or other, we might get some indemnity for the death of this chief. If any person does anything to me, I do not take revenge, but I wish to get the indemnity—the pay for damages. If a man didn't behave himself and he were treated in that way, I wouldn't say anything about it; I wouldn't ask for any indemnity. I refer to the brother of Standing Bear, Big Snake. Now the wife of this man, his widow and his children, are here in this camp, and on their account I ask for this indemnity. One word I've forgot. In my own heart I think that I've finished this matter, about dwelling in the land, and I wish you to tell the Great Father.

General CROOK. Tell him we'll report his speech about the death of Big Snake to the Great Father. It's a matter we haven't anything to do with.

General MILES. I desire to put on record, in the proceedings of this commission, in reply to White Eagle, the fact that some of us are officers; that I have listened to his statement regarding the killing of Big Snake; that I regret that it was done and the manner in which it was done, but I believe that it is but justice to the soldiers to say that as far as I understand the case, they did not come here of their own accord or at their own option.

(Accepted by the Commission as the expression of General Miles' personal opinion, and translated to the Indians by Mr. Dorsey.)

BIG BULL. I give my assent to all the chiefs have said at this meeting. I want to stay here and have a farm of 160 acres for myself. We all have heard what the chiefs said, very plainly, and agree to it all.

The Commission hereupon adjourned. Three members of the Commission afterwards saw Michel, and questioned him in regard to his knowledge of what had transpired at the council, and his approval or disapproval thereof. He said that he had heard of it all from his children, and approved of it all, and wished to remain in the Indian Territory.

CANTON, DAK., *January 10, 1881*—8 p. m.

Commission met in room No. 20, Naylor House; present, all the members.

The proceedings of last meeting read and approved.

Rev. Mr. J. OWEN DORSEY examined.

Question (by Mr. ALLEN). Did you live among the Poncas at one time?

Answer. I did at one time, from May, 1871, until August, 1873.

Question. In what capacity?

Answer. As missionary, under the Indian commission of the Protestant Episcopal Church, which commission has its headquarters in Bible House, New York.

Question. Where were the Poncas then?

Answer. They were living on the old reservation, in two villages about eight miles apart; one on the Niobrara, near the island where Standing Bear now is, and the other at the agency where the mission was established.

Question. Please make a statement as to the condition of the Indians at that time; as to their civilization, their disposition, both towards their white friends and Indian neighbors, and what progress they had made in agriculture and education.

Answer. At that time they were on friendly terms with the Santees and Yanktons. They told me that previous to 1863 they were the allies of the Brulé Sioux, with whom they intermarried. Those were their near Indian neighbors. When I was with them they were on friendly terms with the Omahas, but they told me that previous to 1869 they had joined the Brulé Sioux in war against the Omahas and Pawnees. A nephew of Spotted Tail was in the Ponca camp when I was there; adopted into the tribe. His name was flying Eagle. He has since died. I have seen him. This very man downstairs, Cheyenne, who has been selected by them as one of their delegates to accompany us from the Indian Territory to the old Ponca Agency, is a Dakota, a Yankton Sioux, adopted into the Ponca tribe, and living with them many years. I found them on friendly terms with the whites; many of them were anxious to go out during harvest-time and work for the whites living at Niobrara and in that vicinity, but, as I was informed by the agent, there was a regulation prohibiting that. At the same time they received no regular rations, and they could not take up claims on the reservation because

they feared the attacks of the Brulé Sioux, so the two villages had to keep together. I have mentioned that previous to 1868 they were on friendly terms with the Brulés, but subsequent to that time, I understood from the Poncas, ill-feelings were engendered on account of the treaty ceding to the Sioux the lands of the Poncas; the Sioux began to commit depredations upon the Poncas. There was not a regular state of war; only occasional raids. From the time the snow disappeared until the snow came again, they were in constant fear of the inroads of the Brulés. Several times while I was there, the Brulés attacked the Poncas. On one occasion, they came in daylight and the fight lasted about four hours. I understood there were 67 mounted Brulés and Ogallallas in the party. In 1870, the Poncas promised their friend, Mr. William Welsh, a member of the Board of Indian Commissioners, that they would not take revenge upon the Sioux, but they would ask the department to grant them damages out of any funds belonging to the Sioux. I know that the chiefs endeavored to keep that promise. The leading men of the tribe certainly exerted all their influence in that direction and they succeeded except, perhaps, in one instance. Some of the young men stole off from the lower village, near the island, and in a few days they returned with a number of ponies. This was just after some of the Sioux had been down and taken ponies from some of the Poncas. I should have said there was another fight between the Sioux and Poncas in open daylight, which occurred after this stealing of ponies; this state of hostility continued during my stay. As to their desire for farming: in 1871, they planted; the Sioux came down and pulled up the corn, saying they would not allow the Poncas to live like white people. The Poncas replanted; a part of the crop was injured by hail. In 1872, each head of a family had his piece of land laid off under cultivation and the crops were in fine condition, when the grasshoppers came. I cannot say how large the crops were nor how large the farms were. The pieces of land were given to heads of families by the agent and some of these farms were fenced in. The crops were looking very well indeed, but one day the grasshoppers destroyed about half. About two weeks after that, there came a whirlwind and hail-storm which destroyed nearly all the crops that remained. I understood that the men at the Niobrara or lower village, led by White Eagle himself, went out to the wheat-field and with hatchets or knives tried to cut the wheat in their field by the handful, gathering it in their blankets. In 1873, those who lived at the agency village, planted near the Missouri; at the time of the June rise, the river carried away all of their crops. It cut in beyond their fields, coming in nearly three-fourths of a mile behind them. I should have said that in 1870, they planted and the sun burned up their crops; there was a drought and they were on the verge of starvation, when Mr. Welsh visited them in the fall and purchased some food which kept them until the spring of 1871 when I first saw them. They were very industrious and desirous of supporting themselves and their families. I cannot say how much land they had under cultivation. I knew of two chiefs who broke 10 acres apiece for the agent for wages, besides what they broke for themselves. They have come to me repeatedly, begging for work. I employed them; I made work for them. I would have them pile wood in one place, and then have them pile it in another. I was instructed to pay them out of mission funds, sometimes in clothing, sometimes in cash. This was to encourage industry among them. There was a saw and grist mill there; some were employed there and some in blacksmith shop, some in carpenter shop, and some as herders. They traded with the people outside at Niobrara, but of this I speak only from hearsay.

Question. What was the condition of their houses?

Answer. They lived in log houses, made by themselves, not at government expense; they were 18 by 32 feet, one-story high, roofed with earth. There must have been in the neighborhood of 200 at one time. The row at the agency formed an obtuse angle and must have been over a mile long. At first they had dirt floors, then plank. I know of one Indian who paid another \$30 for the logs for his house. There were 747 Poncas, all told, when I went there. I have a list of their houses at home but not here.

General CROOK. How many Poncas were there when you left?

Answer. About 725. The first years were healthy, 1871, 1872. But the summer of 1873 was unhealthy owing to rank vegetation and stagnant water from the "June rise" and cut away by the Missouri River. The disease was of a malarial type. I myself was sick for over a month. I had to go to Yankton for nineteen days. About 15 to 20 died.

General CROOK. Did they not increase any between 1871 and 1873?

Answer. I cannot say. I don't think they did. The births about equaled the deaths.

Mr. ALLEN. Did they show any disposition to improve their homes as they were able?

Answer. Yes. The first thing they desired was bedsteads; they didn't wish to sleep on the ground. Next, they asked for chairs and tables. The agency carpenter was instructed to make them for them. I believe they were given to them. Then they said they wished floors to their houses because when they were eating, some one might come in and dust would arise and get in their food. Then they wished closets to hold their dishes and a number of them had curtains put before the shelves to keep the

dust off their dishes. Each family had one stove, and most of them had two, one heating and one cooking. As hops grew in abundance there, the ladies of the mission taught them how to make yeast. Then they were taught to make yeast bread. There were more applicants than the ladies could teach, so the wife of my interpreter and several other Ponca women having learned themselves, became teachers and assisted the ladies. They brought us specimens of the bread they had made—very good bread, of which they were proud. The women had learned to do their washing on Monday instead of on Saturday. A number of the men wore citizens' clothing. As to the desire for education; previous to 1871, they had had two teachers; one, a white man who was under the influence of liquor part of the time—I heard this from the Indians—and he would often direct Samuel Gayton, one of the Indian boys, who knew a little English, to instruct the smaller scholars, teach them their alphabet. The next teacher was a half-breed, David Le Clair, whose knowledge of English is by no means perfect. The third teacher was Mr. James Lawrence, subsequently their agent. He received \$75 per month and was, I think, the only good teacher they had had up to that time. He taught from June, 1871, until March, 1872, about nine months. I commenced my work in assisting him. When he ceased, the school became a mission school under the Protestant Episcopal Board. I taught myself part of the time, and at other times, the school was conducted by two ladies—missionaries. At one time, there were four ladies on duty there.

General CROOK. About how much progress had the Indians made up to the time you left there?

Answer. A number of children were in the second reader. A number of the adults were so far advanced they acted as interpreters for the ladies. They learned all this in the school, commencing at the alphabet. One man could speak English before I went there. I had a school for adults in the afternoons. The men were very eager to learn. I had over 40 under me; one old man over 60 came to learn to read and I had to refuse him. There were about 50 children in school from both villages. They did not live at school. Those from the lower village lived with relatives in upper village and we took all the children we could into our own family. At one time we had six. We had church; at first we held service in the school-house. We occupied, by permission of government, a dwelling as mission-house; two rooms were used as school and on Sunday for religious services. Afterwards we built a church; the Indians helped by hauling lumber. The Indians were faithful in attendance upon service and shamed the whites. The morning service was held specially for them and they came in great numbers. I spoke in English. The afternoon service was designed for the whites and timed to suit their convenience; on an average not more than one employé was in attendance, sometimes two, but the Indians attended almost as much in the afternoon when they didn't understand well, the services being in English, as in the morning when the services were entirely for the Indians. Seventeen adults were baptized and fourteen children. None confirmed. We had no Sunday school. Their general character for sobriety and honesty was good and I could trust my property and my life among them. The young men were up to the average of Indians in similar circumstances, in morality. After I left there was an intermission of some months and then Dr. Gray, a candidate for holy orders, succeeded me and remained for some time. I have no personal knowledge of the removal of these Poncas. I have been a correspondent with them. I am employed under the orders of Major Powell, now of the Ethnological Bureau of the Smithsonian Institution, who asked me to get as many Indian letters as possible, to write to as many Indians as I could, and to preserve the original for his office, for linguistic purposes, just to show their modes of thought and expression. I wrote letters, at request of members of the Omaha tribe, to their relations among the Poncas in Indian Territory. This was in the latter part of 1878 and up to February, 1879, perhaps a little later. I wrote no letters to the Poncas after April 3, 1879, because I received on that day a letter from Agent Vore, of the Omahas, inclosing one from the Indian Bureau, signed by E. J. Brooks, Acting Commissioner, of which I'll give you the substance. Mr. Brooks referred to a letter from Agent Whiteman, of the Ponca Agency, Indian Territory, in which letter Mr. Whiteman stated that there was much dissatisfaction among the Poncas and a strong desire to return to their old home in Dakota; that this dissatisfaction was caused in his opinion by sundry letters, received by the Poncas, purporting to come from sundry Omaha Indians; that these letters contained sundry expressions which were calculated to cause this dissatisfaction and that the letters were written by me (Dorsey). I cannot say whether Mr. Whiteman made the request or whether it was made by Mr. Brooks himself, but, anyhow, a request was made in that letter to me not to allow myself to be used in that way by the Omahas in the future, and I was asked to eliminate from all the letters I wrote from the Omahas to the Poncas such objectionable expressions. I replied to Agent Vore's letter, saying that when I wrote from the Omahas to the Poncas it was in accordance with instructions from Major Powell, in Washington, and I sent a copy to Commissioner Hayt, saying I had the originals of the Indian letters on file and they should be published in future. To avoid a recurrence of such a thing I determined to write no more letters from the Omahas to the Poncas.

Mr. STICKNEY. Which of the tribes are in closest affinity with the Poncas?

Answer. The Omahas; they speak the same language.

General CROOK. What are their affiliations with the Santees?

Answer. They are intermarried a good deal with them, but they speak an entirely different language.

General MILES. So far as you know, were the letters sent from the Omahas to the Poncas of a nature to create dissatisfaction?

Answer. I was not aware at the time of sending those letters that they contained anything of a nature to create trouble or I should not have sent them, and I remember distinctly having declined to send one letter because I thought it might make trouble.

Mr. ALLEN. Have the Indian letters yet been published by Major Powell?

Answer. No, sir; I have the originals in the office, in Washington.

Question. How many bands or divisions of the Poncas are there?

Answer. According to their own organization, there are ten bands; of these, one has just about become extinct; eight were represented, either in whole or in part, at Washington.

Question. Who are the chiefs of these bands?

Answer. The chief is one Big Soldier, White Eagle, Standing Buffalo, Standing Bear, Black Crow, Child Chief, Hairy Bear, and one other I can't recall. One of the bands I don't think was represented at Washington, but I saw one of its head men at the council held in Indian Territory. He claims to be chief of the band.

General MILES. Referring to their progress in agriculture during the time you were with them, 1871-1873, please state what portion of the tribe were supporting themselves, either wholly or in part, by cultivating the ground.

Answer. All of them, so far as I could ascertain. They received no regular rations, and all seemed anxious to work.

Question. Do you know what number of families had small farms or gardens?

Answer. I don't know; I can't give the number, but I remember that, one summer, from the mission-house we issued packages of seeds to fifty families, besides what the agent distributed. Everything planted that year came up splendidly; the land was extremely rich and adapted for cultivation.

Question. Please state for how many years had the Poncas been cultivating the ground.

Answer. I don't know anything prior to 1870. I never knew anything of the Poncas prior to 1870, when Mr. Welsh came back.

Question (by Mr. ALLEN). What do you think of the productiveness of the Ponca Reservation in Dakota Territory?

Answer. I don't know for all of it. There were three portions of it very good: the valley of the Niobrara, the valley of Ponca Creek, and the Missouri River Bottom, near the agency village. These were the best parts of it; fine soil—everything came up; well adapted for agriculture.

Question. Were they receiving annuities or rations at that time?

Answer. Only a small amount of annuities; I can't tell how much; rations only in great exigencies. I have known Poncas to die of starvation, in the time when the crops were not yet harvested. They had cattle and ponies, and hogs, and fowls, and agricultural implements to some extent. Whenever they wanted implements, they would borrow them from the agency. I have often written notes for them to the agent, asking the loan of a plow, &c. for them.

At 11 o'clock p. m. Commission adjourned, having first read and approved proceedings of this meeting.

NIORRARA CITY, NEBR., *January 11, 1881—2 p. m.*

Commission assembled in Academy of Music.

Present: Brig. Gen. George Crook, U. S. A.; Brig. Gen. Nelson A. Miles, U. S. A.; Mr. William Stickney, Mr. Walter Allen; Capt. C. S. Roberts, Seventeenth Infantry, Aid-de-camp, U. S. Army; First Lieut. John G. Bourke, Third Cavalry, aid-de-camp, U. S. Army; Capt. E. L. Huggins, Second Cavalry, U. S. Army; Rev. Mr. J. Owen Dorsey and David Le Clair, interpreters.

The following chiefs were present: Standing Bear, Little Ice, Bird Head, Smoke-maker, Cries for War, Broken Jaw, Black Elk, Buffalo Chips, Missouri Timber, and a full delegation of Standing Bear's band. A number of white citizens also present.

General CROOK. Mr. Dorsey, explain to them that we come here by order of the President, to find out their situation. We have just been down to the Indian Territory, and seen that part of the band, and now we've come here to see them, and to learn from themselves their condition, and to satisfy ourselves, as far as we can, what is for their best interests, and we want them to answer all questions put to them unreservedly, and they can rest assured that we are their friends, and that they can speak freely.

(Mr. Dorsey read and translated to them the President's letter of instructions to the Commission, already inserted on page 1.)

General CROOK. State to them that we have heard the story of their removal so often that we don't care to hear it again, but want them to give us the story from the time they left Indian Territory up to the present time. We want their story in as few words as possible, so as to save time.

STANDING BEAR. I do not think we have made this day, but I think that God has caused it, and my heart is glad to see you all here. Why should I tell you a different word? I have told to God my troubles, and why should I deceive Him? I have told my troubles to Him. Whatever God does is good, I think; even if a thing happens which may not suit us or which may be unfortunate, still God causes it, I think. If a man gets by accident or puts himself into a bad place, or gets frightened, he remembers God and asks Him to help him. You have seen that land, my friends. God made us there, my friends, and He made you, too, but I have been very weak. You have driven me from the East to this place, and I have been here two thousand years or more.

DAVID LE CLAIR. The oldest man here cannot recollect when our people came here.

STANDING BEAR. I don't know how it came about that I encountered misfortunes. My friends, they spoke of carrying me away. I was unwilling. My friends, if you took me away from this land it would be very hard for me. I wish to die in this land. I wish to be an old man here. As I was unwilling, they fastened me and made a prisoner of me and carried me to the fort (Fort Randall). When I came back, the soldiers came with their guns and bayonets; they aimed their guns at us, and our people and our children were crying. This was a very different thing that was done to me; I had hoped the Great Father had not done this thing to me—forcing me to leave this land. They took me and carried me without stopping; they traveled all day until night came, and they carried me down to Baxter Springs—

DAVID (explaining). Where there are rocks and lead mines which have been dug out.

— I reached that place, and that while I was there fully 150 of my people died. The land was truly bad, and so I came back again. One of the employés of the President—a commissioner—came to see me, and I said to him: "I am going back to my own land. I have never given it to you—I have never sold it to you. You have not paid me for it. I am going back to my own land. The lawyers, ministers, and those who are with them—those who control the land, and God Himself, if He desire it—all will help me." I came back, and there was some talk about this affair; they took pity on me, just as you here take pity on me, and there was a suit brought about it in the courts, and the affair was settled, and I came back successful. Some of my people have gone to my Great Father in Washington. Are they there now?—

General CROOK. No; they've gone back.

— My friends, I haven't got much brain, but you whites have a great deal of brain. The Indians do not know much, but the Great Father has caused you to come to look into our affairs. I refer to this land, not knowing about it. The Indians are ignorant about it. When they went from Indian Territory to sell their lands they didn't know all about it, and the Great Father should have told them correctly. Which of the Great Fathers was it? He should have released me—let me alone. Was it the Secretary of the Interior? What I am going to tell you here will take me until dark. Since I got from the Territory up to this time I have not wished to give even a part of it to the Great Father. Though he were to give me a million dollars I would not give him the land. Even if the Great Father should wish to buy a part of the land from me the Indians up the river would hear of it and would be unwilling. My friends, I have been in your lands—to Omaha, Chicago, New York, Boston, Philadelphia, Washington, all these cities, and I've been to the Dakotas, and they've given me my land back—

(David explained that last summer the Dakotas went up to a grand council with the Sioux, and that Spotted Tail told his people they must not retain this land, but must give it back to the Poncas, who wanted to live upon it.)

— I wish to take back my own people from the Indian Territory. I wish them to live. I hadn't heard what you've done with regard to them. If the Secretary is sick or foolish, I hope you'll act as physicians and heal him—I mean the one who speaks German. If one man cheats another, tries to make sport of him, or to kill him, and the other party finds out his danger, he don't have anything more to do with him—he lets him go to one side. I refer to the land. When they went to the Great Father to sell the land, which land did they mean? They live in Indian Territory. Did they want to sell that land or to sell this where I live, and which is mine? One thing I forgot. The land in which you dwell, my friends, is your own? Who would come from another quarter to take it away from you? Your land is your own, and so are your things, and you wouldn't like anybody to come and try to take them away from you. If men want to trade, they say, How much do you want for that piece of property? What price do you put upon it? But nothing of that kind was said; they came and took me away without saying a word. Wherever I went traveling this man went with me, and has all the words of those people, and he will tell them to you.

MISSOURI TIMBER (speaking in Dakota through Mr. Riggs). When a man first addresses any one he should first make mention of God. God alone is able to make anything or any one, and so it is entirely unfit that He should be forgotten if one is to speak. My friends, I am an Indian, but as the Great Father has given you a commission to travel about, so I have been commissioned by the Indian chiefs to travel about; and now, my friends, you will hear what they said to me: Last summer, when they had a great gathering, and all the Indian tribes were collected together, I was there. There are here now representatives from two parts of the Ponca people. It was the wish of this great council that this Ponca people should be troubled no longer. That council was held for the sake of favoring anything that was good—for the sake of all things sent to us from the President. Eleven tribes there ratified to the Poncas their possession of this land, and gave them a writing in assurance of the same, which Smoke-maker has with him to-day. The land occupied by these tribes is all one land, and belongs to all the Indian people and not to any one tribe of them. (Mr. Riggs explained that the speaker meant what is called the "Great Sioux Reservation.") Therefore, they appointed these men—the Poncas—the guardians of the extremity of this land, and gave a paper to be presented to all white men in witness of this.

General CROOK. Tell him to be certain to bring that paper here to-morrow morning. We want to see it and get a copy of it.

STANDING BEAR. (Mr. Dorsey interpreting.) If a man forgets something in telling a story he wants to speak again so you can understand fully and have his story straight. You are here on some business, to do some work, to make our affairs straight for us, and I am very glad to see you on that account. My friends, now I've no troubles at all. I work for my living and I get food. Why should I have two or three hearts? It is not so. I prize this land very much. The Great Father doesn't regard me. I am am working for myself. I am an Indian, and I have decided this matter for myself. My friends, you are here as doctors, and you walk about in that business, and so I tell you. Why should I tell you two or three stories?

SMOKE-MAKER. My friend, when I see these four persons it makes me very glad, because my friends wish to hear the story exactly as it is—it makes me very glad. I had a number of possessions on this land, and they made me suffer very much by removing me and depriving me of them. My friend says he wants to hear of all this, and I believe he does; he speaks the truth. My friend here (General Crook) knows all the story, how we were taken to the Territory, and how we came back, and how I lost my children down there; and I came back and took refuge in this land. The ministers and other people helping me, I have come back to my land; I am, as it were, born again, and so I live there; and they, my Christian friends, having helped me, I have received farming implements, and I raised a large crop, and I have hogs, chickens, and stock. My Christian friends truly desired me to live, I thought. They sent me some provisions, at first, until I could raise some for myself, and I have been doing very well here since. I heard something about selling a piece of land, and I thought those Poncas in Indian Territory must have sad hearts, and that they wanted to sell that land; but this land I have here, I prize it very highly. I went to see Spotted Tail and the other Sioux Indians up the river, and they took pity on me, and received me very kindly and gave me some food, and they gave me a paper, saying they gave me back my land, and they wished me to dwell at the end, meaning that they took us in and considered us as Sioux, and made us the end band of their tribe. They gave me some ponies so I could work my land; and so I depend upon both sides, upon them, the Sioux, and upon you, who have come here. Yes, I depend upon both of you, upon you and upon them, and when I went up there they gave me 100 ponies. I am very glad to see you, my friends, to-day.

General CROOK. Tell them I saw them last spring when they were in great trouble, but although I sympathized with them I wasn't in position then to help them. I am glad to see them getting along so well. Now we come in a different capacity, and one in which we come to help them. We want them to assist us in this matter. We can't do anything ourselves, but we can recommend to the President. We know their story, and know more about the ways of the whites than they do, and we want to recommend that which will be best for their interests in all time to come. We have seen the rest of their tribe in Indian Territory, and we want to make such recommendation as will secure justice to those down there and to these also. Although those people down there sign a paper to sign away this land, that itself does not settle the matter. Do these Indians know what was in the paper the others signed?

ANSWER FROM ALL. We do not know it at all.

General CROOK (to Mr. Dorsey). Read it to them.

(Rev. Mr. Dorsey read and translated the Washington agreement to the Poncas.)

General CROOK. Tell them the chief signed this paper, and when we went to Indian Territory we saw the Poncas there and explained the paper to them, and they all agreed to it, as they understood it. Now tell them I wish to state a few points which will enter into our calculations in making our report to the President. In the first place, the Poncas in Indian Territory are a great deal more numerous than these here,

and consequently own a greater portion of the land here than these do. Now, those Poncas down there in Indian Territory were very decided in their expressions to us that they wanted to remain down there. Now, if those Indians don't change their minds and want to remain down there, and these don't want to go down there, there is going to be some trouble about dividing this land. And if both the agencies are kept up, it will necessitate two agents and other officers, which, of course, will increase the expense which must come out of their funds. Now, what we want to do is to recommend to the President such measures as will do justice to all the Poncas—those down in Indian Territory and these here.

General MILES. Please state to them, Mr. Dorsey, that those Indians down here gave as a reason for changing their minds that they despaired of ever being able to get back here. Being under the impression they must remain there, they desired to do the best they could; they were under the impression that they would get a stronger title to the land down there than they had to the land here, hence the chief signed the paper giving up their interest in the land here, and the Indians down there indorsed their action under this same impression. Some of them told us that they had decided to remain in that land and did not wish to be moving about. Some of them told us that they should prefer to remain in that land whether they got any money or not, and they also told us that that was the general opinion of the Poncas there. In our recommendations, we shall have to respect the interests of the Poncas in Indian Territory, as well as of these here, and what we wish to ascertain is whether or not an arrangement can be made which shall be satisfactory to both parties. Nothing, up to the present time, is definitely settled. We believe it is within the power and the intention of the government to do full and exact justice to all the Poncas, and for that reason, before taking any definite action, we should be glad to hear any suggestions or wishes they may have as to the settlement of this matter, because we desire to recommend such a settlement as shall be for the best interest of all.

Mr. ALLEN. My friends, I am glad to see you. I have heard about the Poncas for a long time, and many of the white people have heard about them and their troubles. Many white people have felt an interest in them, and when they thought all the Poncas wanted to come back to their own land, these white people wanted they should. They knew some of the Poncas had left Indian Territory to come back to their own land. They heard that all the Poncas wanted to come back to their own lands, and they were trying to help them to do it. While they were working to do this, they heard that the Poncas in Indian Territory had sent a letter to the Secretary of the Interior. In the letter they said that they wished to remain where they were and wanted to sell their old land. They asked the Secretary of the Interior to let them come to Washington to make an agreement for their land and settle all their affairs. The white people heard that the Poncas who were on the old lands wanted to stay on the old lands; the white people who were interested in the Poncas' affairs told the President what they thought about them. The President is a very busy man with a great many things to attend to and had not had time to give so much attention to the Poncas' troubles as some other people had. And when these white people told the President that they thought the Poncas had not been treated justly, he said he wanted to have them treated justly. They told the President that the Poncas on the old lands had not sent any letter asking to sell those lands, but that these Poncas owned a share of the old lands as well as the Poncas of Indian Territory, and before the old lands were sold, what the Poncas on the old lands thought about it ought to be known. The white men also said they didn't know what had made the Poncas in the Indian Territory change their minds about staying there. The President said he wanted the business to be made straight for all the Poncas; he said, "I will send some men down to the Poncas in Indian Territory and to the Poncas in Dakota to find out what the truth is in the matter," and he said, "the old land shall not be sold until these men come back to tell me what ought to be done." So when the Poncas from the Indian Territory went to Washington the President would not let them sell the land. All that he would let them do and all that they did was to sign a paper which said how they would be willing to sell the lands. This paper which was read to them was not a bargain selling the land, but it is only a paper telling what kind of a trade the Poncas in Indian Territory are willing to make. Now, nothing more will be done about this business until the Commission gets back to Washington and tells the President what it thinks. If, after talking with all the Poncas, it seems best for them all to live in Indian Territory we shall say so; but if it seems best that all the Poncas shall come back to their old lands we shall say that to the President. If it seems best that some Poncas shall stay in Indian Territory and some stay here, we shall tell the President that. So you see we shall not be able to make up our minds what to tell the President until we shall have learned the whole truth of the matter. We have been down to the Indian Territory. We talked to the Poncas down there. They said that the government wanted them to stay down there, and some of them said they liked the land and the climate down there better than they used to, and they had made up their minds that they would remain down there rather than make any further trial

to get back here. Some of them said the land down there was better than this land. One of them said that if the President would give him \$25,000 we wouldn't come back here. Now we have come up here to find out what you think of this matter, and we want you to know just what the members of your band in Indian Territory think about it, and so we have brought some of your friends along with us that they and you may talk together about this matter. Perhaps, you will persuade them that they had become back here. Perhaps they will persuade you that it is better for you to go down there. Perhaps you'll not be able to agree, but you will see that if it is possible to agree it will be better for all the Poncas to live together. Now, we are not going to talk any more to you now, but leave you to talk with your friends who came from the Indian Territory, and who can explain the paper they have signed themselves, and then we will all meet again at 8 o'clock to-night, and then we want you shall tell us what you think of this matter after talking with your friends.

Hereupon the Commission adjourned until 8 p. m.

NIOBRARA, NEBR., *January 11, 1881—3 p. m.*

Commission met in Academy of Music.

Present, Brig. Gen. George Crook, U. S. A.; Brig. Gen. Nelson A. Miles, U. S. A.; Mr. Walter Allen; Capt. C. S. Roberts, Seventeenth Infantry, U. S. A., aid-de-camp; First Lieut. John G. Bourke, Third Cavalry, U. S. Army, aid-de-camp; Capt. E. L. Huggins, Second Cavalry, U. S. Army.

Absent, Mr. William Stickney, on account of indisposition.

Rev. Mr. Riggs and Rev. Mr. Dorsey present as interpreters; same Indians in council as were present this morning.

HAIRY BEAR (having received permission from the commission to speak to his people) said to them the following, which was translated into English by David:

My friends, when I first saw you made my heart cry; you hugged me and kissed me. To-day, I want to say a few words to you. When our Indians down in Indian Territory assembled in council they made this arrangement about their lands. My friends, I always think I wish I had a little more memory than I have to-day. My friends, to-day they have told you about the lands they have given to the Great Father. They have said so; it would be wrong to deny it; we have done it. My friends, it's so long since we were together we became tired of it, and so our tribe got together and said they would sell their lands. No one caused it; they did it themselves. Then we got the letter from the Great Father, ordering us to come down to see him. My friends, I have said in the council in the Territory when they first mentioned about the lands, "that land is not our own; part of it belongs to our friends up there; we should find out what they have to say about it"; but they wouldn't mind me. Now, to-day, we find ourselves together, and you object to selling, and that's the thing I was afraid of when they first began to talk of selling. Now, friends, the chiefs are somewhat afraid of you. I thought I would come up, and hear your own words. I have heard your words to-day. I said to this, my friends, at the council; "the whites, Mr. Tibbles and party, are working for us both ways; I am afraid they have got tired of us, so we had better make an arrangement for ourselves." My friends, we got down to our Great Father. We asked him and he told us this: "Has Standing Bear agreed upon this which you have said down in Indian Territory?" And, friends, Eagle said this to the Great Father: "Yes, Standing Bear is up there; he is entitled to a portion of the land, and I want to do the fair thing with him." Friends, when I started, White Eagle told me this: "Tell our friend, Standing Bear, up there, that I am going to turn around and give our young people to him." My friends, I don't want to trouble you in this matter at all, but they told me to tell you what they have said to me. And also he meant you (David, the interpreter) that your brother down there wanted you to go down there. My friends, I, myself, feel bad between the two parties; some of us here and some there. My friends, when the old chiefs were going to appoint us to be chiefs of the tribe, they told us one word which I believe was true; they told us this: "If we grew up, without helping ourselves, like we are now, we should be like a party of wolves going around over the prairie," and I believe we are so now. Friends, we heard of you that you have been all through the States, among the whites, working to try to get us back here, but we thought it was very true what we said down there, that it was a very long time waiting, and so we concluded to settle the matter one way or the other. Friends, the Great Father has told us this: to go back, that he would appoint four commissioners to go down there to get our true statement and then come up here to see you and learn what you had to say, and get your statement fair and straight from you; and what they have told you is all true.

Mr. ALLEN. Mr. Dorsey, ask if any others want to speak.

Hairy Bear explained a remark in the message sent by White Eagle to Standing Bear as meaning that if Standing Bear came down to Indian Territory, White Eagle would yield the head position in the tribe to him.

CHEYENNE. My friends, and all you chiefs, I see you—my relations, whether it makes

my heart sad or good—I see you, all you chiefs; I think that I have arrived at the age of fifty years. When a person arrives at that age, he generally has some sense, and I think I have come that far. I reached one land—Indian Territory. The Great Father made a mistake in carrying me there. You saw me, Standing Bear, you came to the land that I reached; you saw me there. I do not think that you fully understood that land, but I wish to understand it. I was there for five seasons, and I wish to know all about the land, climate, and what could be cultivated there, and I will tell what I know; tell about my own affairs. For two seasons, I know that my men, women, and children died; I know it, I saw it with my own eyes. The third season I wished to know how things were, and from that time on there was not any sickness; I saw none, I did not see any die. When they carried us away to the land, I said: "Where you die, I will die." I wanted to find out about the land, so I had some men break the soil for me and I planted corn, potatoes, and watermelons, and they rotted in the ground, for I raised more than I could gather. I say, these four persons have come to straighten out our affairs, and I hope, ye chiefs, that we shall finish our own business. These persons who have come to finish your affairs, wish to hear your statement; they wish to hear it all, and hear it correctly; so do I. I wish to hear from you exactly what you think. The chiefs did not command me to come, but I have come, for I want to talk with you; to see you, and to shake hands with you. I think that God is above and Herules all things, and He has caused this to be a good day, so we might talk about these matters, and I hope that they will carry back a straight account to the Great Father.

General CROOK. Do any others want to speak?

SMOKE-MAKER. I have heard their words. The land that we live upon is this. You are nothing but little boys, I am a little older than you. When we were there, up in Dakota, I always talked to you; you did not mind me, and now to say you find yourself in a different part of the country. Friends, you ought to remember in the old times when we were together up there in our old lands; we used to work them with the shoulder-blade of a buffalo. Since then we've seen the white men; we've taken their tools and we have learned to work with them. But you have made a different arrangement for yourselves and have gone to that Death Country, my friends, just the same as a man driving a drove of cattle into a corral to be slaughtered; just that way they did to me; but I would'n't stay there; so I jumped over the fence and came home. Friends, I always think about the Great Spirit; also I looked down to the ground, and I always thought I would learn to raise something and I did so; nobody taught me; that which I raised was my own crop. (Turning to Peter Primand, the policeman.) Friend, you who are sitting there have the police mark on your breast. I want to hear from you a full statement about the man they killed down there. (Turning to the white people.) My friends—here they are in front of me. They are in front of me. I don't decide to give up my old land. Here I was born; I am going to hold on to it.

STANDING BEAR (to the Commissioners). I want to speak good words to you. I haven't anything more to say; I don't want to say anything to them (turning to the Indians who had come from Indian Territory). The words I have said to-day I adhere to; I have no other words to say to them (meaning the Poncas who had come from Indian Territory).

PETER PRIMAND. I have nothing to say; we have talked enough.

STANDING BEAR. I implore you, my friends, my relations—all of you—I have had some experience with agents; I don't want any of them; but I do want a man who will instruct my children—a teacher. My friends, there have been a great many things that I've lost; things due to me and things coming to me from the Great Father; and I want you to hear this, so that I can learn if there is any prospect of getting back what I've lost. The Santees, who are over at Flandreau, they have adopted the white man's clothes and customs, and yet they have an agent to oversee them. Even if we should be in two places, yet I want to dwell in this, my own land, and receive here my portion of the rations and annuities.

BLACK ELK. My friends, I am not going to talk about a different subject. If I have something in common with another person and I have my own part, I am a little bit afraid on account of the other man. My friends, when these people spoke about selling this land, they did not send me any word about it, and, therefore, I am unwilling. These Indians up the country—the Sioux—I am afraid of, if I part with the land, they have something to say about it. For four years the Great Father has been owing us some money, and it is about time he settled that indebtedness. In this land of my ancestors, out of that I make something to support myself; and if the Great Father pays me what he owes me, I can buy tools for myself; and then we want to be paid for what was taken away from us when we were taken to the Indian Territory, or which we had to leave behind; we ought to be paid for all that. Those Poncas down in Indian Territory have been receiving some money; we should receive some too.

General MILES. I want to ask Standing Bear whether or not his people are supporting themselves?

STANDING BEAR. They are working; trying to make their own living, and they get their food from their own industry.

General MILES. Do they know how many acres they cultivated the past year?

STANDING BEAR. I think 200 acres; one had 30 acres.

General MILES. Do they receive any assistance from the government?

STANDING BEAR. No, sir; nothing from the government; our Christian friends have given us five or six plows.

General CROOK. Have they given you anything to eat?

STANDING BEAR. Yes, a little to eat.

General MILES. Have the crops been good in the past three years; do they raise good crops in this country?

STANDING BEAR. Yes; we raised a great deal last season; for two seasons we were unsettled, and did not raise much.

General MILES. I want to ask Smoke-Maker how old he is.

SMOKE-MAKER. Over sixty; I cannot give the exact account.

General MILES. As you are the oldest man who has spoken to us, I want to know if you have, as a general rule, raised good crops in this land since you were a boy?

SMOKE-MAKER. I was a boy the time Lewis and Clarke went up the river. I can recollect that when I was a boy we worked the ground with buffalo shoulder-blades, and raised good crops always.

General MILES. Ask them if they are all satisfied with this land.

All assented, saying, in Ponca, "Yes."

General MILES. Ask him if he has heard of any one of his people who desires to return to that Indian Territory.

Answer from all the Indians. "No; not one."

Mr. ALLEN (to Mr. Dorsey). I understand Hairy Bear to say they had a council in Indian Territory to see about selling these lands, because they thought their white friends were tired of working for them. Is that correct?

HAIRY BEAR. Yes; just that.

Mr. ALLEN. If they had known their white friends were still working for them, would they have done that thing?

HAIRY BEAR. We heard they had stopped working for us. We were worn out and wished to settle the matter for good.

Mr. ALLEN. Did any body tell them their white friends had stopped working for them?

HAIRY BEAR. Our own feelings told us.

General CROOK. We are now going to adjourn until early to-morrow morning, and we want them to-night to consult among themselves and see if they can find some way of settling this matter with justice to the whole Poncas tribe—to see if they couldn't suggest something in the morning.

At 9 30 p. m. the Commission adjourned.

NIORRARA CITY, NEBR., *January 12, 1881—9 a. m.*

Commission met. Present, all the members.

Proceedings of last evening's session read and approved.

Rev. Mr. A. L. RIGGS examined.

Questioned by Mr. ALLEN:

Do you live at the Santee Agency?

Answer. I have been there ten years and a half as a missionary of the American Board of Foreign Missions. Santee is fifteen miles from the Ponca Reservation in Dakota. I have been intimately acquainted with the Poncas and their condition during the whole period of my stay in this vicinity. Before their removal the Poncas were peaceable, and, so far as they had opportunity, very industrious. They were very anxious to learn. It is within my knowledge that they were opposed to going away. A few scattered among the Sioux and did not go to Indian Territory; they numbered about 20; they went to the Yankton Sioux; they are now here, having returned to Standing Bear's party as soon as he got back here from Indian Territory. I am acquainted with the condition of those Poncas who have returned here from Indian Territory; I have been connected with some of the commissions organized to assist them. Last spring the Omaha committee requested me to take charge of their contributions; and I have, also, distributed some things received from private sources. During planting time, and while their crops were growing, they were assisted with food to the amount of \$125 per mensem—about \$1 per month per capita. Since then they have received about \$100 per mensem. They have received some bedding, but not through me. They have received, so far as I know, no clothing; that they have bought for themselves. They have also received some stoves and have bought some. They obtained the money by selling wood and ponies, and somewhat by work-day labor among the whites. The government has interposed no obstacles in my way to helping them. The Santee agent has received orders not to have anything

to do with the relief which his religious society wished to distribute through him ; the society of the Hicksite Friends. The Santees and Poncas have always been friendly and mutually helpful. There are two cases of intermarriage between the Poncas and Santees, but more between the Poncas and Yanktons. The Omahas and Poncas are virtually one people, but I don't know anything about their intermarriages. I think the necessities of the Poncas of Standing Bear's party might be fully met by putting them under the general supervision of the Santee agent. By "general supervision" I mean the oversight of financial matters between them and the government, the distribution of such supplies as may be given them, and the looking after any cases in which they may need advice and protection in their intercourse with the whites. Farther than that, I think they could get along here without further need of an agent, provided they had some good, responsible man here as teacher and as their instructor in general industry. In case of such an arrangement, it would be preferable for the Poncas to be located in quarter sections which they should hold in their own right. I believe in giving them, as all other Indians, the rights of citizenship, and there is all the more reason for giving such rights to those who are anxious for them, and in a measure prepared. I think every Indian should be a citizen in the sense of a subject of the government, entitled to personal liberty and the protection of the laws, and this without regard to whether he wishes and asks for it or not. I am well aware that this principle would require a radical change in the present reservation system ; but this must come before we can expect the Indian to be a man. The reservation system, as now organized, tends to make dependents and imbeciles. As to the rights that usually accompany citizenship—a homestead title to land and the right to vote—I think these rights should be open to them, whenever they appreciate them enough to seek them. And a much larger proportion of the Indians of our country are now anxious for these rights than is generally supposed. I believe the majority of them are now ready for homestead rights. As to voting, though I believe theoretically in a suffrage based on education, yet as this is not made a general rule, I see no need of making a special test for the Indian. Our Indian population is neither so large nor so concentrated as to make our present situation materially worse by making them voters ; and as for the Indians, without this franchise his interests will never be fully protected. He will not be safe until it becomes for the interests of political parties and politicians to serve him. Therefore, in my opinion, it is best that the right to vote be conferred as soon as any Indian appreciates it enough to apply for it. And, so far as I know, the Indians who have exercised their right to vote (as for instance the citizen Indians of Flandreau, Dak.) have done so more intelligently than many of our citizens of foreign birth. And they have made themselves respected in the community and feared by unworthy office-seekers. I firmly believe that Standing Bear's people and our Santees would be much better able to maintain themselves against the attacks of politicians if they were only homesteaders and voters.

Questioned by Mr. STICKNEY :

The relations between the Poncas and Sioux ten years ago—at least with all the Sioux in their immediate neighborhood—they were then on the most friendly terms, and have been so ever since. The Poncas have been disturbed from time to time by war parties from the Lower Brulés, the Sioux at Cheyenne Agency and Standing Rock Agency. This was particularly the case when all this region was in a state of ferment, and the Indians on the Great Sioux Reserve were on the eve of breaking out into war against the United States. During this period of ferment the Sioux very seriously interfered with the agricultural pursuits of the Poncas, who were sometimes afraid to go out into their fields on account of the Sioux. They became restive and showed a desire to seek some other reservation for their home. During the years from 1864-1876 was the period of war ferment in this region, but it was worse from 1870-1876. The Poncas, during the time of their persecution by the Sioux war parties, talked of some plan of moving down to where their brothers, the Omahas, were living, and I knew of several embassies back and forth on this matter. I have heard that the Poncas applied to the government for permission to go down to live with the Omahas in Nebraska ; I understood that the union of the two tribes was about to be consummated, but that the Omaha chiefs were not all at home at the time of the last negotiation, and after that the Poncas began to lose interest in the matter.

Questioned by General CROOK :

I never heard from the Poncas themselves, or any other source, that they ever gave any consent to their removal to Indian Territory, but they did consent to going to join the Omahas ; in fact, as I have said, they asked to do that.

Question by Mr. STICKNEY :

I think about one quarter of this Poncas Reservation is good fertile soil. I cannot say how much is timber ; the most of the other three-fourths is pastoral ; the soil is just as good, but it is not tillable land ; it is good grazing land ; some of the hill-tops are good for nothing. For three years the grasshoppers devastated this whole region—

Dakota, Nebraska, Kansas, and Minnesota. I don't think that the Poncas Reservation has suffered any more from natural causes detrimental to agriculture than any other portion of the vast region I have mentioned in which it is included.

DAVID LE CLAIR examined.

Questioned by Mr. ALLEN:

I lived with the Poncas before they went down to Indian Territory—I went down there with them. I came back with the first party. I was the first one to come back. I have lived at Santee Agency for two years. I left there two weeks ago to-day. I went there because I had no place to go when I returned from the Indian Territory. I lost all my property when I went to the Indian Territory. When I was with the Santees the agent issued to me stoves, plows, and other things; but when I came here to my people the agent took all away, because I was going away from Santee and coming back here to my people. I got back here just as badly off as when I got back from the Indian Territory. The Santee agent said I couldn't have anything to take away; that I must draw what I wanted from Standing Bear. A brother of mine was treated in same way; he is now living up at Spotted Tail Agency. These Ponca families are living up there; two of them are the families of widows.

Questioned by General CROOK:

I never heard a thing about any of the Poncas agreeing to removal to the Indian Territory, or signing any paper to such effect; but I did hear that they signed a paper asking to go to Omaha Agency. This was in 1873.

Questioned by Mr. STICKNEY:

I am a half-blood; my father was French, my mother a full-blooded Ponca. I have always lived with the Poncas, and have a family of children here. I did not go to Indian Territory of my own free will; I was forced to go down. I was not one of the ten who went down to look at the lands there; my brother went. At the time that Kemball came I said that he wanted the Poncas to go and look at some new lands; my uncle, the head chief, Antoine Primand, the Lone Chief, told him we were not going to remove; "these young chiefs have said they wanted to remove to the land of the Omahas, but I am the only counsellor chief now living, but I have not signed any paper to go to the Omahas, or any other place, and so, my friend, I wish you would dry up on this question and tell my Great Father I am going to remain here." The young men wanted to go because the Sioux bothered them, and so they wanted to join the Omahas because they were one people, connected by marriage, and speaking the same language. I don't think that any of them want to go join the Omahas now.

Questioned by General MILES:

Only a portion of the tribe wanted to join the Omahas; a little over one-third of the tribe. I have a list of my own property which I had to leave behind when I went down to Indian Territory, but I have no list of what the other Indians lost. Agent Kemball had such a list, but the Poncas have not. I could not make out a correct list of the amount lost by the whole tribe; each head of family might know his own loss. At the time of our removal, you remember, property was very high. I was the interpreter of the agency, and had to buy my own property. It cost me \$800, and I lost it all. You can judge better than I, but I think it would now cost me \$300 to \$400 to replace what I lost. This is merely what I was forced to leave here—plows, harness, and such things. On the way down I lost property worth \$250. A small percentage of the tribe were religious, and in attendance upon services. I lost three children of my family in Indian Territory. I remained a year; 64 men, women, and children died in tribe during time I was with them in Indian Territory. The tribe numbered 730 when we arrived there.

General MILES (to Mr. Dorsey). Ask Standing Bear if he has made up a list of the property lost by him in consequence of his removal to the Indian Territory.

STANDING BEAR. What I lost has been put on paper, and I think the lawyers in Omaha, or some of those places, have it.

General MILES. What was its value?

STANDING BEAR. I will tell you what I had. You will know how much it was worth. I made a house for myself. I cut the logs; I built it myself. I built a stable, and pen for my hogs. I built them myself. I bought a stove for \$30. I had tools and farming implements—plows, harness, pitch-forks, spades, shovels—all those things; I had two beds, and a closet full of dishes, and a table. On a sudden came a wind and blew upon me, and I hadn't time to pick up or count anything. I had two lamps. I had two cows, three hogs. I am not the only one who had these things; but we all had the same things.

General MILES. Was that their general condition? Did they all leave houses, furniture, agricultural implements, &c., as Standing Bear did?

ANSWER FROM ALL. Yes; we all did; we all left the same things; the property of the tribe was left in the houses.

General CROOK (to Mr. Dorsey). Tell them we want to hear from them now. (Standing Bear goes to each one of his band and asks if he is of one mind with himself; each answers, "Yes.")

STANDING BEAR. You four persons and this gentleman (Mr. Haworth) have come from the Great Father to straighten our affairs, and it makes me very glad to see you. I do not think that you wish to do anything wrong; you are trying to do all that is right. I see it. If I attempt to do anything, I don't know how to do it. But when you wish to do anything you do it, and do it well, because you know how to do it, and because you consider. When you do anything I know but a small part of it; and, as to your decisions and plans, I don't know very much. I know but a very little as to your thoughts. When a man does not know how to do things you come to straighten his affairs for him. A man may not know something; he may drink and get a headache; he may be foolish, and you will come and set him straight. When people want to slaughter cattle they drive them along until they get them to a corral, and then they slaughter them. So it was with us. Who was it did this to me? I do not know anything; but you know much; you are strong; you are up above, and I look to you for help. I do not know anything, and I hope that you will help me. Be strong. Make an effort in my behalf. I think that I have but half the amount of brains; that is the reason I do not know much. There is one who may wish to kill some of these Indians, and I think he is foolish and without sense; and if there is any one among you who can cure him, I hope you will do so, and talk him out of his foolishness, so that the Indians may live and get along better. Some of these persons have come up from Indian country to see us, but I will not give them any word (alluding to the three envoys), but I will attend just to you (the Commissioners) and the people of the cities—Chicago, Boston, Philadelphia, New York, and Washington. I have heard their words, and I heed them. My plans are insufficient for me, because I hadn't brains enough; but you have brains to do something for me, and so I give heed to what you say. My children have been exterminated; my brother has been killed, and although one has come from the President (Inspector Haworth). I will strive to get that which is good and that alone—any good thing he may say. But they can't scare me, drive me into a bad hole yet. I have come back to my own land, and I think that two of the commissioners (pointing to Generals Crook and Miles) have had something to do with this. I was brought up before the court and it released me. This, I think, is one of my principal friends from Boston (pointing to Mr. Allen); one of those who have been my friends by day and by night; one of those who have been trying to raise me out of the darkness. My friends, whatever I tell you to say, I hope that you will carry back to our Great Father and give him an exact account of it. I hope you will tell him that I am living back on my old land, that I am doing well there, and that I am working for myself. The man who has been working for me—the Great Father has one of his representatives here, and I want him to tell the Great Father that I want him to pay me the same as he pays the balance of the Poncas in Indian Territory, so I can go to work. I want him to give back what is already due for the past four years for annuities. I want the Great Father to divide the annuities; let those down in Indian Territory get their share and let us up here get our share. That is it. To-day, I see you and this representative of the Great Father. And I am very glad to see you all. Now I want you to tell the Great Father, I wish him to send me all the things by means of which I can make something for myself. To-day, my friends, I will say something. I did not know it formerly; wherever you dwell, I admire your dwellings very much. My friends, I want to live in just such a house as you live in—a house that is bright and full of light. If I live in such a house, then I will cultivate the land and will make an effort for myself. Now I have learned a number of things from you. I have known them for some time. I speak of raising cows that will give milk to the family—for the children, and of raising hogs and poultry. I know it all, and have known it for some time. My friends, I speak to you all, to my relations. I have come back to my own land, and I don't wish any one to get beyond me, to get the better of me or to take me away from my own lands. I have said about knowing your ways. Now here is one I learned. I had a hog—I raised him, a very large one—I brought him to town and sold him for \$13. How could I speak a different word to you? I have told one story to General Crook here, to the people east, and to the lawyers—(in Omaha). Should I change it? I do not wish to tell another story now. You do not wish to do anything wrong. You wish to do that which is for my good, and in order that you may help me, I let you know these things to-day. The things I tell you are not mine alone—they belong to all these Poncas; they have employed me to speak for them, and so I speak their words. I have told you what I wish, and I am very glad that you want to hear from me. I have come back to my own land. I think you have helped me to get back (speaking to Mr. Allen). I do not wish any one to get the better of me. I do not wish to go elsewhere; and now I say this and tell it to you. I say it. I now tell you one thing I want for myself; whatever damages are coming to us, and whatever annuities, I want them to be split in two—one part for us Poncas here, and one part for the Poncas in Indian Territory. I desire you to help me in this. Even if I

don't have an agent, that don't matter. I don't want an agent. I want to have a teacher or a minister. I want a missionary to be with me, and to attend to me. The agents are all the time sick—they're sickly, and I know about them, and whatever things we have they are taking from us, from time to time. (To General Miles.) Do you think the agents are very good? Suppose you shouldn't know anything about writing—just like an Indian—and I should be your agent, wouldn't I take everything away from you? And if you were an Indian, and didn't know anything about writing, and I were the white man, your agent, I would make you suffer, perhaps. That's the way it's been with us Poncas. I tell you these things because you wish to settle our affairs. That's enough on that point. I want to say something else. This Indian who has come with you, Hairy Bear, has been talking about selling the land. Now, I want you to consider that matter. This land up here has been given to the Indians as an Indian reservation. It belongs to the Indians. It is a part of the great Sioux Reservation, and to sell that land will be a very difficult matter. It is a very difficult matter to make it straight. The Sioux up the river have given me the land—have given it back to me—and if those Poncas down in Indian Territory want to sell the land there will be a difficulty about it. Such a transaction is something from which we must shrink back. We are afraid to do it. We'd be afraid of all the Sioux. And the Sioux said to me, "I give you back your land. The Great Father made it mine; I give it back to you. You shall dwell at the end, on the Niobrara, and we shall all be one nation—Poncas and Sioux—one body of people on this land." You are very strong men, and when any man has trouble I think he tells it to you; and so I tell you my trouble. That land in the warm country (Indian Territory) was bad, and so I left there and came home. What do I mean when I say it was bad down there? Supposing you took off your clothes and lay down in that snow-bank, would it be comfortable for you? No. And so that climate was not suited for me, and so I left it. I haven't known much in my life. When you see such a man, you help him, and it is proper you should do so, even if he don't know much. When we were taken away from this land we did not cause it. It was caused by the Secretary of the Interior. When I went East to the white people, Smoke-maker traveled among the Sioux, and he has the papers which they gave him.

SMOKE-MAKER. I went up the country to see the Sioux while Standing Bear was traveling through the East, and I came back to this land before Standing Bear returned. The Sioux gave me this paper to let me go on this land until Standing Bear came back. This paper was given the first. (This was merely a passport from the agent at Rosebud Agency, given at request of Spotted Tail.) But in the summer, after Standing Bear came back, he went with us to the great Sioux council, and there they gave us back this land. They gave us the land in council, but gave us no paper. Red Cloud and Spotted Tail told us that the Great Father had given them our land, but, as we wished to come back and live upon it, they relinquished it back to us. In this council were the representatives of twelve tribes—Santees, Yanktons, Winnebagoes, Lower Brulés, Omahas, Poncas, Yanktonnais, Two Kettles, Minneconjous, Assinaboines, Blackfeet, and Red Cloud and Spotted Tail's people. There is a young man here who went up with a lawyer last winter, and they had a very plain talk with Spotted Tail, and he will tell you all about it.

YELLOW HORSE (brother of Standing Bear). My friends, what I have to tell you I will tell you very straight. When I came back to this land it belonged to Spotted Tail. I went directly to his lodge and entered it. Spotted Tail said to me, "I will not talk with you before you go. As I am on the side of the lawyers, you go home and get a lawyer. I wish you to live, and if a white man will come to me I will give him the words directly from my tongue. I came home. I went again with a white man—United States Marshal Moody, from Omaha. I got there. Spotted Tail assembled all the people. He said, "In former days—in the days of my father and grandfather—we had nothing to do with land; it was yours. That Ponca land I give back to you. When you reach home, and the warm weather comes, I wish you to cultivate as large a piece of ground there as you used to. Just as much hay as you used to cut I want you to cut now for yourselves. Although I myself have given you this land, all these people will, as one man, give it to you. Do you make an effort in any way that you think will be for your good. The words I give are firm words. I want you to make an effort and remember them.

Mr. ALLEN. When the Poncas had the great council with the Sioux did they make any pledge to the Sioux to help them in case of war?

YELLOW HORSE. No, we did not. We told each other, "We Indians must help each other. Some know more about the whites than the others, and so we can help each other; and we all want to be friends of the President." There are a great many white people in the land, people of different nationalities, but all of one mind; and so with the Indians; we speak different languages, but want to have one mind and help each other.

Mr. ALLEN. In case of war between the Sioux and the whites, on account of this land or anything else, did the Poncas agree to help the Sioux?

YELLOW HORSE. No; nothing was said about that.

General MILES. (To Mr. DORSEY.) Please say to Standing Bear that we want to find out how many Poncas there are up in this country, on the Ponca Reservation and at the different agencies. We have asked these men (i. e., David and others), and they make it 177. We want to find out from him the exact number and the place where they are living.

STANDING BEAR. We know that there are 177, but there are a number of others we cannot recall. There are a number among the Omahas, but none among the Winnebagoes; some among the Sioux. When we learn exactly how many there are, we'll let our friend, Mr. Riggs, know and he can tell you.

General CROOK. But are not those living among the other tribes, part and parcel of those tribes, farming among and receiving annuities, clothing, and rations with them?

STANDING BEAR. If there are any of them living like the whites, on their own land, they'd be apt to stay there, but those taking refuge among other tribes and fed by them, when they hear we have our old land back, will be likely to come and join us here; will come back to their own tribe. (Shortly after, Standing Bear, consulting with his people, said he knew now of 195.)

General CROOK. Have they anything more to say?

STANDING BEAR. We have said all we have had to say.

General CROOK. Tell them we are glad we have met them all here to-day. We have also been down to Indian Territory to hear what they have had to say, and have put down on paper what both have said, so as not to forget it. and we'll try in our recommendation to do justice all around and to both parties. We can simply recommend to the President. It rests with him and Congress whether or not to approve.

Hereupon the Commission adjourned.

MARION JUNCTION, DAK., January 13, 1881—10 p. m.

Commission assembled. Present, all the members.

The proceedings of all meetings not heretofore read were read and approved, and the Commission thereupon adjourned.

WASHINGTON, D. C., January 25, 1881.

I certify that the foregoing is a correct record of proceedings and a correct transcript of evidence from the original note-books employed by me while with the Ponca Commission.

JOHN G. BOURKE,

First Lieutenant, Third Cavalry, Aide-de-Camp, U. S. Army.

APPENDIX.

A.

UNITED STATES INDIAN SERVICE,
Ponca Agency, October 25, 1880.

Hon. R. E. TROWBRIDGE,

Commissioner of Indian Affairs, Washington, D. C. :

SIR: We, the undersigned, chiefs and headmen of the Ponca tribe of Indians, realize the importance of settling all our business with the government. Our young men are unsettled and hard to control, while they think we have a right to our land in Dakota, and our tribe will not be finally settled until we have a title to our present reservation, and we have relinquished all right to our Dakota land. And we earnestly request that the chiefs of the Ponca tribe of Indians be permitted to visit Washington the coming winter for the purpose of signing away our right to all land in Dakota, and to obtain a title to our present reservation; and we also wish to settle our Sioux troubles at the same time. We make the above request, as we desire to have the young men of our tribe become settled and commence to work on their respective claims. We also desire to make this visit in order to convince the government that it is our intention of remaining where we are, and requesting the aid of the government in obtaining teams, wagons, harness, tools, etc., with which to work our land.

Yours, respectfully,

WHITE EAGLE.
BLACK CROW.
FRANK LA FLESCHE.
BIG MAIN.
CHILD CHIEF.
THE CHIEF.
FOUR BEARS.
YELLOW BIRD.
WHITE BUFFALO BULL.
WHITE FEATHER.

STANDING BUFFALO.
LITTLE PICKER.
RUSH IN THE BATTLE.
BIG BULL.
SHORT MAN.
RED LEAF.
BUFFALO RIB.
PETER PRIMEAUX.
BIG GOOSE.
WALKING SKY.

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

JOSEPH ESAW,
Interpreter.
A. R. SATTERTHWAITTE.

PONCA AGENCY, IND. T., *October 25, 1880.*

B.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, November 9, 1880.

WHITE EAGLE, STANDING BUFFALO, and other chiefs and headmen of the Ponca tribe,
Ponca Agency, Indian Territory :

GENTLEMEN : I have received your letter of October 25, forwarded by your agent, in which you say that your young men are unsettled and hard to control, while they think you have a right to your land in Dakota ; that your tribe will not be finally settled until you have a title to your present reservation, and you have relinquished all right to your Dakota land, and you ask that the chiefs of your tribe be permitted to visit Washington the coming winter for the purpose of signing away your right to all land in Dakota, and to obtain a title to your present reservation ; and also to settle your Sioux troubles at the same time, as well as to convince the government that it is your intention to remain where you are, and to request aid in obtaining teams, wagons, harness, tools, &c., with which to work your lands.

In reply, I have to state that your desire to become permanently settled, and to have all your matters satisfactorily adjusted, is fully appreciated by this office and the honorable Secretary of the Interior.

We have been trying for a good while to get a law passed like that of which a copy is inclosed, from which, when the interpreter reads it to you, you will see that we are asking Congress to give you \$140,000 to pay you for your land in Dakota, and for what losses you have suffered from removal, &c. We think when you understand what we are seeking to accomplish for you by this law, you will be satisfied that you have not been forgotten, but your best interests are being considered and attended to as fast as we can.

Your reservation in Dakota contains about 96,000 acres. The value of this, at \$1.25 per acre (the price at which most of the government lands are sold), would be \$120,000. The reservation you now occupy contains 101,894 acres, or nearly 6,000 acres more than that formerly occupied by you in Dakota. For this we proposed to pay the Cherokees (from whom it was obtained in trust for the location of friendly Indians) not more than \$80,000. When the bill was first prepared, the price to be paid the Cherokees had not been fixed, but it has since been fixed at 47.49 cents per acre, which would make the amount to be paid to the Cherokees out of the appropriation asked for, less than 50,000, leaving a surplus of more than \$90,000, the interest on which, at 4 per cent. per annum, amounting to more than \$3,600, is to be expended for your benefit every year. We think you will agree with us that the provisions of this bill, if it should become a law, will fully compensate the Poncas for the losses they have sustained, and provide a good sum to help you in your efforts to become self-sustaining.

We shall endeavor, when Congress meets in December, to have this law passed, and other laws which have been introduced, to give Indians as good a title to their land as white men have, and if it should then be deemed best for some of the Ponca chiefs to visit Washington, permission to do so will be granted.

Very respectfully,

E. M. MARBLE,
Acting Commissioner.

C.

UNITED STATES INDIAN SERVICE,
Ponca Agency, June 24, 1880.

Hon. R. E. TROWBRIDGE,
Commissioner of Indian Affairs, Washington, D. C. :

SIR : I have to inform you that on the 15th instant, during my absence to Arkansas City, Mr. Tibbles, of Omaha, accompanied by an Omaha Indian as interpreter, came

to this reservation in the night, and sought by promises and bribery to induce the Poncas to give up their present homes and leave, a few at a time, and return to their old home in Dakota. Mr. Tibbles told them that they would receive aid on the journey, and upon their arrival they would be fed by the government, and annuity goods issued to them, the same as here; he told the Indians that they had a right to take new wagons, cows, &c., that have been issued to them by the government, and urged them to return at once, as it would help him in the lawsuit he was about to commence against the United States Government in their favor.

I am credibly informed that Mr. Tibbles went into the Ponca camp disguised as an Indian squaw, with a blanket around his shoulders, and that he swore the Indians to secrecy, warning them to never disclose the fact that he (Tibbles) visited this agency.

Most of the Ponca chiefs were absent on a visit to the Cheyenne Agency; when Mr. Tibbles arrived he took his interpreter and went out on the trail, meeting the Poncas several miles from this agency, when he had a council with them, in which he urged upon them to run off, and return to their old home, assuring the Indians that they would be clothed and fed the same as here.

I made every effort in my power, on my return, to arrest Mr. Tibbles, but he eluded me and escaped to the States.

The Poncas for the last few weeks have been doing well, and I fear this visit of Mr. Tibbles may unsettle them again. Poison Hunter and wife are the only Indians whom he has induced to leave as yet.

I arrested Mr. Tibbles's interpreter and had a long talk with him, in which he acknowledged that the course pursued by Mr. Tibbles was not an honorable one, and went away feeling very different than when he came.

Please instruct me as to the proper course to pursue should Mr. Tibbles or any of his party visit this agency again on a similar errand.

Very respectfully, your obedient servant,

W. WHITING,
United States Indian Agent.

D.

WASHINGTON, D. C., 6—28, 1880.

To WHITING, *Agent*:

Advise Poncas that the only place where annuities and supplies can be furnished them is the Ponca Agency, Indian Territory. If any of them do leave the agency see that they do not take away any government property. If Tibbles is found within the Territory, arrest him, and put him outside of her boundaries; if he returns, arrest him under section twenty-one hundred and eleven, Revised Statutes.

R. E. TROWBRIDGE,
Commissioner.

WASHINGTON, January 18, 1881.

To Generals CROOK and MILES, and Messrs. STICKNEY and ALLEN,
Of the Commission appointed by the President on the Ponca case:

DEAR SIRS: We ask permission to direct your attention to a few points that we consider of vital importance in connection with the work you have in hand. Probably they have not escaped your notice, but it is for the purpose of emphasizing their importance that we present them for your special consideration.

You are not probably aware of the great public interest that exists in regard to the object of your mission and the weighty results that hang upon your verdict. The success or failure of the efforts made in behalf of the Indian race greatly depends upon the nature of your report.

Simple acquiescence in the arrangement proposed by the Secretary of the Interior, with the portion of the tribe now in the Indian Territory, without a clear and full statement of the circumstances under which the chiefs were brought to acquiesce in it, would be heralded far and wide as a vindication of the cruel policy pursued toward this tribe for nearly four years past. All we desire or ask is that the truth be told. We claim to have proven beyond the shadow of a doubt that the Secretary of the Interior has been guilty of willful violation of the law in the removal of the Poncas; that he was duly warned by responsible parties of the outrage to be consummated upon this peaceful tribe, and that he alone is responsible for the miseries that have followed that act, and for the disgrace it has brought upon the government. For this he should be condemned.

But he has also endeavored to forestall the work of your Commission by bringing the chiefs to Washington after your appointment, to sign papers relinquishing their rights, and has so far prevented you from obtaining a free and fair expression of their wishes. We appeal to the knowledge of Indian character possessed by a portion of your Commission, whether (in view of the well known fear of the government officials which long-continued oppression has inspired in them) it was possible to obtain from them an unbiassed expression of their choice after being so brought to Washington and induced to hold repeated interviews and sign agreements for relinquishing their rights. For this also he should be held to an account.

We feel that the ends of justice cannot be secured without a full statement of these facts. To allow them to pass unnoticed or uncondemned would, in our opinion, fail to meet the requirements of the case, and would be construed as a justification of his course.

If you have found that Standing Bear and the people with him desire to remain where they are, we earnestly hope you will recommend that they be allowed to do so, and that they be recognized by the government as a portion of the tribe and entitled to receive their proper share of the annuities distributed to the tribe, and in all respects be treated as liberally as the majority remaining in the Indian Territory. Also, that compensation be made to them for their share of the annuities withheld from them during the time they have been absent from the remainder of the tribe and for losses incident to their removal.

We respectfully request that you will express an opinion whether, in case the tribe had known that there was an opportunity for them to return to their old home, they would have dictated the letter asking to be settled in the Indian Territory, and whether they have been informed that the health of the tribe for the last few months was the result of an exceptionally healthy season, and that the return of a sickly season may prostrate them again with malaria. Also, whether, in your opinion, if they had known these facts their action would have been the same. It has seemed to us of the first importance that the rights of liberty and property assailed in this and many similar cases of outrage and oppression should be brought to the test of judicial decision, and above all that there should have been a decision by the Supreme Court of the United States as to the status of the Poncas and that of all Indians under the law. Our efforts in this direction, we regret to say, have been in a great measure thwarted, but we hope your Commission may see your way clear to urge this solution of the Indian problem anew upon the President's attention.

For the sake of correcting an impression that is general among the people, we would like to have it appear in your report that while United States troops were employed to force these Indians from their reserve, these troops were furnished at the request of the Interior Department, and that neither the Army nor the Army officers were in any way responsible for this crime and the miseries that followed. We beg your attention to the fact that ever since the Commission was appointed we have carefully abstained from any interference, but at this juncture, and after the completion of your investigation, it seems to us not improper to present thus briefly our views.

Very respectfully, yours,

WM. H. LINCOLN.
D. A. GODDARD.
J. W. DAVIS.

Of the Committee appointed by Citizens of Boston.

Transcript of births and deaths at Ponca Agency, Indian Territory, from July 1, 1877, to December 31, 1880, taken from the monthly sanitary reports :

Date.	Births.	Deaths.	Date.	Births.	Deaths.
1877.			April.....	1	2
July.....	8	4	May.....	3	3
August.....	8	6	June.....	2	3
September.....	10	7	July.....	2	2
October.....	8	5	August.....	2	2
No vember.....	7	5	September.....	2	2
December.....	6	3	October.....	2	2
1878.			November.....	2	2
January.....	4	6	December.....		
February.....	2	3	1880.		
March.....	1	1	January.....	3	2
April.....	5	5	February.....	3	1
May.....	5	5	March.....	2	1
June.....	4	2	April.....	2	1
July.....	4	4	May.....		
August.....	7	15	June.....		
September.....	4	19	July.....	7	2
October.....	2	10	August.....		1
December.....	1	1	September.....	10	
1879.			October.....		1
January.....	1	2	November.....	2	
March.....	3		December.....	4	
			Total.....	129	117

I certify on honor that the above is a true copy of the births and deaths, as recorded by the agency physician, from July 1, 1877, to December 31, 1880, with the exception of the sanitary reports for the months of November, 1878, and February, 1879, which are not on the agency files.

A. R. SATTERTHWAITE,
Agency Clerk.

PONCA AGENCY, IND. T., January 6, 1881.

NOTE.—About May 1, 1878, a large delegation of Poncas left their reservation near Baxter Springs, Kansas, without permission, and moved to their present location, where they were without sufficient food and medical attendance for over three months. A number of deaths occurred at this time that are not included in the above reports.

A. R. SATTERTHWAITE.

To the honorable Senate and House of Representatives in Congress assembled :

Whereas we hear that a portion of the Ponca tribe in the Indian Territory have signed an agreement in which they declare their willingness to sell our old reservation in Nebraska and Dakota Territory :

We, the undersigned, do most earnestly protest against the ratification of any such sale, for the land spoken of is ours as well as theirs, and they cannot dispose of it without our consent.

We hereby declare to you our purpose and desire to live upon the same land, having suffered many sorrows and privations in returning to it.

We pray you to order that we may share equally, according to our numbers, in all assistance which the government may give the tribe, and in all payments of damages for losses by removal or by depredations of hostile tribes.

And, moreover, we request that we may be reimbursed out of the tribal funds for our portion of the annual annuities which have not been given us since we left the Indian Territory.

We respectfully and earnestly ask that in all action taken by the government affecting the Ponca tribe of Indians, or any part thereof, that our rights under all treaties between the United States and the tribe, and under the laws of the land, shall be fully respected and protected, to the end that we may enjoy our possessions and prosper in the ways of civilization.

We ask also for a teacher, and that whatever the government may have to give us

be distributed through the agent for the Santees, as is now done for the citizen Indians at Flandreau, D. T.

We, the undersigned, express in this petition the unanimous wish of that portion of the Ponca tribe at present residing on the old reservation, and numbering about one-fifth of the whole tribe.

Mantcu-najin, or Standing Bear, his + mark.
 Shude-gaxe, or Smoke-maker, his + mark.
 Wajinga-pa, or Bird Head, his + mark.
 Tejeba-te, or Buffalo Chips, his + mark.
 He-bacage, or Crumpled Horn.
 Nudan-axa, or Cries for War.
 Nuxe-jinga, or Little Ice.
 Hekhaga-sabe, or Black Elk.
 Shange-hinzi, or Yellow Horse.
 Shinudan-ska, or White Dog.
 Wagian-manze, or Iron Thunder.
 Unan-bi, or Cook.
 Nicude-jan, or Missouri Timber.
 Wabi-sande, or Grabber.
 Minxa-jinga, or Duck.
 He-wanjica, or One Horn.
 Anpan-ska, or White Elk.
 Unajin-ska, or White Shirt.
 Wacixe-kaci, or Long Runner, his + mark.
 Mane-gahi, or Bank Chief, his + mark.
 Pahe-ucican, or Goes around the hill, his + mark.
 Naxe-sabe, or Black Spirit, his + mark.
 Hebadi-jan, or Sleeps on the way, his + mark.
 Wasabe-jinga, or Little Black Bear, his + mark.
 Gdhedan-ska, or White Hawk, his + mark.

The following, who could not attend because of sickness and age, sent their names: Sheki, or Copperhead Snake (witnessed by Standing Bear) his + mark, and Yellow Horse, his + mark.

Wacuce, or Brave (witnessed by He-bacage) his + mark, and Wagian Manze, his + mark.

Gactagali, or Striker (witnessed by Black Elk) his + mark, and Grabber, his + mark.

We hereby certify that this memorial is the correct expression of the views of the signers, and has in turn been carefully translated to them both in Ponca and Dakota.

ALFRED L. RIGGS,

DAVID LE CLAIR,

Interpreters.

NIORRARA, NEB., January 12, 1881.

The undersigned hereby certify that we were present and witnessed the signing of the above memorial by all whose signatures are attached to it by their mark.

GEO. WILLIAMS,

J. OWEN DORSEY,

Witnesses.

NIORRARA, NEB., January 12, 1881.

We certify that the above is a true copy of the memorial sent by the Poncas (residing on their old reservation in Nebraska and Dakota Territory) to Congress.

ALFRED L. RIGGS.

J. OWEN DORSEY.

NIORRARA, NEB., January 12, 1881.

Colonel Kemble to Governor Long.

THE INSPECTOR'S STORY OF THE REMOVAL OF THE PONCA INDIANS.

To Governor LONG:

SIR: At the meeting held in Tremont Temple, on the evening of the 3d instant, in which you made the leading address, in reciting the circumstance of the removal of the Ponca Indians from Dakota, you are reported, in the Advertiser of the next morning, to have said:

"No notice was given the Poncas till an Indian agent, one Kemble, appeared among them to compel their removal. The man was incompetent or faithless, and yet the whole matter seems to have been left to him; every complaint against him referred back to him. The acts of Congress made it imperative that the consent of the tribe should first be obtained; and though every attempt was made to wheedle, to intimidate, and to force them, this consent was never granted. The agent refused them the rations that were their own; he arrested and imprisoned those who, as they had the right to do, spoke against the granting of consent; he put the bayonets of forty soldiers at their backs; he resisted the tears of women and even of strong men, who wept in anguish as they were torn from homes as dear to them as ours to us; and he drove them forth even against the protest of the white people in the neighborhood."

These words, as I learn from the Advertiser, referring to your address, "were not spoken in the heat of platform inspiration, but carefully written, before speaking, as a deliberate judgment upon the facts."

For a year and a half, while the sufferings of the Poncas have formed a theme of public discussion in the East, I have been content to remain silent, taking no part in it except to correct the statements of Secretary Schurz, through the columns of the Independent in this city, when he sought to evade the responsibility of his acts by dodging behind the Indian Commissioner who transmitted the orders for the removal of the Poncas, and myself, who executed those orders. During this period I have, for the first time in my life, been charged with dishonesty and brutality, and with incompetency to perform public duties which I had undertaken.

If I were to tell you, sir, that my silence was in great part from my sympathy with the cause which has been the ground-work of this Ponca agitation, my statement would be discredited in your eyes by the estimate which you have formed and pronounced on my character, and it might sound like the drivel of a politician; but I am no politician, and have no political ends to subserve in assuming to be a friend of the Indian. Before your voice was heard in their behalf, I pleaded in the churches of Boston for aid for these same Ponca Indians. Bishop Paddock, who sat with you on the platform when you made your address, and with whose brother, the recently elected bishop of Washington Territory, I traveled and served as the secretary of the Indian Commission of the Episcopal Church, can hardly be ignorant of my work in aid of the Poncas and other Missouri River tribes as long ago as 1871.

I had not intended to break this silence until the time comes for an official vindication, such as I shall seek this winter. I know how to value the hasty censure of the daily writer for the press, and the equally reckless criticism of the platform declaimer. But when the governor of the grand old commonwealth, where for well nigh two hundred and fifty years my ancestors have lived and died, ever maintaining an honorable name, deliberately makes charges such as the above, it is my right and duty to protest, even at the risk of putting myself in seeming opposition to the good work in which you profess such an interest. The cause of reform in Indian management rests on something more substantial and enduring than the misrepresentations which have prevailed in this Ponca business, and the slander and abuse of a fellow-worker whose record in the Indian Office and in the Indian work will challenge your closest scrutiny. That you may be under no farther misapprehension on this point, I will put aside all false modesty and cite a personal reference or two:

* * * "From his first connection with the committee to the close of his labors, Colonel Kemble has most religiously and untiringly given his best thoughts and efforts to its work. * * * He has been able to do much to fix public attention upon the peace policy of the government with regard to Indian affairs, and to inspire confidence in the effort to civilize and Christianize the heathen race residing in our midst. We cannot regard his labors in any other light than as a great service rendered to the general government, and to the cause of humanity and religion at large."—[Extract from minutes of Indian Commission, Protestant Episcopal Church, July, 1873, signed by the Rev. Herman Dyer, D. D.; W. K. Kitchen, president Park Bank, New York; the Rev. Theo. S. Rumney, Germantown, Pa.]

"Colonel Kemble has done the country and the cause of Christian civilization among the Indians eminent and honorable service, and I doubt if there is to be found a man of more stainless record, or of more conscientious and efficient devotion to duty." * * * [Extract from private letter of the Rev. Henry C. Potter, rector Grace Church, New York, March 14, 1878.]

"I selected you to take charge of the delicate and difficult task of removing the Poncas because you were one of the highest and most experienced officers in the Indian service; because, so far as I had information, you had always discharged your official duty with industry, intelligence, and fidelity; and above all, because I believed you to be a just, humane, and honest man."—[Extract from letter, March 24, 1880, from the Hon. J. Q. Smith, Commissioner of Indian Affairs in 1877; now U. S. consul-general at Montreal.]

And now, sir, I will ask you upon what authority you base your charges of faithlessness and such oppression and cruelty as the refusing of rations to the Poncas, putting

"the bayonets of forty soldiers to their backs," resisting "the tears of women and even of strong men who wept in anguish as they were torn from their homes" ? &c., &c. Further on in your address I find a reference to the majority report of the United States Senate Committee to which was referred the Ponca question, and which you say you have read within the past fortnight. But even this special plea by Senator Dawes, who, like yourself, did not seem to think it necessary to fully weigh and compare evidence before assailing character, declares: "They do not charge him (Kemble) with any want of integrity, with any misapplication of funds, or of [sic] any intentional wrong to the Indians." If not intentional wrong, what becomes of your fine figure of "forty bayonets at the backs" (of over 700 Indians, by the by! ; your "tears of women and strong men" ? &c. And why could you not, before pronouncing your "deliberate judgment" upon my character, have bestowed a passing glance at the evidence of the Rt. Rev. W. H. Hare, bishop in charge of the Dakota Indians, who testified: "I would like to say right here, that so far as I know, I believe Inspector Kemble's course was perfectly honorable, straightforward, and philanthropic." Or, at the testimony of the Rev. Mr. Hinman, who said: "I have known him (Kemble) for years. He is a man so straight he leans over backward." It would, perhaps, be too much under the circumstances to ask why you could not have tempered your judgment by referring to the perfectly dispassionate report of Senator Kirkwood, the Chairman of this same Ponca Committee, who, not having any case to make out, was able to say of the too-evident intent of certain of its members: "A scape-goat is at times a very convenient thing to have, but it is not fair to make his burden unduly heavy." He (Kemble) "impressed me as an upright, honest, intelligent, and earnest man." Discarding the testimony of the only white men who were witnesses of the scenes you describe, and gave their evidence before the committee, you prefer, like Senator Dawes, to rest your case on the poor, weak, wavering, and palpably untrustworthy statements of the four Indians who were summoned before the committee, and whose evidence, if you have examined it, you very well know would not stand in a court of justice without very strong corroborative support.

Passing from the personal character of your charges to your treatment of the facts in the history of the removal, you have, upon the same contradictory testimony, asserted that "no notice was given the Poncas" of the wish of the government for their removal. Senator Dawes says the same thing in his report, overlooking the fact that a few paragraphs previous to this he alluded to the negotiations begun with the Poncas by the government in 1875 for their transfer to the Indian Territory, and the paper signed by nearly all the representatives of the tribe asking to be removed. I shall send with this communication to the Advertiser a sworn deposition by the former agent of the Poncas, against whom no word of condemnation has been spoken, and who was present from first to last during all the negotiations for the removal. If the obliging editor can make room for it, and you are not already too much prejudiced in this case to receive the testimony of a reputable white man, whose record is as clean as your own, it may serve to correct your apprehension of the facts upon which you have attempted to speak. You have asserted that "though every attempt was made" by me "to wheedle, to intimidate, and to force them, the consent of the Poncas (to go to the Indian Territory) was never obtained."

We have now reached the gist of this whole controversy. Did the Poncas consent to this removal? I do not complain of Senator Dawes for endeavoring to narrow and belittle the force of their original agreement with me to give up their lands and seek a home in the Indian Territory. As I have before intimated, the needs of the case he had undertaken pressed him into this and several other awkward and illogical positions and hair-splitting distinctions. If he is satisfied with the result of his endeavor to bewilder and break the force of my testimony before the committee, his rejection of the material parts and his quibbling over the construction of my orders and the word "different" (which I used in the sense of disagreement), I can excuse the zeal in this direction, which was so vehement at times that the chairman felt obliged to call him to order. But surely there can be no need of your confining yourself to this partisan and distorted view of the evidence, now that the case has been closed and the reports of the committee sent to the Senate. Why can you not concede the genuineness and sufficiency of the evidence that the Poncas did once consent to accept a home in the Indian Territory, but afterwards a majority of the tribe drew back and refused to remove? These are the facts, amply sustained by the evidence already in the case, and to which Agent Lawrence, whose deposition I have referred to as appended to this, clearly testifies.

If there was any doubt upon the subject whether the Poncas originally consented to give up their Dakota home and remove to the Indian Territory, why were not the dozen witnesses (including Agent Lawrence), whose names appear in the minutes of the council (and p. 411 of report) at which the consent was given, summoned before the committee? The following persons are able to testify on the subject: Sister Clara M. Kerbach, teacher in the Episcopal school at Santee Mission, Dakota; Mrs. Mary A. Turner and John L. Turner, the latter one of the most prominent merchants in Da-

kota; Mrs. Anelia Barrett and George T. Barrett, the latter agency clerk, but now living at St. Thomas, Ontario; Martin V. Lee, agency superintendent and engineer, now in Woodbury County, Iowa. The evidence of these, with that of others who were present, could have been had by the committee to fully determine the question whether the Poncas gave their consent to removal. The deed was not done in a corner, governor. Or why, if there was any real doubt or distrust of the language in which the chiefs are reported to have made known their consent to surrender their Dakota lands, did not the committee summon the official interpreters who translated their language at the councils?

If you will take the trouble to carefully read my instructions from the Department of the Interior (p. 407 of the report), you will perceive how little there is in the charge you have echoed from Senator Dawes, that I misapprehended and exceeded my orders. In the first place, you will note that I was not by these orders required to "obtain the consent" of the Poncas to removal; for it was believed at the Indian Office at that time that the Poncas were desirous of removal, as they had frequently before so expressed themselves. I was directed "to proceed to the Ponca Agency, and, after conference with the United States agent," hold a council, &c. My verbal instructions from the Hon. J. Q. Smith, Commissioner of Indian Affairs, were, as nearly as I can recall them, "See Lawrence, the agent, about the best mode of proceeding. He thinks it will be necessary to get them to agree to give up their reservation in Dakota before incurring the expense of a delegation to visit the Indian Territory, as a guarantee of their good faith"; for it was well known in the Indian Office that the Poncas were, like most other tribes, divided among themselves, and liable to thwart any action for their good by petty jealousies and local disagreements. And no one doubted at that time that the removal of the Poncas to the Indian Territory would be for their good.

My written instructions further say:

"Should you find the feelings of the tribe generally to be in favor of the proposed removal, you will, with the principal men of the tribe, select a delegation * * * to visit the Indian Territory."

Nothing is said here, you perceive, about obtaining the formal consent of the tribe as a prerequisite to further action. If, in endeavoring to obtain that consent, I misapprehended and exceeded my instructions, even Senator Dawes should have been fair enough to admit that it was in the direction of the law under which my orders were framed. My instructions also required me to proceed to the Osage Agency and negotiate for a part of those lands. The orders were very minute in this regard, and large discretion was lodged in my hands. It was with a just consideration for the rights of the Poncas, and to guard against misunderstandings and disappointments in the future, that I allowed this land question to come prominently into our discussions at the very outset, when I first went among them to negotiate for their removal. If I remember rightly, the Indians themselves brought it into the council. "What are we to get for our lands here?" (in Dakota) was asked. The report on which you have relied for your showing of the case censures me for this just and prudent action regarding their lands. "What had you to do with their lands?" demanded Senator Dawes. Inferentially, he would have had me keep from the Poncas the fact that their lands in Dakota were to be surrendered. It seemed incomprehensible to this Senator, who has evidently been taking his first lessons in dealing with Indians during the past year, that, in asking the Poncas to give their consent to go to the Indian Territory, I should also have warned them that they must also consent to give up their lands in Dakota! Is it for this that I am charged by him and by yourself with "incompetency"—with "inability to comprehend my mission or duty"?

Governor, I am too old a frontiersman, have been too long among our western tribes, not to know the value of perfect frankness, simplicity, and directness of speech and action in dealing with them. And if I do not also know the importance of obeying the orders of my superior officers, I have served in the armies of the United States, in Mexico, and during the war of the rebellion to little purpose. I do not think either you or Senator Dawes can teach me my duty in this respect.

And now, in closing, I declare to you upon my record as an honorable man, and as a friend of our Western Indians (to which record I again bid your attention in the Interior Department), that there was no wheedling, intimidation, or force employed by me in my efforts to procure the consent of the Poncas to a removal to the Indian Territory; that their consent was honestly obtained and fairly given. Having been given, it entailed its obligation upon me as well as upon the tribe, and I proceeded to act in perfect kindness, but with vigor and decision. I declare to you, also, that the Indian delegation which agreed to go to the Indian Territory to pick out their home acted in bad faith. The testimony of Standing Buffalo plainly reveals this. But having two of the three original treaty chiefs supporting my acts, I was encouraged to go on. I further declare that the Interior Department was duly advised by me of every step taken. That after I had stated all the difficulties in the way, and asked for instructions, the department declared that the removal of the Poncas would be insisted

upon. That I used no soldiers to compel the removal, withheld no rations so long as rations remained at the agency, and committed no act of cruelty or unjust oppression. I had nothing to do with the closing scenes of the removal, the portion of the tribe which went with me to the Indian Territory going willingly. I certainly did, when my opinion was asked, and when Secretary Schurz, after hearing all the facts, had resolved to carry out the removal, advised that the presence of troops should be invoked to check disorder, vindicate the authority of the government, and insure a quiet compliance with the Secretary's orders. And this was precisely the effect produced; and there was no violence and no marching at the points of forty bayonets. If my advice for the intervention of military authority was wrong, then General Sherman, who took a similar view of the situation, was also wrong in subsequently authorizing the use of troops. The following extract from a letter from the Hon. J. Q. Smith, then Commissioner of Indian Affairs, will show how this is. It is dated Montreal, March 29, 1880:

* * * * "I was unwilling to take any further steps without the approval of the Secretary [Schurz]. We called to see him together, and you explained at length what had been done, and what course, in your opinion, should be pursued. You strongly alleged that the opposition which had been manifested in the tribe to their removal had been excited by meddling white men from motives of personal interest. It is but fair to say that Mr. Schurz hesitated as to the best course to pursue. Before arriving at a conclusion he requested me to see General Sherman and obtain his opinion. General Sherman coincided with you in opinion, and the Secretary decided that the movement should be pressed."

I desire, further, to add my conviction that had the "concluding recommendations," made by me to the department (see p. 456 of report), after I had finished my part of the work of removal, been acted upon, instead of being ignored and lost sight of by Secretary Schurz and his model Commissioner, Hayt, the miseries and terrible sufferings which subsequently came upon the Poncas through the department neglect and blunders, though largely due to the factious opposition and blind obstinacy of some of the chiefs, would still have been averted to a great degree, if not wholly prevented.

EDWARD C. KEMBLE,

Late United States Indian Inspector.

NEW YORK CITY, *December 8, 1880.*

NEW YORK, *December 21, 1880.*

Brig. Gen. GEORGE CROOK, U. S. A.; Brig. Gen. NELSON A. MILES, U. S. A.; Mr. WILLIAM STICKNEY, and Mr. WALTER ALLEN:

GENTLEMEN: I have read in the daily papers the President's request of December 18, that you will act as a commission to visit the Indian Territory, and, after conference with the Ponca tribe of Indians, to ascertain the facts in regard to their recent removal, * * * to report, &c.

I trust it will not be regarded an impertinence if I venture to suggest that the following white persons and half-breeds are competent to testify in regard to the facts of the removal should it be found consistent with your powers and duties to summon them for that purpose:

James Lawrence, Schuyler, Colfax County, Nebraska.

Chas. Le Clair, Niobrara, Nebr.

H. V. Lee, Sloan Station, Woodbury County, Iowa.

Geo. T. Barrett and wife, St. Thomas, Ontario.

George Howe, probably at Niobrara, Nebr., or vicinity.

John L. Turner and wife, Springfield, Dak.

Clara M. Kerbach, Santee Mission, Nebr.

Hon. J. Q. Smith, United States consul-general, Montreal.

The first five names are those of the agent, interpreter, superintendent, clerk, and trader, respectively, who held office at the old Ponca Agency in Dakota at the time the negotiations and final preparations were made for the removal of the tribe, and who took part in the proceedings. The others, with the exception of Hon. J. Q. Smith, were present only when the chiefs and head men gave their consent to select a home in the Indian Territory. Geo. Howe, the trader, is a man very much more trustworthy than most Indian traders.

I beg leave in this connection to submit the deposition of Mr. Lawrence, taken at my request last month, and which embraces the points of testimony about which there seems to be most doubt in the history of the removal. Also to inclose copy of a letter addressed by me to Governor Long, of Massachusetts, in which reference is made to some matters personal to myself, and bearing upon the official action taken, that have not yet formed any part of the evidence in the Ponca case. These papers are respectfully handed to you for your information.

And in conclusion, permit me to say that I desire most earnestly to give my own testimony upon any disputed points that may have been, or may hereafter be, presented

to your mind. But especially to correct certain errors and misapprehensions in regard to my own words and acts, which appear in a report (Senate, No. 670) made to the United States Senate, May 31, by Hon. H. L. Dawes, from the select committee to whom was referred the bill for the relief of the Ponca Indians.

Yours, respectfully,

EDWARD C. KEMBLE.

Late United States Indian Inspector, 195 Broadway, New York.

THE STATE OF NEBRASKA,
Colfax County, ss :

I, James Lawrence, of Schuyler, Nebr., being duly sworn, depose and say :

That I was United States agent for the Ponca Indians from April 1, 1876, to May 1, 1877, while the tribe were occupying their late reservation in Dakota. That the Ponca Indians, full-bloods and half-breeds alike, heard from time to time, and frequently, prior to January, 1877, of the desire of the government to remove them to the Indian Territory. That such removal was the subject of frequent conversation and discussion among them in my presence. That I was present at the agency when E. C. Kemble, United States Indian inspector, and Rev. S. D. Hinman, acting as his assistant, arrived there in January, 1877, with instructions from the government to treat with the Poncas for their removal to the Indian Territory. That I understood, and from my conversation with the principal Ponca chiefs I have no doubt whatever that the Indians understood, that in removing to the Indian Territory they would be required to give up their lands in Dakota. That I further understood it to be the wish of the Department of Interior that this consent to give up their lands in Dakota should be first obtained from the Poncas before a delegation should be taken to the Indian Territory to select a new home. That, to the best of my recollection and belief, this wish of the department was made known to me through official channels. That I was fully impressed with the wisdom of obtaining such consent as a guarantee of good faith on the part of the Poncas in their negotiations for a new home in the Indian Territory, and fully agreed with Inspector Kemble and Mr. Hinman that the government could be protected against imposition only by first gaining the consent of the Indians to relinquish their lands in Dakota before taking a delegation of the tribe to select lands in the South.

I further testify that the wishes of the government were fully, frankly, and fairly stated to the tribe in council by Inspector Kemble, Mr. Hinman, and myself; that there was no attempt to mislead them or unfairly influence and induce them to give their consent; that to my certain knowledge the Poncas were left entirely free to give or withhold their consent to remove to the Indian Territory; that I believe the interpreters fairly interpreted the substance of what was said on both sides in the councils that were held between the inspector and the Poncas; that after three councils the chiefs and head men of the tribe on the 27th day of January did consent to give up their reservation in Dakota and remove to the Indian Territory if the delegation to be chosen by them to visit the Indian Territory and select a home should be pleased with the country, and after visiting it be allowed to go to Washington to complete their negotiations; that this agreement was fully understood by all the tribe, and was satisfactory to all, and that the object of the visit of the delegation was clearly understood by the Indians as well as by the government officers to be the selection of lands in the Territory for their future home.

I further testify that not only the full-bloods and half-breed Poncas, but white men living in the tribe, together with the government employes at the agency and visitors then on the reservation, understood that the Poncas had given their consent to relinquish their lands to the government and to take other lands in the Indian Territory.

I further testify that I accompanied Inspector Kemble and Rev. Mr. Hinman with the delegation of chiefs to the Territory, and was with them throughout their visit, and up to the time eight of the chiefs left them in the night to return on foot to Dakota; that the delegation made no attempt to examine the country after arriving in the Territory; that when they reached the Osage Agency, the first day of their entrance into the Territory, the weather became very inclement, the Osages treated them coldly, and the Poncas grew despondent and homesick and asked to be taken to their homes in Dakota; that they stubbornly refused to look at any lands and resisted all arguments and entreaties on the part of Messrs. Kemble, Hinman, and myself to fulfill the conditions of their visit and look for a site in the country for a new reservation, and that they left the Indian Territory without seeing any part of it except along the road to the Osage Agency and out of it by the nearest route to Arkansas City.

I further testify that from first to last the Poncas at their reservation and the delegation of chiefs who visited the Indian Territory were treated with the utmost kindness, patience, and forbearance by Inspector Kemble, and that no complaint of

harshness or anything of the kind on his part was made by any of the tribe except after the return of the eight chiefs, who undertook the journey from Arkansas City to Dakota on foot, and then only by some of these men; and that I believe the complaint made by them was devised solely to excuse and justify their own unwise and unnecessary action, and had no foundation whatever.

JAMES LAWRENCE.

Subscribed and sworn to before me this 29th day of November, A. D. 1880.

[SEAL.]

MILES ZENTMYER,
Notary Public, Colfax County, Nebraska.

Agreement.

We, the undersigned, chiefs of the Ponca tribe of Indians, present in Washington, D. C., hereby declare that we desire to remain on the lands now occupied by the Poncas in the Indian Territory, the same being a tract of 101,894 acres, and to establish our permanent homes thereon.

We desire, further, to relinquish all our right and interest in all the lands formerly owned and occupied by the Ponca tribe in the State of Nebraska and the Territory of Dakota.

In compensation for such lands, as well as for the various articles of property we left behind and lost at the time of our removal to the Indian Territory in the year 1877, and for the depredations committed upon us by the Sioux Indians, for which indemnity was promised us, we ask the Congress of the United States to appropriate the sum of \$140,000—the sum of \$50,000, or so much thereof as may be necessary, to be expended by the Secretary of the Interior for the purchase of title to the land at present occupied by the Poncas in the Indian Territory, such title to be invested in the Poncas in fee-simple; \$10,000 to be distributed among the Ponca tribe in cash, in equal shares per capita; and \$10,000 to be expended for the purchase of stock cattle and draught animals by the Secretary of the Interior, the said stock cattle and draught animals to be distributed among the several families of the Ponca tribe; and the remainder of the said sum of \$140,000 to be held as a permanent fund in the Treasury of the United States, bearing interest at the rate of 5 per centum per annum, the said interest to be annually distributed in cash among the members of the Ponca tribe, in equal shares per capita. This sum of \$140,000 so expended or invested, as aforesaid, is to be a full satisfaction of all our claims for the lands formerly owned and occupied by us in Nebraska and Dakota, as well as for goods and property lost by us in consequence of our removal to the Indian Territory, and for the depredations committed upon us by the Sioux, provided that this is not to be construed as abrogating the annuities granted to the Poncas by former treaties.

We declare this to be an expression of our free will and desire, as well as that of our people at present residing on the Ponca Reservation in the Indian Territory. And we ask that this declaration and request be submitted to the Congress of the United States for its favorable consideration and action.

Done at Washington this twenty-seventh day of December, anno Domini eighteen hundred and eighty.

White Eagle, his + mark.
Black Crow, his + mark.
White Swamp, his + mark.
Big Soldier, his + mark.
Buffalo Chief, his + mark.

Standing Buffalo, his + mark.
The Chief, his + mark.
Hairy Bear, his + mark.
Child Chief, his + mark.
Red Leaf, his + mark.

I hereby certify that the foregoing agreement was duly interpreted and explained to the Ponca chiefs by me, before signing the same, and that they fully understood the contents thereof.

J. OWEN DORSEY,
Interpreter.

We also certify that we were present and heard the foregoing agreement read and interpreted to the Ponca chiefs, and that they fully understood the same.

JOSEPH ESAW.
his
ANTOINE + LEROY.
mark.

Witness:

JOS. T. BENDER.

Attest:

E. M. MARBLE.
J. M. HAYWORTH.
C. SCHURZ.

LEGISLATURE OF NEBRASKA.—FIFTEENTH SESSION.

House roll No. 5.

Memorial and joint resolution with reference to the Santee-Sioux Indians and relief of Knox County.

Introduced by Mr. Shelley.

Read first time January 10, 1879; ordered to second reading, and referred to Committee on Federal Relations; second reading, January 13, 1879; reported back February 5, 1879; amended; ordered printed, with report; sent to printer February 5, 1879.

To the Honorable the Senate and House of Representatives of the United States in Congress assembled:

We, your memorialists, the legislature of the State of Nebraska, would respectfully represent to your honorable body that a part of the Sioux Nation of Indians remain trespassers upon the soil of Nebraska, notwithstanding their participation in recent treaties between the United States and the various tribes of the Sioux; that the lands which they now occupy in the county of Knox, in our State, were never owned or claimed by them, or by the Sioux Nation; but were seized and appropriated by the Interior Department for the use of the Santee-Sioux Indians contrary to law, after being settled upon and cultivated by citizens of Knox, formerly L'Eau-qui-Court County; and that certain islands in the Niobrara River, within the boundaries of Knox County, and State of Nebraska, withdrawn from market for the use of the Ponca Indians, have not yet been restored to such market, notwithstanding said Ponca Indians have been removed to the Indian Territory south; and

Whereas that portion of the now unoccupied lands known as the old Ponca Reservation incorporated in the great Sioux Reservation and recently vacated by the Spotted Tail band, is most desirably situated, and equal in all respects to the lands now held by the said Santees in our State; and

Whereas the aforesaid old Ponca Reserve is not more than six miles distant from the said lands held by the Santees as aforesaid, in the county of Knox, and no hardship but lasting benefits would result from their permanent location upon their own lands, namely, the said former Ponca Reservation; and whereas the speedy removal of these Sioux Indians is of vital importance to the county of Knox and Northern Nebraska: therefore,

Be it resolved, That our Senators and Representatives in Congress are hereby requested to use all honorable means to secure such action of Congress as may be requisite for the removal of said Indians, and for the restoration to their former condition, as public lands of the United States, all the lands within the said county of Knox, including the above-mentioned islands in Niobrara River.

Resolved, That the secretary of state be, and he is hereby, instructed to transmit a certified copy of this memorial and joint resolution, together with report of the committee thereon, to our Senators and Representatives in Congress.

REPORT OF COMMITTEE ON FEDERAL RELATIONS.

(Ordered printed with H. R. No. 5.)

MR. SPEAKER: Your committee on federal relations, to whom was referred H. R. No. 5, entitled, "Memorial and joint resolution," with reference to the Santee Sioux Indians, praying for the relief of Knox County and State of Nebraska, having had the same under consideration, respectfully report: From the evidence adduced in this matter, it clearly appears that the Santee Sioux Indians, aggregating in number seven hundred to eight hundred persons, do occupy and retain in their possession lands in said county bounded by the township, range, and section lines as follows:

Townships No. 31 and 32, range No. 4 west.

Townships No. 32 and 33, range No. 5 west, and fractional lots No. 2, 3, 10, 11, 14, and 15, section 22 and fractional sections 23 and 24. Sections 25, 26, 27, 34, 35, and 36. and 16, 17, 18, 19, 20, 21, 23, 29, 30, 31, 32, and 33, amounting to a total of one hundred and fifteen thousand acres. (See resolution of board of county commissioners of Knox County, and exhibits marked A, B, E, and D, which are hereunto attached and made a part of this report.)

That they, the Santees, were parties to the treaties between the United States and the Sioux tribes or bands of Indians, and should be considered bound thereby. (See General Statutes, approved July 20, 1867, and treaty of 1863, V. 15, pp. 17 and 635, 636.)

It further appears that there is less than one township of six miles intervening between the lands now occupied by the Santees and the old or late Ponca Reservation, and that the said Ponca Reservation has been vacated or abandoned by the Spotted Tail band, and is in all respects equally good as or better than the lands now occupied by the Santees, and therefore no hardship would result from their removal to said reservation (see maps and report of Inspector-General Hammond, General Sheridan's reply to Secretary Schurz); and upon careful investigation we have failed to discover any evidence to show that these or any other Sioux Indians ever occupied or claimed any lands in Knox County, or in the territory in controversy, prior to the date of their forcible entry thereon in the spring of 1866; but that, on the contrary, the Ponca and Omaha Indians inhabited that portion of Nebraska from time immemorial, until purchased from them by the United States.

The proof is clear that the Santees were landed upon the town-site of Niobrara and adjacent lands in Knox County (then L'Eau qui Court County) in April, 1866, in charge of one J. Brown, special Indian agent of the Santees, who ordered the settlers to leave, and threatened to coerce them if they dared to refuse.

It further appears that Knox County was at this time an organized county, known as L'Eau qui Court County, with officers duly elected, and that the town of Niobrara, within said county, had been platted and entered on the records as a town-site, and that a store and other buildings had been erected therein (see Shelley's deed for town property; also act of January 13, 1860, in Laws of Nebraska Territory, and Special Laws, page 119, vol. 2 of Laws of Nebraska Territory), and that there were about one hundred settlers in said county, many of whom had made homestead or pre-emption entries of land, and improved the same in accordance with the requirements of law. (See Exhibits A, B, D, E, and Shelley's deeds; also resolution of county commissioners of Knox county.) Your committee fail to see how the law of July, 1867, and the treaty of 1868, purporting to have been made in pursuance thereof, and under which the Santees claim to hold said lands, sustain the construction given to them by the Indian Bureau, and have therefore to conclude that these lands were seized and are now held in violation of both.

In July, 1867, Congress enacted a law providing that lands should be selected for all of the Sioux Indians, and surrendered to them under treaty stipulations. Section 2 reads as follows: "Said district or districts, when so selected and approved by Congress" (not the Senate alone as regards additional selections), shall be and remain permanent homes for said Indians to be located thereon.

This shows that the treaty which it authorized required the approval of both houses of Congress in this one instance, at least; but the treaty seems never to have been concluded, Congress having refused to approve the full action of the commissioners appointed by President Johnson, if they made all selections now claimed. But the Executive, in his orders for the appropriation of the lands of Knox County to the use of the Santees, bases said orders, not upon the treaty of 1868 in question, but upon the law of July 20, 1867, one order for withdrawal of land being dated November 19, 1867, before the treaty was made (and all other laws relating to the Indians having been repealed by act of Congress March 29, 1867). The last order for still additional lands beside those just mentioned was dated September 7, 1869, after the treaty. (See Exhibit A and other records United States Land Office, Niobrara.)

The treaty was confirmed by the Senate February 16, 1869. (See vol. 15, Statutes at Large, p. 647.) That treaty provides in article 3, that if it should appear from actual survey or other satisfactory examination of said tract that it contains less than one hundred and sixty acres of tillable land for each person who at the time may be authorized to reside on it under the provisions of this treaty, and a very considerable number of such persons shall be disposed to commence cultivating the soil as farmers, the United States agrees to set apart for the use of said Indians, as herein provided, such additional quantity of arable land adjoining to said reservation, or as near to the same as it can be obtained, as may be required to provide the necessary amount.

Reverting to section 2, act of July 20, 1867, to which the latter quotation from the treaty is the counterpart, it will be seen that the Indian Bureau is estopped from forestalling the effect of the treaty anticipated if such was their intention in issuing the "Notice" of August 15, 1867, as per Exhibit H hereunto attached. These Santees (the portion or branch in Knox County) were not on a reservation *under treaty stipulations*, permanent or otherwise, and therefore could not come under the provisions of section 2, act of July 20, 1867, aforesaid, by the mere edict of Mr. Denman that certain lands were the permanent reservation of the Santees. (See Exhibit H.) We quote said section 2 as follows:

"SECTION 2. *And be it further enacted*, That said commissioners are required to examine and select a district or districts of country having sufficient area to receive all the Indian tribes now occupying territory east of the Rocky Mountains, not now peacefully residing on permanent reservations under treaty stipulations to which the government has the right of occupation, or to which said commissioners can obtain the right of occupation, and in which district or districts there shall be sufficient tillable

or grazing land to enable the said tribes, respectively, to support themselves by agricultural and pastoral pursuits; said district or districts, when so selected, and the selection approved by Congress, shall be and remain permanent homes for said Indians to be located thereon, and no person (s) not members of said tribes shall ever be permitted to enter thereon without the permission of the tribes interested, except officers and employees of the United States: *Provided*, That the district or districts shall be so located as not to interfere with travel on highways located by authority of the United States; nor with the route of the Northern Pacific Railroad, the Union Pacific Railroad, Eastern Division, or the proposed route of the Atlantic and Pacific Railroad by the way of Albuquerque."

It should not be forgotten that section 2 of the treaty contains the following: "Henceforth they will and do hereby relinquish all claims or right in and to any portion of the United States or Territories, except such as is embraced within limits aforesaid, and except as hereinafter provided."

Reference is here made to the proviso contained in article 3, above quoted. It is true that law of Congress quoted provides for additions to the reservation under certain contingencies, but the lands for the reservation having been selected, and the treaty with the Indians for the same having been ratified, your committee cannot discover how the commissioners appointed under the act of Congress of July, 1867, or any others, could have authority to add the lands of Knox County to said reservation six months after the ratification of said treaty, without the approval of both houses of Congress. This approval has not been secured, as will be seen by reference to action taken on Senate file No. 403 of the last session of Congress, to which allusion is made in the resolution of county commissioners of Knox County accompanying this report.

Your committee beg leave to state a number of additional facts relative to the settlement upon the lands withdrawn from market at the different times, and the many changes made respecting them. Sixteen hundred acres were, at the time of withdrawal, filed upon and under improvement under the pre-emption laws. Eleven hundred acres filed upon under the homestead law; twenty-six hundred acres were entered lands for which patents have been issued; some of the townships in which part of these lands were situated were restored to market after being in duration upwards of three years. One hundred and sixty acres was repurchased by the government (Huddlestons' homestead), but other lands were neither so obtained nor restored, but remain to this day in the anomalous condition of being within an Indian reservation, though owned in fee simple by white men, citizens of the United States (A. Cooks, &c.), for the proof of which see Exhibit I, hereunto attached, and made a part of this report.

The uncertainty of action and vacillation of the department, as shown in the many changes, seizures of lands, and revocation of the same, cannot be accounted for by your committee, nor the unaccountable persistency of the Indian Bureau in their attempt to convert a portion of fair Nebraska into a foreign Indian reservation without the sanction of law, as will appear in the action of Congress referred to above, and in continuing the cruel wrong caused by the introduction of a band of savages into Knox County, who had but recently been engaged in the horrible massacre of Minnesota and Iowa.

Your committee respectfully submit that the time has come for demanding the enforcement of the rights of the State of Nebraska as against the usurpation and defiance of law in the department under whose authority these wrongs continue. As regards the islands in the Niobrara River, in the State of Nebraska, they should revert to their previous condition as public lands, subject to the pre-emption and other laws relating to the public lands of the United States, and should be so treated and proclaimed by the authorities.

All of which is respectfully submitted with the recommendation that the memorial and joint resolution do pass as amended, and that the memorial be ordered to a third reading.

OSCAR BABCOCK,
Chairman.

EXHIBIT A.

UNITED STATES LAND OFFICE, NIOBRARA, NEBR.

I, Benjamin F. Chambers, register of said land office, do hereby certify that the records of this office show the following facts:

1st. That the following described lands were withdrawn for the Santee Sioux Indians on the 7th day of September, A. D. 1869: Township 31, range 4 west, and fractional lots 2, 3, 10, 11, 14 and 15, section 22, and fractional sections 23 and 24, sections 25, 26, 27, 34, 35, and 36, in township 33, range 4 west.

2d. That township 32, range 4 west, was withdrawn for said Santee Indians November 19, 1867.

3d. That township 31, range 5 west, was withdrawn for said Indians March 2, 1866.

4th. That township 32, range 5 west, was withdrawn for said Indians March 2, 1866.
5th. That fractional township 33, range 5 west, was withdrawn for same purpose July 24, 1866.

6th. That township 31, range 6 west, was withdrawn for said Indians March 2, 1866, and restored to market September 15, 1869.

7th. That fractional township 32, range 6 west, was withdrawn for said Indians March 2, 1866, and restored January 6, 1868.

8th. That township 31, range 7 west, was withdrawn for said Indians July 24, 1866, and restored September 15, 1869.

9th. That township 32, range 7 west, was withdrawn for said Indians July 24, 1866, and restored September 15, 1869.

10th. That township 31, range 8 west, was withdrawn for said Indians July 24, 1866, and restored September 15, 1869.

11th. That township 32, range 8 west, was withdrawn for said Indians July 24, 1866, and restored September 15, 1869.

12th. That at the time of the said several withdrawals there were in township 33, range 4 west, about 1,500 acres filed upon by pre-emption, and one homestead of 160 acres by Alexander Cook; in township 32, range 5 west, about 160 filed upon by pre-emption, and 160 acres by homestead of M. Huddleson.

In township 33, range 5 west, about 800 acres filed upon by homestead prior to the receiving the notice of withdrawal at this office; in township 32, range 6 west, about 2,500 acres of entered lands, for which patents have been issued; in township 31, range 7 west, 160 entered as a homestead by James F. Small.

Given under my official hand at the United States land office at Niobrara, Nebr., this 7th day of January, A. D. 1878.

BENJAMIN F. CHAMBERS,
Register.

EXHIBIT B.

AFFIDAVIT OF B. Y. SHELLY.

THE STATE OF NEBRASKA,
Knox County, ss :

B. Y. Shelly, being duly sworn, deposes and says that he is a resident of said county a great portion of the twenty-one years last past, and that he commenced his improvements and the occupation of the SE. $\frac{1}{4}$ SW. $\frac{1}{4}$ and lot No. 3 of section 11, SW. $\frac{1}{4}$ NE. $\frac{1}{4}$, and the E. $\frac{1}{4}$ NW. $\frac{1}{4}$ section 14, township 32, range 6 west, on the 15th day of October, 1859, and that he filed upon the same land above described at the local land office at Dakota City, Nebr., on the 15th day of November, 1859, and made final proof for the same and received his receipt for the same on the 5th day of September, 1861, and that patent issued therefor to him on the 10th day of November, 1868, recorded in volume 201, page 100, as appears by the records in said local land office and the office of the United States recorder, and that he owned said land July 21, 1866, and he owned sixty-three (63) town lots in the city of Niobrara, in said county and State, on the 18th day of February, 1861, as more fully appears by a copy of the said deed hereto appended and certified to by the clerk of said county, and that said pre-emption and town lots aforesaid were embraced in the order of the president dated July 21st, 1866.

B. Y. SHELLY.

Subscribed and sworn to before me this 7th day of January, A. D. 1878.

CHAS. COOLEY,
County Judge in and for said County.

EXHIBIT H.

NOTICE.

By letter from H. B. Denman, esq., superintendent Indian affairs northern superintendency, dated July 3, 1867, I am advised that the new reservation for the Santee Sioux Indians, on what is known as the "Brekenridge bottom," is bounded by the following township, range, and section lines, as follows:

Townships No. 32 and 33, range No. 5.

Township No. 32, range No. 4.

And the following sections in township No. 33, range No. 4: Sections No. 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, and 33.

All persons are therefore hereby notified that the above-described tract of land is set apart by government for the Santee Sioux Reservation, and no encroachment or occupation by white men will be allowed thereon, and any property erected or put on said land, or wood cut thereon, will be taken for the use of the government, and all

persons now residing on said reservation are notified to leave the same forthwith, or subject themselves to the penalty of law, for such cases made and provided.]

J. M. STONE,
U. S. Indian Agent.

SANTEE AGENCY, NEBR., August 15, 1867.

EXHIBIT E.

AFFIDAVIT OF OTTO E. C. KNUDSEN AND GEO. W. HOWE.

STATE OF NEBRASKA,
Knox County, ss :

Otto E. C. Knudsen and Geo. W. Howe, being first duly sworn, say on oath that they were living upon and residing on, as pre-emptors, on section 4, township 31, range 4 north, Knox County, Nebraska, at the time of the Executive withdrawing the above-described lands, dated September 7, 1869, and was put off of said lands by Agent Jenney, United States Indian agent for the Santee Sioux Indians at this time.

OTTO E. C. KNUDSEN.
GEO. W. HOWE.

Subscribed and sworn to before me this 7th day of January, A. D. 1878.

CHAS. COOLEY,
County Judge in and for said County of said State.

EXHIBIT I.

THE STATE OF NEBRASKA,
Knox County, ss :

I, the undersigned, Vac Randa, county clerk, in and for said county, hereby certify that I have carefully examined the records of said county and find that the following-described lands, situated within the boundaries of the Santee Sioux Reservation, in Knox County, Nebraska, were entered by white American citizens during the year 1868, as returned by the United States land office at Dakota, Nebr., and subject to taxation in Knox County, as appears on file and record in my office; and I further certify that the below-named white American citizens, in whose names said lands were entered, are now residing upon said land, and all the taxes and assessments against said lands were paid up to the present date by the said white citizens, viz :

	Acres.
Anthony Gennick, S. E. of N. W. sec. 15, township 33, range 4 west.....	40
Anthony Gennick, N. E. of S. W. sec. 15, township 33, range 4 west.....	40
Anthony Gennick, N. W. of S. W. sec. 15, township 33, range 4 west.....	40
Anthony Gennick, S. E. of S. W. sec. 15, township 33, range 4 west.....	40
Anthony Gennick, lots 1 and 2, sec. 15, township 33, range 4 west.....	93.60
Alex. Cook, S. E. of N. E. sec. 23, township 33, range 4 west.....	40
Alex. Cook, N. E. of S. E. sec. 15, township 33, range 4 west	40

Witness my hand and seal of said county this 16th day of January, A. D. 1879.

[SEAL OF THE COUNTY OF KNOX, NEBRASKA.]

VAC RANDA,
County Clerk.

MEMORIAL AND RESOLUTION.

To the honorable the Senate and House of Representatives in Congress assembled :

Whereas that seven hundred Santee Sioux Indians are now, and have been for the last ten years, occupying about one hundred and fifteen thousand acres of the land in Knox County, Nebraska, without any authority of law ; and

Whereas said Santee Indians were placed upon these lands after Nebraska had become one of the States of the Union, and has never given her consent to the location of these Indians within her boundaries; and

Whereas these Santee Indians are a part of the Sioux tribe of Indians, and have been and are parties to all the existing treaties of the United States with the Sioux Indians, and hold in common with the rest of the Sioux Indians the great Sioux Reservation in Dakota Territory ; and

Whereas a bill has been introduced into the Senate by Senator Allison, of the United States Senate, No. 403, to give these Santee Indians all of said lands that they are now occupying in said Knox County, Nebraska :

Resolved, That the gift of these lands to the Santee Sioux Indians by the United States, as proposed in said bill, without the consent of the State of Nebraska, would be unjust and an outrage to the State of Nebraska, and especially to the citizens of Knox County; that the giving of said lands to these Indians on account of their being

situated near the center of said county, would be a great and irreparable damage to the county and all of its citizens; that the Sioux Reservation in Dakota Territory is abundantly large, and has a sufficient amount of good lands for all of the Sioux Indians who are parties to the treaty granting this reservation, and that these Santees can remove upon their said reservation in Dakota Territory without material damage to themselves or to their progress in civilization.

Resolved, That we call upon the Congress of the United States to make a thorough examination in the matter of the location and keeping of the said Santee Sioux Indians in our said Knox County, and the results and effects of giving to them the said lands as provided in Senate bill; and that after such examination such action be taken as is just, not only to these Santee Sioux Indians, but also to the citizens of Knox County and the State of Nebraska, and that we herewith submit the annexed documents to show the truthfulness of our statements.

1. That the said land was withdrawn since this was a State by Pres. Order July 21, 1866, and then by Pres. Order September 7, 1869, a part of the same was restored to the public domain, and other lands in said county withdrawn in lieu thereof.

2. They never had any treaty which is of any force now except the treaty of 1863, which provided that a large tract of country in Dakota Territory, now occupied, be set apart for them to select reservations from; that they never selected any part of said tract for their reserve; and if they were now upon said reserve and occupying a portion of it, they would only have the right of occupancy, no valid title in fee.

3. That the said Indians are now in said county of Kuox and State of Nebraska, without the authority of law, and that they have no claim—not even the right of occupation. By the act of July 20, 1867, the power of treating with the Indians was given to the President, Secretary of the Interior, and the Commissioners of the Indian Department, as had existed under the law prior to the act of March 29, 1867. In that act creating the commission to treat with the Sioux tribes of Indians, viz, act July 20, 1867, the right of Congress to approve selections for reservations is clearly expressed and affirmed, showing the intention of Congress to leave the powers with the President and Secretary and Commissioner to treat with the Indian tribes, but recognized the right and power only to reside in Congress to dispose of the public domain—the fee-simple title to all lands within the territorial limits of the United States, which have not been disposed of under or pursuant to some resolution of both houses of Congress is vested in the United States. Such lands are therefore the property of the United States, subject only to the disposal of Congress.

There is no instance in which it can be claimed that Indians, under any treaty made solely by the President and the Senate whereby any title higher than occupancy could be acquired. Before a fee-simple can be vested it must be by a resolution of both houses of Congress. Then what can be said of the validity of a claim created by the President's order alone, without the concurrence of the Senate, and that to lands within the boundaries of a State? See *Johnson vs. McIntosh*, 8 Wheaton, 574; *United States vs. Cook*, 19 Wallace, 549.

Adopted by order of the board of county commissioners of Knox County, State of Nebraska, in open court at a regular meeting on the 7th day of January, A. D. 1878.

FRANK NELSON,
WM. SAUNDERS,
CARL WITTE,
County Commissioners.

Attest:

VAC RANDA,
County Clerk.

Filed in the commissioners' court for Knox County, Nebraska, this seventh day of January, 1878.

{ SEAL OF THE COUNTY OF }
{ KNOX, NEBRASKA. }

VAC RANDA,
County Clerk.

The great Sioux treaty provides that these Indians shall go upon their great reserve in Dakota Territory and select their reservation from unoccupied lands; and that these Santee Indians went into Nebraska, and took lands not designated by said treaty and not in the said Dakota Territory, and further violated the treaty by taking the lands occupied by actual settlers.

And further, in the treaty of 1875, these same Santee Indians again signed a treaty with the other Sioux Indians, whereby they relinquished all their interest in and to the said lands in Knox County, and acknowledged that there was no valid title in them, and that they had no title whatever except the unwarranted order of the President referred to before, which was never ratified by the Senate, and no resolution of both houses of Congress ever gave these lands to those Indians.

This indenture, made this eighteenth day of February, in the year of our Lord one thousand eight hundred and sixty-one witnesseth: That whereas the Congress of the

United States passed an act entitled "An act for the relief of citizens of towns upon the lands of the United States under certain circumstances," approved May 23, A. D. 1844; and whereas the legislative assembly of the Territory of Nebraska, under and in pursuance of said act of the said Congress, passed an act entitled "An act to regulate the entry and disposal of town sites," approved November 4, A. D. 1858; and whereas the board of trustees for the town of Niobrara have paid for and received a title from the United States in trust for the occupants and owners of the lots and pieces of land in the town of Niobrara, Territory of Nebraska, which town is located upon the north half of the northeast quarter of section fifteen, and the southeast quarter and lots numbers one and two of section ten, in township thirty-two of range six west: Now, therefore, by virtue of the power in said board of trustees vested by the two several acts as such trustee aforesaid, the board of trustees for the town of Niobrara, in consideration of the premises and forty-three and 70-100 dollars paid, the receipt whereof is hereby acknowledged, do by these presents convey unto B. Y. Shelley all those certain pieces or parcels of land, being in the town of Niobrara, L'Eau-qui-Court County, and Territory of Nebraska, as surveyed by Carl P. Meyer, and described as follows, to wit: Lots nine (9) and twelve (12), block three hundred and three (303), lot thirteen (13), block three hundred and thirty-four (334), lot sixteen (16), block three hundred and two (302), lot five (5), block three hundred and seventy (370), lot five (5), block three hundred and thirty-five (335), lots five (5) and eleven (11), block three hundred and thirty-three (333), lot fourteen (14), block three hundred and four (304), lot fifteen (15), block three hundred and one (301), lots ten (10) and twelve (12), block three hundred and thirty-eight (338), lots eleven (11) and twelve (12), block three hundred and ninety-nine (399), lots four (4) and sixteen (16), block two hundred and thirty-eight (238), lot twelve (12), block two hundred and sixty-nine (269), lot fourteen (14), block two hundred and thirty-nine (239), lot thirteen (13), block two hundred and forty (240), lot twelve (12), block two hundred and sixty-eight (268), lot fifteen (15), block two hundred and seventy-two (272), lots one (1), six (6), and fifteen (15), block three hundred and fifty-seven (357), lots six (6) and sixteen (16), block three hundred and five (305), lot six (6), block three hundred and thirty-two (332), lot two (2), block three hundred (300), lot fifteen (15), block three hundred and thirty-nine (339), lots twelve (12) and fourteen (14), block two hundred and ninety-eight (298), lot six (6), block three hundred and sixty-one (361), lot seven (7), block three hundred and thirty-one (331), lots eleven (11) and twelve (12), block three hundred and forty (340), lot four (4), block three hundred and thirty (330), lot nine (9), block two hundred and ninety-six (296), lot seven (7), block three hundred and fifty-nine (359), lot fourteen (14), block three hundred and ninety-one (391), lot five (5), block three hundred and eight (308), lot five (5), block three hundred and twenty-nine (329), lot six (6), block three hundred and sixty (360), lot eight (8), three hundred and seven (307), lot twelve (12), block two hundred and ninety-five (295), lot two (2), block three hundred and twelve (312), lots one (1), two (2), three (3), four (4), five (5), six (6), seven (7), eight (8), nine (9), ten (10), eleven (11), twelve (12), thirteen (13), fourteen (14), fifteen (15), and sixteen (16), block three hundred and twenty-five (325), lot nine (9), block two hundred and thirteen (213), lot one (1), block three hundred and twenty-four (324). Total, sixty-three lots.

The said B. Y. Shelley being the owner and occupier of the same. In witness whereof I have hereunto set my hand this eighteenth day of February, A. D. 1861.

By authority of the board of trustees for the town of Niobrara.

FERD. WEIS,
Chairman.

Executed in presence of—
H. HARGIS.
H. E. GREGORY.

TERRITORY OF NEBRASKA,
County of L'Eau-qui-Court:

On this 18th day of February, A. D. 1861, before me, Walter M. Barnum, a justice of the peace in and for said county and Territory, personally appeared Ferdinand Weis, chairman of the board of trustees for the town of Niobrara, and acknowledged the execution of the foregoing conveyance to be his voluntary act and deed as chairman of the board of trustees for said town. And I further certify further that I know the said Ferdinand Weis, who made the said acknowledgment, to be the identical person whose name is affixed to said deed as grantor, and who is chairman of the board of trustees for said town. In witness whereof I have hereunto set my hand the day and year above written.

WALTER M. BARNUM,
Justice of the Peace in and for the County of L'Eau qui-Court, Territory of Nebraska.

EXHIBIT D.

STATE OF NEBRASKA,
Knox County, ss :

Wm. Bingham, C. G. Benner, L. L. Paxton, T. U. Paxton, and H. Westerman, being duly sworn, say, that on March 2, 1866, July 21, 1866, September 7, 1869, they resided upon the said land withdrawn by executive order of those dates for the Santee Sioux Indians reserve, and that there were about one hundred actual white settlers residing and occupying said lands so withdrawn, and that there were two regular town sites platted and filed according to law, and duly obtained, as more fully appears by the records appended hereto, and that many of these had those lands in fee-simple, and others had pre-emption and homestead filings upon said lands, and that the said town company were residing upon and improving the lots of Niobrara, and that the Indians, per the executive orders of March 2, 1866, July 21, 1866, were landed upon said lands in April, 1866, in charge of J. Brown, special Indian agent for said Santee Indians; said special agent ordered the settlers to leave, and threatened, if they did not leave, he would turn the Indians on them and compel them to leave; and that there were two stores here at the time, one kept by H. Westerman, and the other by T. N. Paxton, deponents above named, and that they were selling goods upon land owned by them in fee-simple, and that they had owned said lands so occupied and kept store upon the same for the space of about five years previous, and that said special agent closed up their stores and ordered them to leave.

C. G. BENNER, SEN.
T. N. PAXTON.
H. WESTERMAN.
WM. BINGHONN.
L. L. PAXTON.

Subscribed and sworn to before me this 7th day of January, A. D. 1878.

CHAS. COOLEY,
County Judge of Knox County, State of Nebraska.

THE STATE OF NEBRASKA,
Knox County :

To _____ :

We, the undersigned, board of county commissioners, would respectfully ask that the gentlemen of the said commission would inquire into the difficulties between the whites of said county and the Santee Sioux Indians in said county respecting the latter's title and claims to the reservation they now occupy in said county, and make report thereon to the proper authorities. And we, the said county commissioners, refer for examination to the annexed exhibits.

FRANK NELSON, *Chairman.*
WM. SAUNDERS,
VAN HARDEN,
County Commissioners.

Attest:
[SEAL.] VAC RANDA,
Clerk of Knox County, Nebraska.

THE INDIAN QUESTION.

NIORRARA, NEBR., December 23, 1880.

MR. EDITOR: Upon reading Secretary Schurz's last annual report, and his complainant remarks in regard to the new Indian policy, the wisdom and righteousness of his administration of the Interior Department, I beg leave to call attention to the continued usurpation and lawlessness of the Indian Bureau in one case. I have reference, of course, to the bogus Indian reservation in Knox County, and the Minnesota Indians maintained here. There is no desire, however, to antagonize the new doctrine of giving "land in severalty to Indians, on their reservations," or, as Mr. Schurz now has it, "on the land they occupy," provided they do not occupy it in violation of law.

Redress of grievances, not only of the white man, but the red as well, is what we are after, and if Mr. Schurz had qualified, somewhat, his apt, though very recent, substitute for his former term to designate land occupied by Indians, and used, as he did before, the old familiar term, "reservation," or said instead "the land they legally occupy," the writer of these lines would not now write.

The Santees, in their tribal capacity, have no right to occupy any land in Nebraska, since the treaty of 1868, and their so occupying 115,000 acres in the heart of Knox County is an infamous outrage upon the people of this county and Northern Nebraska. But we are aware of the fact—and this fact shall no longer remain buried under rubbish and an understanding of it withheld from the public—that these, and other Sioux Indians, have the right to take homesteads, or "land in severalty" (160 acres each), upon any of the public lands of the United States, including those of the bogus reservation—and all this since the treaty of 1868! Through this clear right—and we will show it further on—perverted, misused, and violated by the Indian Bureau, has the bogus reservation, carried on to the injury of all except the conspirators concerned in it, been possible. We have to acknowledge, however, in this connection that Secretary Schurz and the ring are not alone responsible for the continuance of this infamous imposition and outrage. Our Senators and Representatives in Congress are entitled to share in the responsibility, because of their neglect or indisposition to exact due enforcement of laws and treaties to which their attention has been called more than once.

The Government of the United States, by a special law of Congress enacted in 1867, to settle all difficulties, &c., with the Sioux tribes, provided for and ordained the removal of the Santees and their reservation from the soil of Nebraska, where they had been established by stealth, the year before, through misrepresentation and false pretences (in an organized county), under no authority of law, but in violation of law. This special law of 1867 was mandatory on the subject of removal to a general reservation of all those Sioux Indians who were not then residing "on permanent reservations under treaty stipulations," pointing notably to these very Santees. The treaty negotiated the following year, 1868, in pursuance of said law, stipulated in express terms for such removal. The Santees were contracting parties duly represented at this treaty. That law of Congress and those treaty provisions are the supreme law of the land to-day, never having been repealed or modified, and any subsequent action not in accord therewith, such as holding and maintaining the Santees, in their tribal relations, in Knox County, was and is in contempt of law. And it is a wrong imposed to which Knox County can no longer afford to submit if the State of Nebraska can. But the Santees have another right, respecting which the public should no longer be kept in ignorance and be humbugged, and the Indians cheated; and the rights of the Indians secured secures the rights of the whites on this frontier. It is the right to take 320 acres of land, in severalty, on their true reservation in Dakota Territory. From the actual possession of this splendid domain they are also treacherously kept, in order to hold the bogus reservation for their peculiar "friends." The lands referred to are just across the Niobrara River, and are of the best quality of soil, &c. And should the Poncas now desire to return to their comparatively insignificant portion of the general Sioux Reservation, which no well-posted person believes they do, there would then be an abundance of the same sort left for unborn thousands, to supply all with similar farms. (See boundaries of great Sioux Reservation.)

For laws to substantiate our statements, see vol. 15, U. S. Statutes at Large, especially sec. 2, act approved July 20, 1867, page 17, disqualifying the Santees for remaining in Nebraska, as previously explained. Also pages 635 to 647, inclusive, same volume, especially first clause of article 6 (of the treaty of '68) allowing 320 acres *inside* the true reservation; also see clause commencing in line 27, same article (6), allowing 160 acres, *outside* the limits of the same, for homesteads in severalty, including the bogus reservation. Then see where is the "new idea."

Now tell us, oh! ye "good men" and peculiar friends of the Indians, why were the Santees persuaded, coaxed, bulldozed to make truck patches on the land you knew they were occupying as a tribe in violation of law, instead of allowed to take real farms, either on their own extensive domain or "upon the land they occupy"? Your pear was not ripe then, that's all. You could not permit anything of the kind and stand any show to hold a Santee "reservation" at the same time on the premises you occupied and occupy. The prosecution of a homestead claim on that land would inevitably have exposed to the world the true status of the concern.

What became of Wabashaw's application for a homestead?

The promised boon through friends he sought,
But through his friends he—found it not.

Poor Wabashaw! unlike his two hundred and fifty enterprising, intelligent Santee brethren, who would not listen to the smooth deceiver, but went their own way, and wended their way, after the treaty, in a body to Flandreau, Dak., near their old Minnesota home, to obtain, without delay, proprietary rights in the soil according to the truly new idea (then) of their own shrewd Santee diplomat to protect and preserve the race. And let the fact that the new idea was born of the genius of a Santee diplomatist at the treaty be borne in mind, as it bears strongly on important points of our subject. But, poor Wabashaw, he would stay with his friends here and take his homestead "on the land he occupied." Ah, Wabashaw! your attempt was a blunder, or a very sharp trick not your own.

Nap Wabashaw filed his application for a homestead on February 2, 1877, at the United States land office at Niobrara, Nebr., upon the E. $\frac{1}{4}$, NW. $\frac{1}{4}$ and E. $\frac{1}{4}$ SW. $\frac{1}{4}$, section 18, township 33, range 4 west, the same being recommended by United States Indian Agent Searing, agent for the Santees. The application was referred by the local office to Commissioner of the General Land Office at Washington, and instructions asked thereon. The Commissioner sent it back with the recommendation that it be referred back to the Indian agent of the tribe to which Wabashaw belonged—that is to say, to the same agent, Searing. This was done. That was the last of it. It was suppressed, and Wabashaw—nix.

On the other hand, see the Santee settlement at Flandreau, where Wabashaw's intelligent brethren straightway proceeded to honestly carry out their treaty obligations and the *idea* thereon depending. They have separate farms, the same as the white man. Their numbers are increasing year by year from new accessions from the bogus reservation—spirited, industrious Santees, following their intelligent predecessors as they grow up, to pursue the happy idea to its destination—Flandreau and a good farm, independence, and eventually security from the rapacity of Indian agents and their associates. And all are doing well at Flandreau—with a little help.

And while Wabashaw's goose was cooking, where were the peculiar friends of the Indian? And where, above all—oh! where was the Bishop of Niobrara, the boss philanthropist of the frontier? Echo answers, "How! how!"

After Wabashaw, what? The farce is ended, as regards 1st act (with puppets conspicuous in the fore). Other parts of the show follow in quick succession, as a flourish of trumpets and great ado about Indian having no right to take homestead; agony of peculiar friends; petition of No-Eyes, Lazy-dog, Poor-Ninny (more puppets). The parade is impressive, and the effect all that could be desired, over the country generally. Dense ignorance prevails—"Indian can nowhere take homestead," not even on his own land—his "reservation!"

Thus prepared, the public appreciate 3d act. We here witness: 1st, the later processes in the regeneration of the "new idea," and a bishop stealing Indian thunder; also a boy named Carl attempting to steal the already stolen; and all resolving itself into the grand hurrah, the "new departure," the "innovation"—"land in severalty to Indians on their reservations." And it was so everywhere; Indian should have a homestead on his own land—on his "reservation." Congress had it that way, too, in two bills (not passed) generated through the regenerated new idea. For Mr. Schurz was (then) of the opinion that all Indians were living on real reservations. He was constantly deceived and misled by subordinates of great experience in the corrupt Indian Bureau, and they had him long before he could look matters up for himself. And so he sung it, too, "reservation," *reservation*, without variation.

But, at length, "the Bishop" had occasion to make an argument, touching a very tender point on the subject. He said the Santees had the right expressly granted to them in article 6, of the treaty of 1868, to take homesteads "upon the land they occupy!" Mr. Schurz is a lawyer, and these words from a *master* not according with his conception of the Indian reservation system under existing law, could not fail striking him hard. And he now found it convenient to look this matter up for himself. He made a discovery! Here was a bogus concern called an Indian "reservation," and presto! that familiar name, "reservation," no longer—*nix fer steh*. "On the land they occupy," was it? Yes, that will do it; I *must* keep them on it, said poor Carl. Circumstances beyond control enslave him. Some things must be upheld which are bad, unwholesome, baneful. Among them is the Upas branch, for so long casting its dark shadow upon Knox County. "Molest not that tree, Carl, nor a single branch," in poor Carl's ear resounded! A single twist of the wrist and not only our twining branch escapes, but his little hatchet fends off danger from the trunk. And who that surveys carefully the field and the very apparent necessities of the bogus institution, at this moment, in view of anticipated Indian (land in severalty) legislation depending on his report, can doubt that the new name came by inspiration from our sweet-scented blowing branch. The misnomer carelessly applied at present upon the expected general Indian legislation would be fatal to the anomaly in Knox County. The clever reformer makes no mistake. "The land they occupy" is a promising and a fitting name, and smells as sweet as Santee "reservation."

In conclusion we have to say that the poor picture we present will appear to many, if honored with perusal, as overdrawn. But this is not the case. No one can imagine the situation of this frontier in early times. The power and subtlety of our enemy was and is a power behind the throne at the capital of the Nation. It dictates much that is done at the Indian Office, is a good lobbyist, and it has many tongues. On the other hand, the poor inhabitants of the "Niobrara country," until very recently, could not be heard even in the voice of the faintest whisper in the high places whence proceeded the inexorable orders for their oppression. If we can now be heard, and have searching inquiry made, that is all we ask. What meant the scare and uproar occasioned by the simple motion to inquire, offered by one of our Senators last session of Congress? Bishop Hare characterized this motion (to inquire into the Santee mat-

ter), in the public prints of the great eastern cities, as "a bill proposing to rob the Santee Sioux Indians"! and he headed one of his Philadelphia articles "A White Outbreak in Nebraska," whereupon those great cities were loud in their denunciation of our Senators, and of the people of the Niobrara country for breaking out! And the Senate, too! One grave Senator tells inquisitive members that some things in our Indian affairs are too sacred to bear the unhallowed touch of inquiry. We hope our bold Senator did not get scared at last at what he had done. A little more grape *Captain* Saunders, a little more of the same sort. Inquiry and investigation is what we want, and no spoliation of a county or a State by legalizing robbery.

B. Y. SHELLEY.