

L E T T E R

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING,

In further response to Senate resolution of March 3, 1890, certain reports and papers relative to the membership of the Sac and Fox Indians.

MARCH 23, 1890.—Referred to the Committee on Indian Affairs and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, March 26, 1890.

SIR: In further response to the resolution of the Senate dated March 3, 1890, directing the Secretary of the Interior to report whether by action of his Department, or by that of the Commissioner of Indian Affairs, any persons have been added to the membership of the Sac and Fox Indians, and, if so, the names of such persons, their nationality, the reasons for their addition, and the authority for the same, and that the Secretary transmit to the Senate all papers and documents relating to said transaction (to which I had the honor to reply in part on March 12), I have now to inform you that upon the recommendation of the Commissioner of Indian Affairs and mature deliberation of the facts in the case, I have rescinded the action of the Department in the matter of July 27, 1889, and authorize the enrollment of Frank, Louis, Peter, Thomas, and Philip Murphy, and Maggie Le Fevre, as members of the Sac and Fox of the Missouri tribe of Indians, with full rights in every respect as other members thereof to lands, etc., under existing treaties or otherwise, and to share in all annuities and other tribal benefits distributed after the date of their enrollment.

I herewith transmit to the Senate all papers and documents relating to said transaction, including a copy of the communication of the Commissioner of Indian Affairs of the 18th of February last, containing his recommendation in the matter, and also including some papers that were not before that officer.

I have to request that when the Senate has concluded its inquiry into this subject it will return the papers to this office, as there are many original documents that are valuable for future reference.

Most respectfully,

JOHN W. NOBLE,
Secretary.

The PRESIDENT OF THE SENATE.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 18, 1890.

SIR: Referring to Department letter dated July 27, in reply to office report of July 26, 1889, rejecting the application of Frank, Louis, Peter, Thomas, and Philip Murphy, and Maggie Le Fevre, for enrollment as members of the Sac and Fox of the Missouri tribe of Indians, and granting authority for the removal of the applicants from the reservation of the tribe in Kansas and Nebraska, as recommended in said report, I have to say, that on July 31, 1889, the Indian agent at Pottawatomie and Great Nemaha Agency was advised of such action and instructed to inform the applicants thereof and to remove them as authorized.

In consequence of the receipt by reference from Hon. A. S. Paddock of a letter from Isham Reavis, esq., dated August 14, 1889, requesting that an investigation of the above matter and of the connection therewith of one William A. Margrave be made, G. W. Gordon, esq., United States special agent, was instructed under date of August 23, 1889, to make a thorough investigation of the subject and to render report thereof; and said agent was directed to take no steps looking to the removal of the applicants until he should be further instructed in the matter.

Special Agent Gordon made a full investigation of the matter, and submitted his report thereof, dated September 23, 1889, accompanied by the testimony, etc., taken on the subject. Hon. C. F. Manderson addressed a letter to this office, dated August 24, 1889, transmitting fourteen affidavits bearing on the subjects, and requesting that no decision be made on the matter until Mr. Reavis could be heard thereon. These affidavits were sent to the special agent on September 4, 1889, and he returned the same with report thereon, under date of October 22, 1889.

There is much testimony bearing on the question as to whether "Mah-nom-a-ne-quah, the grandmother of the applicants and through whom they claim to be of the blood of said tribe, was a Sac and Fox woman by blood, or was of Menomonee Indian blood. There is necessarily great difficulty in obtaining explicit information on this point on account of the great age of "Mah-nom-a-ne-quah," it appearing that she was one hundred years old when she died, in 1879. I do not deem it essential under the circumstances to require absolute testimony showing that said Mah-nom-a-ne-quah was of the blood of the Sac and Fox of Missouri tribe. She was borne on the rolls of the tribe at the time of her death, and her daughter Margaret Murphy, the mother of the applicants, was, with the consent of the tribe, enrolled therewith and draws annuities as a member thereof.

The applicants unquestionably are of Indian blood. What connection they have had with Indians has been with the Sac and Fox of Missouri. They have undoubtedly since 1874—and they claim for a much longer period—been endeavoring on various occasions to secure enrollment with said tribe. I do not think that the seventh article of the treaty with said tribe and the Iowas, made March 6, 1861, and proclaimed February 6, 1863 (12 Stat. 1171), requiring members of said tribes to return to and unite permanently with the same and to reside upon the respective reservations within six months from the date of such convention, otherwise to be excluded from rights under the treaty or former agreements, is mandatory in a literal sense, but that it is directory, and that this Department has discretion to determine whether under the equities and circumstances of the case persons should be debarred from membership in said tribes thereunder.

The quantity of lands held in reservation for the Indians is being constantly lessened under agreements made with them from time to time, and I think it just and good policy while this is going on to secure to all having rights as Indians homes on Indian lands, before the ever advancing tide of white settlement shall so far diminish the reservations as to render it difficult to provide properly in that respect for all the Indians.

Quash-pah-me, chief of the Sacs and Foxes, aged sixty-four years, and who states that his ancestors have, as far as he can remember, been chiefs of the tribe, declares in his testimony given in the investigation that he knew Me-nom-o-nee-quah in her lifetime, and that he has known Mrs. Murphy for about twenty-four years; that his grandmother and Me-nom-o-nee-quah's grandmother were sisters; that they belonged to the Fox Indians, and that in the Indian way witness' mother was mother of Me-nom-o-nee-quah, but in the American way aunt. They were close relations. This witness further states that quite a while ago the Sacs and Foxes belonged together; "sometimes the Sacs drew annuities by themselves, and sometimes the Foxes by themselves," and that he thinks Me-nom-o-nee-quah was enrolled with the Foxes, and knows that she really belonged to the Foxes, and that the older members of the tribe Mes-sah-quet, who was chief, being among the number, he thinks said Me-nom-o-nee-quah was born with the Foxes; and that as he recollects Me-nom-o-nee-quah was put upon the roll by Mes-sah-quet and Pe-tok-o-mah.

Special Agent Gordon states in his findings that claimants are not of the blood of the Sac and Fox of Missouri tribe, through their grandmother Me-nom-o-nee-quah and their mother Margaret Murphy, or otherwise; and that he does not find that they are entitled to enrollment as members of said tribe by reason of their blood relationship to Me-nom-o-nee-quah and Margaret Murphy, nor by reason of any blood relationship to said tribe; and that he does not find that they have been admitted to the rolls as members of said tribe by the action of the council and headmen referred to in the evidence as having been held April 4, 1889; nor does he find that claimants have been so admitted by the action of any other council of the tribe, and recommends that the former rejection of their application be adhered to.

In view of the strong testimony of Chief Quash-pah-me, and the fact that the chiefs and headmen did agree at one time to admit claimants to membership, and that claimants' grandmother and mother were both enrolled, I think the claimants are entitled to enrollment notwithstanding the evidence filed tending to show that they are not of Sac and Fox blood.

Under all the circumstances surrounding the case I deem it right and good policy that the request of the applicants be granted.

I therefore respectfully recommend that the Department rescind its action in the matter of July 27, 1889, and authorize the enrollment of said applicants as members of the Sac and Fox of Missouri tribe of Indians, with full rights in every respect as other members thereof to lands, etc., under existing treaties or otherwise, and to share in all annuities and other tribal benefits distributed after the date of their enrollment hereunder.

All papers bearing on the subject are herewith inclosed, with request for the return of the same to the files of this office.

Very respectfully, your obedient servant,

T. J. MORGAN,
Commissioner.

THE SECRETARY OF THE INTERIOR.

UNITED STATES INDIAN SERVICE,
POTTAWATOMIE AND GREAT NEMAHA AGENCY,
Hoyt, Kans., February 23, 1889.

SIR: In reply to your letter dated November 30, 1888, marked L. 17736—1888, I have the honor to make the following report:

I have made diligent inquiry as to the claims of Frank Murphy and others named in your letter for enrollment as members of the Sac and Fox of Missouri tribe of Indians, and find the following facts bearing on the subject.

Their father, James Murphy, had no Indian blood; their grandmother, Mah-non-a-ne-quah, was on the Sac and Fox roll and drew annuity with them. From the best information I can get what Indian blood she had was not Sac and Fox but Menomonee; I have not been able to learn why she was enrolled with the Sac and Fox tribe.

The mother of the applicants, Margaret Murphy, was not enrolled until after the death of her mother, and then not on account of her being of Sac and Fox blood, but as an act of charity by the tribe on account of her poverty.

The applicants claim to have lived on the reservation seven years, but this is denied by residents there, who claim that with one exception they have moved there within the last two years, and one of them, Mrs. Le Fevre, lived in California until the last year. The others admit having lived in Missouri until they came to the reservation. It is not shown by the records of the Agency that any previous request was ever made by them for enrollment. Joseph Tesson married an Iowa woman and was enrolled with the Iowas after his marriage, but I am unable to learn why he left the Sac and Fox tribe.

Inclosed you will find affidavit of M. B. Kent, former agent at the Great Nemaha Agency, showing that Mah-now-a-ne-quah was a member of the Sac and Fox tribe. Also one signed by James Whitecloud and others, all belonging to the Iowa tribe, and none of them members of the Sac and Fox tribe.

These applicants have seven children, and if they are enrolled it will open the way for the children, and probably many others who have but little if any claim to membership in the tribe.

You will also find inclosed certain questions put to the applicants, with their answers thereto.

George Gomes has acknowledged to me that certain statements certified to by him in connection with this matter are false.

The reputation of these persons is not good, and in my opinion their enrollment would be a detriment to the tribe.

I am also of the opinion that under the seventh article of the treaty with said tribe and the Iowas made in 1861, they are excluded from membership therein on account of continued and prolonged absence from the reservation.

In view of all the information I can get on the matter at issue, I most respectfully recommend that their application be rejected.

Respectfully submitted.

JOHN BLAIR,
United States Indian Agent.

HON. JOHN H. OBERLY,
Commissioner of Indian Affairs, Washington, D. C.

In the matter of the application of Frank Murphy and others for enrollment as members of the Sac and Fox tribe of Missouri Indians.

THE COMMISSIONER OF INDIAN AFFAIRS:

The applicants in this case base their claims for recognition as members of the Sac and Fox tribe of Missouri Indians solely on the ground of blood relationship with that tribe, and the testimony adduced by them in support of that claim has been directed to no other issue. The special commissioner who took the testimony is mistaken when he asserts that they sought to establish two propositions, *i. e.*, that the applicants had been taken into the tribe by agreement of the chiefs and head-men of the tribe, and, secondly, that they had the tie of blood in their favor to obtain the right of enrollment. The fact that an agreement to have them put upon the roll had been made on the 4th day of April, 1889, was proved and urged only as a circumstance to show that the Indians admitted the blood relationship of the applicants, and for that reason consented to their enrollment.

I very frankly admit that unless the proofs show that these applicants have the blood of that tribe in their veins an agreement to admit them to membership would have no force whatever. The right of my clients, therefore, depends solely on the question of consanguinity.

It is very earnestly insisted that Special Agent Gordon has not fairly represented the testimony in his report, and that his conclusions are not warranted by the facts. What he calls his conclusions from the facts proved is nothing more than a partisan argument. He finds it necessary to fritter away the whole of the evidence of Joseph Tesson, and much of the applicants, and also that of their mother. Are these people not to be believed at all, and can the evidence given by them be thrown aside simply because Special Agent Gordon is compelled to do it in order to sustain his findings? I apprehend not.

Now, why should Joseph Tesson be doubted on the question of veracity? Who says that his general reputation for truth and veracity in the neighborhood in which he lives is bad? Nobody. One man (who was examined without notification to the applicants or their counsel), Ex-Agent Kent, says he has heard the veracity of Joseph Tesson questioned. Does that impeach Mr. Tesson? Nothing of the kind. Had we been apprised that an attack of that kind was to be made we could have sustained the reputation of the witness by a thousand men and women in the vicinity where he has lived and been known for more than thirty years, in which number I include the present Federal district judge for the State of Nebraska, Judge E. S. Dundy, and every officer of his court. Tesson is of mixed Indian blood, and has lived nearly always with his mother's people, but he has had extensive business transactions with the white citizens, and no one enjoys the confidence of those same citizens to-day in a greater degree than does Joseph Tesson. One other reason is given for disbelieving Tesson, and that is the improbability of certain of his statements, as, for instance, he states that he heard his grandfather, Ah-mo, say that his mother (known among the Sac and Fox tribe as Me-nom-o-ne-quah) was a Sac and Fox Indian. Mrs. Murphy says substantially the same thing. But, says Agent Gordon, they nowhere say that they ever heard their mother declare that she belonged to that tribe. Queer, isn't it? If Agent Gordon has any children, does he not know their lineage better than they do? And would not his statements in that particular be of greater value in the matter of pedigree than theirs would be? It certainly would appear so, even if writers on the law of evidence had not said so ages ago. Instead of being of no import, such evidence is the very best of which the case in its nature is susceptible.

Some stress is laid on the fact that these witnesses do not entirely agree in the matter of dates touching certain events mentioned. That is not at all surprising when we consider the fact that they testify from memory alone, and that the difference in their statements is so trifling as to be of no moment, as, for example, the age of each at the time of the death of their grandfather, Ah-mo. His death is a circumstance they both remember, and is true, but in the matter of their respective ages at that time they are not expected to be anything more than approximately correct. It would be difficult if not impossible for those witnesses to fix the exact date of their grandfather's demise. They have no record of such events, as most white people have, nor is their mode of reckoning time always like ours, and yet in the main they will relate the facts in their family history with as much exactitude as we have a right to expect under all the circumstances. But the strangest of all criticisms is that of Agent Gordon on the statement of Tesson, that he saw his uncle, Nash-a-ness, shortly after he was born. By comparing the supposed ages of Tesson and his grandmother Agent Gordon arrives at the sage conclusion that the grandmother was past the age of child-bearing at the time fixed by Tesson as the birth date of his uncle, Nash-a-ness, which he, Agent Gordon, says we all know, in women in this latitude is from the age of 30 to 32. I am one included in the "we all" who does not know that women in this country pass out of the fruitful period at from 30 to 32 years of age. Medical authorities on the subject are generally agreed that the period mentioned occurs in most women between the ages of 45 and 55; but I leave my friend Gordon and the medical fraternity to settle that question among themselves, pausing only to remark that the special agent is no wider of the mark in this instance than he is in most others in his reported argument.

But I shall not follow Agent Gordon further in his unfair treatment of the testimony, but will appeal to the testimony itself, and ask a careful consideration of it at the hands of those who by law are invested with the power of decision.

Tesson, Mrs. Murphy, George Gomes, Head Chief Quash-pahmah, and several others, all swear positively that the grandmother of applicants was a Sac and Fox Indian woman, while not a single witness against them says of his or her own knowledge that she was not. Who, of all the witnesses who were called to disprove the relationship of applicants to the tribe, has said that either the grandmother or mother were taken into the tribe by adoption? Not a single one. Something is said of a custom among the Indians of adopting persons not of their blood, but not an instance is given. But what has that custom to do with this case unless it is distinctly proven that the ancestors of my clients were so adopted? Clearly nothing at all.

The Indian, savage and wild man though he be in his native haunts, is generous and open-handed with those of his kin. It is characteristic of him, whatever else may be said to his discredit. With these children of nature blood is thicker than

water, and it is not a slight thing that the brother should recognize the son of his sister in the wandering people—Tesson.

She had married a man of that name in St. Louis; had borne a son called Joseph. His name, the name of his mother, her husband, place of residence, his age, and, in fact, all the circumstances of his personal history convinced his uncle, Nash-a-ness, that Joseph was his blood relation, and he took him to his heart and home as a rightful member of his tribe. And that was not all. In due time the sister came from her home in civilized life back to the people of her youth, was recognized and made one of them, living and dying with her name upon the roll. Was she a Sac and Fox Indian woman? George Gomes, a witness for the opposition, says "Yes." "She talked good Fox," says Gomes. Where and when had she learned that language if it was not her mother tongue? Not in St. Louis, for she was the wife of a Frenchman, and in a community where no Indian language was spoken. She had learned it at Portage du Sioux, above St. Louis, and from her father, Ah-mo, who was a Sac and Fox Indian.

Nothing can be plainer. It is the truth and the whole truth, and entirely consistent with evidence of her two children who have testified in this case, Joseph Tesson and Margaret Murphy.

The applicants are the children of Margaret Murphy, and she was the daughter of Me-nom-o-ne-quah. Joseph Tesson was the son of Me-nom-o-ne-quah and the half-brother of Margaret Murphy. Ah-mo was the father of Me-nom-o-ne-quah, and was known by his grandchildren Tesson and Mrs. Murphy, to be a full-blood Sac Indian, or more properly speaking, of the Sac and Fox tribe. He lived at Portage du Sioux, above St. Louis, and died there. Me-nom-o-ne-quah left St. Louis before the year 1856, as all the witnesses who testify on the subject agree that she was enrolled among the Sacs and Foxes in 1856 or 1857. The tribe was then located on the Nemaha River in Nebraska, then a newly erected Territory of the Government and the frontier of our Western settlements. Tesson testifies that his uncle Nash-a-ness, and brother of Me-nom-o-ne-quah, was a Sac and Fox Indian, and was with a branch of that tribe when he, Tesson, was enrolled with them. He was asked by Agent Gordon if it was not a fact that it was generally said among the Indians that Nash-a-ness had adopted Me-nom-o-ne-quah as his sister, and the witness answered emphatically "No;" that he had never heard such a report until within the last few days. No other witnesses testified that any such report ever had existence; and yet Agent Gordon, by intentment, if not in express terms, leaves it to be inferred by a reader of his so-called report that such evidence had been given. Only three persons testified in this case who could have known anything about Nash-a-ness, and neither one of them gave a scintilla of evidence tending to prove that Nash-a-ness had ever adopted anybody as his sister, much less that he had adopted Me-nom-o-ne-quah. The bias and unfairness of Agent Gordon is apparent on every page of his report. He attacks every witness on the part of the applicants from the head chief of the tribe to the last who came upon the stand. It is his conclusion in each instance that the witness is not to be credited. Tesson is unworthy of belief; Frank Murphy likewise. The head chief Quash-pah-mah, does not occupy any more elevated position in Mr. Gordon's estimation as a truthful person than the others, and hence he strikes out the testimony of these witnesses as unreliable, and so makes easy the way to an adverse report on this application. Nobody assails the general reputation of those people for truth and veracity but Mr. Agent Gordon himself, and he does it with a vengeance truly. Does he criticize any witness on the other side? Not a bit of it. They are to be believed in all they told and in all Mr. Agent Gordon thinks they might have told. The truth is that nothing testified to on the other side by any or all the witnesses tends in the smallest degree to disprove the controlling fact upon which I rely for the success of my clients, namely, that they carry in their bodies the blood of the Sac and Fox tribe of Indians.

We have not only a preponderance of the testimony, but we have it to that degree required to convict criminal cases beyond all reasonable doubt. He does not claim that the witnesses on the other side disprove what the witnesses for the applicants have sworn to, but summarily disposes of the matter by saying that witnesses for applicants are not to be credited.

Quash-pah-mah says Mrs. Murphy is his cousin; that her mother and his mother were closely related; that the old chiefs and men of the tribe said Me-nom-o-ne-quah was a Fox, and was born in that tribe; and he makes a significant statement, which Agent Gordon has not seen proper to notice, to wit, that she was put on the roll at a time when no one could be enrolled unless he or she belonged in fact to the tribe. I give his exact words:

"The old people knew that Me-nom-o-ne-quah belonged really to the Foxes, and in that day they never put any one on the roll unless they really belonged to the tribe."

Is such testimony worth nothing? Agent Gordon seems to think so. But who, pray, contradicts this evidence on the other side? Not a single person.

He further testified that Mrs. Margaret Murphy was Me-nom-o-ne-quah's own daughter; that he invited Mrs. Murphy and her family to come upon the reservation, and told them if they would stay with them (the Indians) they would put them (the Murphys) on the roll, and that in a little while Mrs. Murphy came.

Agent Gordon assumes that because she did not immediately succeed in being put on the roll she was *ipso facto* not entitled to be put on. This conclusion is of a kind with some others of his and is about as sensible.

Quash-pah-mah further testifies that in the spring of 1889 the chiefs and head-men of the tribe held two councils, at both of which it was agreed to enroll these applicants as members of the tribe. The last council was held at the house of Gomes, on the reservation, April 4, 1889. This fact is also confirmed by the testimony of Frank Murphy and Gomes himself, so there can be no doubt of its truth.

Frank Murphy says he heard his father read letters while at Portage du Sioux from the Sac and Fox Indians, asking that his mother and the family come to the reservation and be of the tribe. Agent Gordon doubts the truth of this statement. But let us see. The mother of Frank was known to be partly Indian, and of course belonged to some tribe. This fact must have been known to all her family and friends, and she and they must have known to what tribe she was related. The folk-lore of all people of whatever race or kindred comprehends knowledge of this character, and what is more natural than that such relationship should be talked of in the family circle? Frank says from his earliest recollection he had heard that his mother was a mixed blood of the Sac and Fox tribe. Agent Gordon doubts the truth of this statement also, and why? Simply because he wants to. Gomes, an unfriendly witness, also bears testimony to the fact that the old stock of the Sacs and Foxes regarded the mother of Mrs. Murphy as a Fox Indian woman. Did these people not know their own kindred? Indians have probably earned the right to be called many hard things, but I have never heard them called fools.

In the matter of pedigree I have directed the testimony in strict conformity to the rule laid down by Mr. Greenleaf and other writers on the law of evidence, and I hold that the proofs adduced in this case established the fact that these applicants are of the blood of the Sac and Fox tribe of Indians beyond cavil or doubt, and that there is not a jury on the footstool that would hesitate for a moment to so declare by their verdict.

Something is said by Agent Gordon of probabilities. Permit me to say something on that head.

If Me-nom-o-ne-quah was not a Sac and Fox Indian woman why did she not go to her own tribe when she left St. Louis, and why should she hunt up a stranger tribe in the then wilderness of Nebraska; and, above all, how did she come to speak the language of this stranger tribe in the perfect manner Gomes swears she did, when in the very nature of things she would not have known the tribe itself much less its language? The mother-tongue is rarely forgotten, and it is asserted by high authority that the language of the fireside, the one that is learned in infancy, is the only one that is known well, and that while a person may learn to speak and write many others, they are all comprehensible in the one that was learned at home.

Every circumstance disclosed by the testimony serves to show that the Fox Indian language was the mother-tongue of Me-nom-o-ne-quah; and, coupled with the fact that she had sought an asylum with them when the world possessed no other place for her to go to, the inference seems irresistible that in doing so she was only going back to the Jerusalem of her younger days to find a home and a grave with the people among whom she was born. This is the common experience, and there is no reason to believe that the Indian is exempt from the emotional life that is characteristic of the mass of the human family. Then she was put on the roll. Do the Indians put poor or vagrant persons of stranger tribes on their rolls simply because they are poor or vagrant? I have never heard of such a case, and if such existed as a fact would the special agent not have caused it to be proved in this case? I rather think so, considering the zeal he has manifested in trying to defeat the application of my clients in this behalf. And, further, her daughter, Mrs. Murphy, is also invited to come to the reservation, and in due time did remove there. But Agent Gordon assumes and argues that because influences *dehors* the Indians (the same influence that now opposes her children, viz, the white Indian, Margrave), succeeded in postponing her enrollment for several years, she thereby lost her original right to be enrolled, and she must have been taken in on some other ground than that of blood relationship. Strange logic, but no stranger than the balance of his report on this case.

But she was enrolled as her mother and brother had been before her; and she is known and acknowledged as a member of the Sac and Fox tribe of Indians, having the blood of the tribe in her veins. Why, I ask, in the name of all that is just among men, should her children not be enrolled as well?

It is the policy and practice of the Government in the allotment of lands to Indians, to give lands to the children of parents who are on the roll whether the children are enrolled or not. This is a humane policy and commends itself to right-thinking people everywhere.

Is there any good reason why the benefits of that policy should not be extended to the children of Mrs. Murphy?

The provision of the treaty of February, 1863, to which Special Agent Gordon calls attention, is simply directory and in no sense mandatory. A literal compliance with the provision in question was never intended by the parties thereto as the measure of anybody's right. This Government is too great to resort to mandatory treaties with so weak a people as the remnant of a fast-decaying tribe like these when providing for the distribution of their own lands among themselves; and I know of no single instance where the construction of a treaty by the Indians has been reversed by the authorities at the capital when the subject-matter has been the admission of a belated member who has stayed out beyond the time named in the treaty for him or her to be at home. To the lasting honor of the Indian Office, be it said that no arbitrary rule has ever been resorted to by it in matters of this kind.

Against the testimony we adduced to establish the relationship of the applicants with the Sac and Fox tribe there is opposed positively nothing at all.

We have made as strong a prima facie case as human testimony can make; and unless the advice of Agent Gordon is followed, and the whole cast aside as incredible and not worthy of belief, we are entitled to a decision restoring us to the seats of our ancestors.

I therefore submit the case on the testimony, dissociated from the deposition of Agent Gordon contained in his so-called report. Let the sworn witnesses speak.

Respectfully submitted,

ISHAM REAVIS,
Counsel for Applicants.

WASHINGTON, D. C., *March 24, 1890.*

SIR: Having very carefully examined all the papers on file in the Murphy claimant case, I herewith respectfully submit the following amended statement and additional evidence received since filing my first statement:

First. Counsel for claimants, in his last statement, says: "The applicants in this case base their claim for recognition as members of the Sac and Fox of the Missouri Indians solely on the ground of blood relationship with that tribe."

The only testimony offered, either by affidavit or at the investigation held by General Gordon at the Sac and Fox reservations, in the month of September, 1889, to prove the blood relationship existing between the Murphy claimants and the Sac and Fox of the Missouri tribe of Indians, is the testimony of Joseph Tesson, Margaret Murphy (mother of claimants), and Quash-pah-me, one of the chiefs of the Sac and Fox Indians, and after reviewing the testimony of these three witnesses at great length, General Gordon, in his report, says: "It is a singular fact that Tesson and Mrs. Murphy both claim to have derived their knowledge of the genealogy of their mother from their grandfather, Ah-mo, but never had any information on this important subject from their mother. There is also an irreconcilable conflict of testimony between Tesson and Mrs. Murphy. Tesson says his grandfather, Ah-mo, died when he was seven or eight years of age, and that he (Tesson) is now seventy-eight years old. Mrs. Murphy says she is now sixty-four years old, or fourteen years younger than her brother, Joseph Tesson. Now, if Tesson, who says he is a great deal older than Mrs. Murphy, is correct as to his own age at the time of his grandfather's death, then Ah-mo, the grandfather of Mrs. Murphy, must have been dead at least six years before Mrs. Murphy was born, and therefore she could not have heard him say anything about her mother 'Me-nom-o-nee-quah's' genealogy.

"The evidence of both Tesson and Mrs. Margaret Murphy is unreliable, contradictory, and irreconcilable; they are also contradicted on all material facts in their evidence by numerous witnesses of undisputed reputation for truth and veracity. The only other witness who claims to know anything of the genealogy of the Murphy claimants is Quash-pah-me, a chief of the Sac and Fox of the Missouri Indians. And his testimony, like that of Tesson and Mrs. Murphy, is not only contradictory, but unsupported by any personal knowledge of any material facts in the case proving that any of the Murphy claimants have a drop of Sac and Fox blood in their veins." And yet in the face of all this, and the further fact that General Gordon, after a full and complete investigation concludes his report by recommending that the order of July 27, 1889, be revived, the honorable Commissioner of Indian Affairs, in his communication of February 18, 1889, says: "I think the claimants are entitled to enrollment notwithstanding the evidence filed tending to show that they are not of Sac and Fox blood." This is, indeed, more than counsel for claimants asks for. Mark his language: "Applicants in this case base their claim solely on blood relationship." But the honorable Commissioner decides they have no rights by reason of blood relationship, and holds they ought to be enrolled, but gives no reason therefor, and rests his recommendations upon a dictum, a dictum in contravention of practice, precedent,

and treaty. This, if nothing else, should in my judgment reject the claims of the Murphy family without a moment's consideration.

Second. The Indians whom I have the honor to represent insist that article 7 of the treaty of February 6, 1861, and proclaimed March 26, 1863, is mandatory and susceptible of no other construction, and that so far as they are concerned they have done nothing to abrogate, set aside, or modify a single sentence in said article 7.

Treaty stipulations entered into between the United States and the Sac and Fox of the Missouri Indians, after being promulgated, can not be abrogated, set aside, or even modified without the consent of both parties to the contract. This has not been done, hence the treaty in all its parts is as binding to-day as it was the day after the promulgation of its provisions. If the Government of the United States can abrogate, set aside, and nullify any part or portion of a treaty regularly entered into, then it has the power to modify, set aside, and abrogate any and all treaty stipulations entered into with tribes of Indians. This, I apprehend, is not the policy of the United States. On the other hand the Government of the United States in the past has always strictly adhered to all treaty stipulations, and this is all the Sac and Fox of the Missouri Indians ask for now.

To constitute a legal adoption, the Indians must first, in open council, sign a petition asking the adoption of certain persons therein named; the interpreter must then certify to the fact that the Indians fully understood what they were doing in signing said petition; then when duly certified to by the agent in charge, and by him submitted to the honorable Commissioner of Indian Affairs who may in turn approve or reject, and if he approves, then such adoption is complete and regularly made. To substantiate this proposition, I desire to call your attention to a letter from the honorable Commissioner of Indian Affairs, dated September 21, 1883, which I herewith submit, under Senate resolution of March 3, 1890, and marked therein on page 8 as Exhibit 9.

In conformity to this instruction, please notice regular procedure under Exhibits B, C, D, E, F, H, and I, and you will observe that in every instance the action of the tribe was had on all adoptions duly certified to as per instructions of the honorable Commissioner of Indian Affairs, and knowing this, the Indians did not consider it necessary to make a defense pending the investigation of General Gordon, last September. The Indians felt assured then, as they do now, that no adoption could be had without first obtaining their consent in a regular way. The statement of counsel for claimants, is not substantiated by his evidence. He asserts that on April 4, 1889, at a regular meeting of the council and head-men of the Sac and Fox of the Missouri tribe, his claimants were duly adopted. If so, why does he not produce the record to substantiate his assertion? The facts are, no such action was had at the time mentioned, nor at any other time since. On the contrary the tribe, with but a single exception, were opposed to the adoption of the Murphy family on April 4, 1889, and earnestly protest against their adoption now.

I especially call your attention to the report of General Gordon, a special United States Indian agent, who investigated the whole controversy between the Murphy family and the Sac and Fox of the Missouri Indians in the month of September, 1889. It must be presumed that as a special United States Indian agent, he had the confidence of the honorable Commissioner of Indian Affairs. I also take it for granted that General Gordon had no enemies to punish or friends to reward while acting in his official capacity, and that he investigated the rights of both parties to this controversy honestly, fairly, and impartially, without fear or favor, for or against either party. That he did so is clearly proven by reading the testimony taken by him at said investigation from which he arrived at his conclusions of fact and accordingly recommends the rejection of the Murphy claims. I undertake to say that he is better qualified to judge of the credibility of witnesses than the learned counsel for claimants, and surely has no fees pending on the result of his investigation.

To force the Murphy family on this tribe of Indians will be to demoralize them and drive them to despair. Others are ready with perhaps as good, if not better, claims than the Murphy family for adoption, should they be forced upon them for adoption over their protest.

I desire to make one correction in my former statement, namely, that Joseph Tesson is not the brother of Me-nom-e-ne-quah, but a brother of Mrs. Murphy.

Believing as I do that I have said all that need be said, so far as the rights of the Indians are concerned, I conclude my statement by saying that I am indeed shocked with the labored efforts of the counsel for claimants to slander the good name and character of William A. Margrave, a white man, who married into said tribe of Indians. Up to this time I have said nothing derogatory to the character of any of the claimants, nor will I do so for the purpose of winning this or any other case. I have personally known William A. Margrave, "referred to in many of the affidavits filed by counsel for claimants," for twenty years, and can truthfully say, without fear of successful contradiction by fair-minded people "who know the man" that there is not a more honorable, fair-minded Christian gentleman in the State of Kansas than is William A. Margrave. He is generous to a fault, and exceedingly careful in all his

business transactions. Where he is known his word is taken as readily as his bond. For honor and integrity no man in our portion of the State stands higher. In short, Mr. Margrave is the very opposite of what has been said of him by counsel and friends of claimants. The statement that Mr. Margrave farms 5,000 acres of land on the Sac and Fox Reservation is false. For every acre occupied by Mr. Margrave not his own, he pays a rental of not less than \$2.50 per acre to the Indians, and in some instances as much as \$3 per acre. He not only pays other members of this tribe a fair rental for land, but has, within the past two years, built six frame houses, at a cost of \$600 each, that are to-day occupied by Indians. It is also a well-known fact that Mr. Margrave assists the Indians in various ways, too numerous to mention. His example of industry, thrift, and morality has a boundless effect for good over the entire tribe of Indians on this reservation.

To substantiate all I have said about Mr. Margrave, I refer you to the records of the Indian Department, where, I apprehend Mr. Margrave's record will bear inspection beside that of the learned counsel, as well as claimants and friends of the Murphy family.

In further vindication of the good name and character of William A. Margrave, I herewith offer a statement of Hon. E. N. Morrill, M. C., who, "like myself," has known Mr. Margrave intimately for a great many years.

To the end that the rights of these Indians under their treaty stipulations shall be fully protected, as well as to establish a precedent that shall be a bar to all fraudulent claimants to rights under the treaty, or otherwise, hereafter, I respectfully ask that the recommendations made by General Gordon in his report be complied with:

(1) That the application of claimants to be enrolled as members of said tribe be rejected.

(2) The order of authority of the honorable Secretary of the Interior, 20516, dated July 27, 1889, for the removal of claimants from the reservation be no longer suspended, but that the same be revived, and that claimants be removed from the reservation, and that the agent in charge be directed to remove them therefrom.

Respectfully submitted.

J. SCHILLING,
Attorney for the Sac and Fox of the Missouri Indians.

The SECRETARY OF THE INTERIOR.

COMMITTEE ON INVALID PENSIONS,
HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., March 22, 1890.

SIR: In the question now before you affecting the Sacs and Fox tribe of Indians in Kansas, I learn that an attack has been made on the character of Mr. Margrave, a member of said tribe. I desire to say that I have been acquainted with Mr. Margrave for many years (living only 10 miles from the reservation), and transacting a very considerable amount of business with him. For many years he has transacted more or less business with the bank with which I am connected. I have always found him to be perfectly upright in all his dealings at the bank, and during my acquaintance, extending over the past fifteen years, I can not recall that I ever heard a word derogatory of his character. I have always regarded him as an honest, energetic, intelligent business man and farmer.

Yours,

E. N. MORRILL.

Hon. JOHN W. NOBLE,
Secretary of the Interior.

AFFIDAVIT OF ELI G. NADEAN.

STATE OF KANSAS, *Jackson County, ss:*

Eli G. Nadean, of lawful age, first being duly sworn, on his oath says, that he was present at a council of the Sac and Fox Missouri Indians in 1883, when said council agreed to place Mrs. Murphy on the rolls by adoption; that it was distinctly understood at the time by both the council and Mrs. Murphy that she had no tribal rights, and that her adoption was purely an act of charity on the part of said tribe toward Mrs. Murphy, and that her adoption imparted no rights to either her or her children, except that she thereby became a beneficiary of such tribe.

ELI G. NADEAN.

Subscribed and sworn to before me, at the Pottawatomie and Great Nemaha Agency, in the State of Kansas, and county of Jackson, this 15th day of March, 1890.

JOHN BLAIN,
United States Indian Agent.

AFFIDAVIT OF JULIA LE CLERE.

STATE OF KANSAS, *Brown County*, ss :

Julia Le Clere, of lawful age, being first duly sworn, on her oath says, that she attended the meeting of the council of the Sac and Fox Missouri Indian tribe in 1883, when Mrs. Murphy was placed on the rolls of such tribe as a beneficiary; that she acted at said meeting as interpreter for the said Mrs. Murphy, and that she well remembers that it was distinctly understood between said council and said Mrs. Murphy that she had no tribal rights, and that her adoption was a matter of charity on the part of the tribe, and that neither she nor her children should have or obtain any rights by such adoption other than that Mrs. Murphy should thereby become a sole beneficiary, and further she saith not.

JULIA LE CLERE.

Subscribed and sworn to before me this 19th day of March, 1890.
[SEAL.]

H. J. ATEN,
Notary Public.

AFFIDAVIT OF A. WAITY.

STATE OF KANSAS, *Brown County*, ss :

Mrs. Alphonso Waity, of lawful age, on her oath says, that after Mrs. Murphy had become a beneficiary of the Sac and Fox Missouri Indians, in a conversation had with Frank Murphy, he, the said Frank Murphy, told this affiant that they were not of Sac and Fox blood, and that his mother was on the rolls by adoption, and further she saith not.

MRS. ALPHONSO WAITY.

Subscribed and sworn to before me this 18th day of March, A. D. 1890.
[SEAL.]

H. J. ATEN,
Notary Public.

AFFIDAVIT OF GEORGE GOMESS.

STATE OF KANSAS, *Brown County*, ss :

George Gomess, of lawful age, being first duly sworn, on his oath says, that he was the interpreter for the Sac and Fox Missouri Indians from May 1, 1858, until the present time, and acted as interpreter at the meeting of the council of said tribe in 1883, when Mrs. Murphy was made a beneficiary of such tribe; that it was distinctly understood at the time of her being so placed on the rolls that she had no tribal rights, and that such action by said tribe imparted no rights to her or her children other than that she thereby became a sole beneficiary; that the then Chief Mo-less (Wah-pin-nemah) was very much opposed to allowing Mrs. Murphy to become even a beneficiary, and refused to allow such action until he was placed in duress by threats made by the Murphy men of great bodily harm; and that he was finally induced, as this affiant believes, to consent through such threats to allowing Mrs. Murphy as a matter of charity to be so placed on the rolls, and further he saith not.

Witness:

M. L. GUELICH,
C. A. MASON.

GEORGE (his x mark) GOMESS.

Subscribed and sworn to before me this 18th day of March, A. D. 1890.
[SEAL.]

M. L. GUELICH,
Clerk District Court, Brown County, Kansas.

AFFIDAVIT OF WAH-PE-KONIA.

STATE OF KANSAS, *Brown County*, ss :

Wah-pe-Konia, of lawful age, being first duly sworn, on his oath says, that he is one of the present chiefs of the Sac and Fox tribe of Missouri Indians; that he well remembers the meeting of the council of his tribe when Mrs. Murphy was placed on the rolls as a beneficiary of his tribe; that she was so placed on said rolls as a matter of charity, with the distinct understanding that she had no tribal rights and that said

action by said tribe imparted no rights to her or her children except that she became thereby a sole beneficiary ; and further that he well knew the old chief whom affiant succeeded at his death ; that said former chief always claimed that Mrs. Murphy was not of Sac and Fox blood and always opposed her adoption even as a beneficiary until by threats of bodily harm from the said Murphy family he reluctantly agreed that she might become a beneficiary as aforesaid, and further he saith not.

WAH-PE- (his x mark) KONIA.

Witnesses:

H. J. ATEN.

J. W. MARGRAVE.

Subscribed and sworn to before me this 18th day of April, A. D. 1890.

[SEAL.]

A. J. ATEN,

Notary Public.

AFFIDAVIT OF THOMAS CONNELL.

STATE OF KANSAS, *Brown County*, ss :

Thomas Connell, of lawful age, being first duly sworn, on his oath says, that he is a headman in the Sac and Fox Missouri Indian tribe; that he was present at the council of his said tribe in 1883, when Mrs. Murphy was made a beneficiary of said tribe; that he well remembers that it was at the time distinctly understood between Mrs. Murphy and said tribe that said Mrs. Murphy had no tribal rights, and that neither she nor her children by said action of said tribe obtained any rights except that said Mrs. Murphy thereby became a beneficiary of the tribe as a matter of charity; that the old chief, now deceased, opposed her adoption even as a matter of charity, and opposed such adoption until by threats of the Murphy men he was induced to give his consent, and further he saith not.

THOMAS (his x mark) CONNELL.

Subscribed and sworn to before me this 18th day of March, 1890.

[SEAL.]

H. J. ATEN,

Notary Public.

BRIEF OF ISHAM REAVIS, OF COUNSEL FOR APPLICANTS.

In the matter of the application of Frank Murphy, Peter Murphy, Phillip Murphy, Lewis Murphy, Thomas Murphy, and Maggie Lefever, to be enrolled as members of the Sac and Fox tribe of Missouri Indians.

Hon. THOMAS J. MORGAN,
Commissioner of Indian Affairs:

The applicants herein base their claims for recognition and enrollment as members of the tribe in question, solely on the ground that they are related to said tribe by the ties of blood, having the blood of said Indians in their veins.

FAMILY HISTORY.

The applicants are the children of Margaret Murphy, who is an acknowledged member of said tribe; and now and for several years previous has been upon the roll of the tribe in the full enjoyment of all the rights and privileges.

The mother of Margaret Murphy was Me-nom-o-ne-quah, a full-blood Sac and Fox Indian, who was married to a Frenchman by the name of Tisson, at St. Louis, Mo., probably in the early years of the present century.

Her father was a full-blood Sac and Fox Indian, and lived with a portion of the trib at Portage de Sioux, near St. Louis, and died there many years ago. Me-nom-o-ne-quah was married a second time at St. Louis, to a man of the name of Duke, a Frenchman, and a white man. By this latter marriage she had her daughter Margaret, the mother of these applicants.

Joseph Tesson, the issue of the first marriage of Me-nom-o-ne-quah, testified as a witness in this case for the applicants, which testimony is substantially as follows:

Am about seventy-eight years old; was born in St. Louis, and resided there till I was eight or ten years of age. Margaret Murphy is my sister. Our mother was a full-blood Sac and Fox Indian woman; she was called Me-nom-o-ne-quah among the Sac and Fox Indians. Her father was a full-blood Sac and Fox Indian of the name

of Ah-mo, and lived, when I knew him, at Portage de Sioux, in the then Territory of Missouri, and afterwards died there. I am uncle to the applicants in this case, whom I have known all their lives; they are quarter-blood Sac and Fox Indians. I was recognized by my uncle, Nash-a-neso, a brother of my mother, as a Sac and Fox Indian, and put up the roll of the tribe forty-seven years ago. My mother, Me-nom-o-ne-quah, came to the tribe from St. Louis and was acknowledged by them as one of their people, either in 1856 or 1857, and lived with the tribe for twenty-nine years, finally dying in 1881; she lived to be very old. The present head chief of the Sac and Fox tribe is a cousin of mine. My sister, Margaret Murphy, married a white man of the name of Murphy, at Portage de Sioux, in Missouri, and the applicants in this case are the fruit of that marriage.

My nephews and niece, Maggie Lefevre, are all sober, industrious, and reputable people.

I know them to be blood relations of the Sac and Fox tribe. My sister and her children have been on and about the Sac and Fox Reservation for many years, and went there at the express invitation of the Indians. They put her on the roll several years ago, and her name is there now.

Mrs. Margaret Murphy, sworn, testified in substance as follows:

My mother belonged to the Sac and Fox tribe. Grandfather and grandmother said so; that is partly the way I know she belonged to the Sac and Fox tribe. I was married at Portage de Sioux, and am the mother of the applicants. They were born at Portage de Sioux. Don't remember when I first came to the Sac and Fox Reservation. I am on the roll of the Sac and Fox tribe. Do not know how long I have been there; several years. The Indians put me on the roll.

My mother's name was Me-nom-o-ne-quah. She lived with the Sac and Foxes all the time. My grandfather was Ah-mo; I remember him. He died at Portage de Sioux. He was living with the tribe. I know Quash-pah-ma; he is a Sac and is the head chief of the tribe of Sac and Fox Indians. He is my cousin; I knew his mother; she is dead. I am owned and claimed by Quash-pa-ma as his cousin. Have heard my mother and Quash-pah-ma's mother talk about their family connections and relations on this reservation. They claimed to be related. I am a sister to Joseph Tesson.

Frank Murphy testified in substance as follows: Am a son of Margaret Murphy; she is a half-breed Sac and Fox Indian woman; know this from having heard it talked of in the family all my life, and from the fact that the Indians claimed her as a relation and invited her and her family to come to the reservation and live as one of them, and from their afterwards having her put on the roll where she now is, and has been for several years. My grandmother and grandfather on the mother's side were both full blood Sac and Fox. We have been on the reservation off and on for twenty-two years. The Indians in council determined to put myself and four brothers and sister on the roll with our mother; Mangrove prevented. The last council on the subject was held on 4th April, 1889.

Quash-pa-ma, Sac and Fox Indian, and the head chief of the tribe, testified in substance as follows:

I am a Sac and Fox Indian and am head chief of the tribe; am sixty-four years old and was born in Missouri; have been chief for twenty-one and a half years, and my ancestors before me have been chiefs of the tribe. Am acquainted with Margaret Murphy, mother of the applicants; she is my cousin; my mother and her mother were sisters. Was acquainted with the mother of Margaret Murphy; her name was Me-nom-o-ne-quah. She was a Fox Indian woman; all the old people claimed her as such. She was put on the roll a long time ago, and at a time when the tribe would not enroll a person who did not really belong to them. As chief of the tribe I invited Margaret Murphy and her family to come on the reservation and be of our people. She came and was afterwards put on the roll. Last spring the chiefs and head-men of the tribe held two councils and both times we agreed to put the applicants in this case on the roll.

George Gorness testified in substance as follows: Am sixty-six years old, and live on the Sac and Fox reservation; I am not a Sac and Fox Indian; I have lived with the tribe since 1852. Am acquainted with Margaret Murphy; have known her about twenty years; I knew her mother, Me-nom-o-ne-quah; she was a Fox Indian woman; she spoke good Fox. The Sacs and Foxes claimed her as a member of the tribe and put her on the roll in 1856 or 1857. I know Joseph Tesson; have known him since 1856. Me-nom-o-ne-quah was Joseph Tesson's mother. Nash-a-ness, a brother of Me-nom-o-ne-quah and uncle to Joseph Tesson, told me that Me-nom-o-ne-quah was a Fox.

I have been interpreter for the Indians ever since I have been with them. Quash-pah-ma, the chief, claims Margaret Murphy as his cousin. He told me that his mother and Mrs. Murphy's mother were sisters in Indian, and cousins in the English way of reckoning relationship. Some of the Indians told Mrs. Murphy to come on the

reservation and live as members of the tribe and they would put them on the roll. The old stock of Sac and Fox regarded the mother of Mrs. Murphy as a Fox.

All the principal men of the tribe held a council at my house and agreed to put the children of Mrs. Murphy on the roll if the boys would act like them (the Indians), that is, when they make a feast they should invite the Indian people, and the Indian people would invite them when they made a feast.

This therefore is the testimony offered in support of the claim of applicants. It is positive and clear, much more so than in the majority of cases where pedigree is the subject-matter of the inquiry. The evidence against the claim of applicants is entirely negative, and much of it the weakest kind of hearsay.

We claim through Me-nom-o-ne-quah, a Fox woman, and full blood. She was always treated by the Indians as one of them, sharing with them in all rights and benefits incident to membership thereof. Margaret Murphy was her daughter, and the mother of these applicants. This fact is so fully proved that I abstain from any comment thereon. She was invited to come to the reservation, and did. Later she was put upon the roll where she now is, and for many years has had her family about and on that reservation, with the consent of the Indians. It is claimed that by one of the provisions of the treaty of 1863 these applicants are barred of any right they might otherwise have had to go upon the reservation and be enrolled as members of the tribe, they not having come in within the six months, the time fixed for all mixed-bloods to be at home, and continue their residence on the reservation. It is submitted that the provision in question is simply directory and not mandatory, nor was it intended by the parties to the treaty that it should be so. The Government has always recognized the right of an Indian tribe to recognize their own people and take back into the tribal family at pleasure.

Therefore, independent of the question of construction of the treaty contended for by me, the right of the applicants has been made absolute by the enrollment of their mother, and the subsequent conduct of the Indians makes it very plain that the Indians themselves have settled every question of blood relationship and right to be enrolled, notwithstanding the six months' limit mentioned. I have raised the bar of the treaty (if it contains one), and have settled every question in favor of the applicants' right to complete recognized membership.

Upon the facts, I submit this case for your consideration.

ISHAM REAVIS,
Counsel for Applicants.

WASHINGTON, D. C., March 12, 1890.

SIR: In accordance with your suggestion, I herewith respectfully submit the following statements as the duly authorized attorney of the Sac and Fox of the Missouri Indians relative to the re-investigation in your Department, pending the adoption of certain members of the Murphy family as beneficiaries of said tribe.

About the year 1877, and during the administration of Agent Kent of the Great Nemaha Agency, Me-nom-e-ne-quah, a woman having no Sac and Fox of the Missouri blood, while helpless and in a destitute condition, was through the kindness and generosity of the said Sac and Fox Indians adopted as a beneficiary of said tribe. This was done purely as an act of charity on the part of the said Sac and Fox tribe.

Me-nom-e-ne-quah shortly after her adoption died, leaving no children born to her after such adoption.

Mrs. Murphy, a daughter of Me-nom-e-ne-quah, who had resided in the vicinity of the Sac and Fox of the Missouri, but not on their reservation, had never claimed, asked for, or received any recognition at the hands of said tribe of Indians before the death of her mother. But some years after her mother's death, and about the year 1882 or 1883, after years of persuasion, and with the liberal use of whisky and other means of bribery, the said Sac and Fox tribe consented to place her on the rolls, with the distinct understanding "on the part of Mrs. Murphy and the Sac and Fox Indians" that her adoption was purely an act of charity, and should not in any way be considered or construed as an encouragement to her children for a like action with reference to themselves. For the purpose of substantiating this fact I herewith submit the affidavit of Dr. H. C. Linn, who was officially present in the capacity of agent for said Sac and Fox of the Missouri Indians when Mrs. Murphy was placed on their rolls as a beneficiary of said Sac and Fox Indians in the fall of 1883, and marked as Exhibit A. Some time in the month of September, 1889, the Indian Department sent General Gordon, a special Indian agent, to the Sac and Fox of the Missouri Reservation, when he took testimony for the purpose of investigating the claims made by members of the Murphy family to become beneficiaries of said tribe. At this investigation the Murphy family were ably represented by their attorney, Isham Reavis; the Indians were without counsel, nor did they ask for any, believing then, as they do now, that their interests would be fully protected by the proper officers of the Indian Department.

I am informed that General Gordon made a report at length, reviewing the whole situation and rights of parties to this controversy, and, since I have not been able to procure a copy of General Gordon's report, I desire to ask the Indian Department to furnish me with a copy of that portion of General Gordon's report relating to the claims of the Murphy family as beneficiaries of the said Sac and Fox of the Missouri tribe, which I herewith desire to become a part of the record in this case, and which I submit as Exhibit B.

It is also a fact that the children of Mrs. Murphy, who are now applying for membership, were all men and women at the time their grandmother was first treated as a beneficiary of said tribe in the year 1877, and all were certainly past their majority when Mrs. Murphy was adopted in the fall of 1883.

I understand it to be a general rule of the Indian Department, in cases of people adopted by Indian tribes, that children born after such adoption "only" can be considered as members. There is no evidence that Mrs. Murphy's children ever made any claim, or asked to become beneficiaries of said Sac and Fox of the Missouri tribe, until the year 1888, and only then through the personal solicitation of one Isham Reavis, an attorney residing in the vicinity of said reservation, in the State of Nebraska, who, it is said, is to receive the handsome attorney's fee of \$5,000, to be paid to him upon the promulgation of an order from the Indian Department adopting the several members of the Murphy family into the Sac and Fox of the Missouri tribe. On the contrary, it is a well-known fact that some years ago several members of the Murphy family moved to California, and were only induced to return within the past year, at the urgent request of their attorney, to make actual settlement on the reservation of the Sac and Fox of the Missouri, to the end of prosecuting their claims for adoption in said tribe. Frank Murphy married an Omaha woman, by whom he has several children, who, with their mother, have received allotments with the Omahas, and of which tribe they are now members.

Louis Murphy claims two children who are pure white, being by a former white husband of Louis's white wife. Many Indians on the Sac and Fox Reservation insist that Philip Murphy has no right to the name of Murphy, and that his rightful name is Philip Solomon. There is not a living person of the Sac and Fox of the Missouri tribe who ever knew Me-nom-e-ne-quah before she accidentally drifted among them.

Under date of July 27, 1889, the honorable Secretary of the Interior rejected the application of the Murphy family who sought to be adopted into the Sac and Fox of the Missouri tribe, and directed their removal from the said Sac and Fox Reservation. This order was, however, suspended on the personal solicitation and urgent request of the attorney above quoted, whom I think is at the bottom of all trouble on said Sac and Fox Reservation now.

Not having as yet been permitted to examine the additional evidence, "if any," presented by the attorney of the Murphy family, since the order of July 27, 1889, was rescinded, I can only say, that if the Murphy claims depend upon the evidence of one Joseph Tesson, "if necessary," there would be no trouble showing that the said Tesson is an interested party in securing the adoption of the Murphy family, because the said Joseph Tesson, insists and claims, and as I verily believe is, the lawful brother of Me-nom-e-ne-quah, and that the Murphy family are therefore blood relations of the said Tesson. There can be no question but that there is a deep laid scheme to confiscate, by fraud and political influence, this little but valuable reservation.

I also desire to call your attention to article 7 of the treaty between the United States and the Sac and Fox, of the Missouri Indians, promulgated March 26, 1863, which provides as follows, to wit: No person not a member of either of the tribes, parties to this convention, shall go upon the reservations or sojourn among the Indians without a license or written permit from the agent or Superintendent of Indian Affairs, except Government employes or persons connected with the public service. And no mixed blood Indians, except those employed at some mission, or such as may be sent there to be educated, or other members of the aforesaid tribes, shall participate in the beneficial provisions of this agreement of former treaties, unless they return to and unite permanently with said tribes, and reside upon the respective reservations, within six months from the date of this convention.

The Sac and Fox of the Missouri tribe have never been consulted, nor their consent obtained looking toward the adoption of any one of the Murphy family since 1883, and herewith enter a solemn protest against permitting any of the Murphy family becoming beneficiaries of their tribe. It is very clear that by the adoption of Me-nom-e-ne-quah, Mrs. Murphy, her daughter, acquired no rights by the adoption of her mother. The same principle must apply to the children of Mrs. Murphy; they could acquire no rights by the adoption of their mother. So before the Murphy family can become beneficiaries they must receive affirmation action of said Sac and Fox Indians.

There are seventy-six persons of all ages only in this band of Sac and Fox Indians. They have about 8,000 acres of land; they felt secure in the title under their treaty of 1863, but because they performed an act of charity to the grand-

mother, and later the mother of this family of Murphys, keeping those two old women out of the poor-house, their descendants ask to come in and confiscate one-third of their domain, for their descendants number twenty-one. These Indians are enlightened and industrious, have good farms, highly cultivated, and good houses, all the result of their hard labor, and now comes a squad of persons, a few with perhaps some Indian blood in their veins, while the rest of them are purely white, but none having any of the Sac and Fox of the Missouri blood in them, ask that nearly one-third of the domain and acquired wealth of these Sac and Fox Indians be donated to them and against the protest of these Indians, who have transformed this wild prairie into highly cultivated fields, who have abandoned the wigwam for substantial, and some elegant houses, who have become civilized, Christianized and cultivated.

No such outrage was ever sought to be perpetrated upon any people by this Government since it had an existence.

In view of all these facts I earnestly urge that the order bearing date July 27, 1889, ordering the removal of the Murphy claimants from said reservation, be re-issued and promulgated at once, so that the lands now occupied by the several members of the Murphy family may be occupied and cultivated by the rightful owners thereof.

I understand there are a number of affidavits in transit to Washington concerning this case. Should they come before any action is taken by the Department, I ask permission to file them and become a part of this case, as well as any other evidence of which I may become possessed, so that the full rights guaranteed to these Indians by the treaty of 1863 may be completely restored to them.

I also have a petition from these Indians asking that their lands be allotted on conditions therein named, which I will in due time present to your Department for favorable consideration.

All of which is respectfully submitted.

Attorney for the Sac and Fox of the Missouri Indians.

The SECRETARY OF THE INTERIOR,
Washington, D. C.

POTTAWATOMIE AND GREAT NEMAHA SCHOOL,
Hoyt, Kans., January 21, 1890.

SIR: I respectfully beg leave to inform you that Mr. Isham Reavis, of Falls City, Nebr., attorney for the Murphy family, who are seeking enrollment as members of the Sac and Fox of Missouri Indians, is guilty, not only of unprofessional and dishonorable conduct, but of continual interference with the transaction of the public business on the Iowa and Sac and Fox of Missouri Reservations in this agency, for the purpose of accomplishing his purpose as said attorney.

Ignoring the fact that a decision in this matter is now pending before the Department, he continues to misrepresent and abuse members of the tribe, as a means, as he has admitted, of forcing these people upon the tribe.

In part proof of these charges I respectfully submit for your consideration the copy of a letter written by him under date of September 17 last to William A. Margrave in reference to the subject before referred to, then under investigation by Special Indian Agent General Gordon, before whom Mr. Reavis and his clients had ample opportunity to present their case. The intention of the letter can be fully understood when it is known that it was written after the investigation was closed.

During the past month a petition has been extensively circulated throughout the country adjacent to the Sac and Fox of Missouri Reservation to the effect that Mr. Margrave has prevented the sale of that reservation by corrupt practices, and asking Congress to provide a commission to treat with the Indians for its purchase. I have good reasons for believing that this petition and the excitement concerning it is due to Mr. Reavis, and that the real purposes thereof are to discredit Mr. Margrave and other members of the tribe as a means of promoting the interests of his clients—the Murphys.

Two members of the Murphy family are married to Iowa women, and these men, with Reavis at their back, are instigating trouble on that reservation. Recently my efforts to protect the interests of an Iowa orphan child was resisted by this influence, in connection with a troublesome family of Iowas. I understand that Mr. Reavis has threatened me with serious charges on this account, which does not trouble me at all, but I am greatly concerned as to the transaction of business and the preservation of order in the future if these men can continue their course unchecked.

Very respectfully,

JOHN BLAIR,
United States Indian Agent.

Hon. T. J. MORGAN,
Commissioner of Indian Affairs, Washington, D. C.

AFFIDAVIT AND PETITION OF QUASH QUAMIE AND GEORGE GOMESS.

STATE OF NEBRASKA, *Richardson County, ss :*

On this 20th day of August, A. D. 1888, personally appeared before the undersigned, a justice of the peace in and for said county, Quashquamie, head chief of the Sac and Fox of Missouri tribe of Indians, and George Gomess, United States interpreter of said tribe, who being duly sworn depose and say that they are well acquainted with Frank Murphy, Louis Murphy, Peter Murphy, Thomas Murphy, and Margaret Le Fevre, and have been acquainted with them for twenty-five years, and with their mother and grandmother who were members of the tribe of Sacs and Foxes of Missouri, and enrolled as such, for over thirty-two years; that their grandmother died in the said tribe, and their mother still belongs and is enrolled therein; that the said Frank Murphy, Louis Murphy, Peter Murphy, Thomas Murphy, and Margaret Le Fevre are entitled to membership to the Sac and Fox of Missouri tribe of Indians, and live on the reservation of said tribe, wherefore they ask that the said Frank Murphy, Louis Murphy, Peter Murphy, Thomas Murphy, and Margaret Le Fevre be admitted into membership in said tribe.

QUASH (his x mark) QUAMIE,
Head Chief of Sac and Fox of Missouri Tribe.
 GEORGE (his x mark) GOMESS,
United States Interpreter.

Witness:

J. J. MARVIN.

Subscribed and sworn to before me this day and year first before written.

JONATHAN J. MARVIN,
Justice of the Peace.

STATE OF NEBRASKA, *Richardson County, ss :*

I, George W. Marsh, county clerk in and for aforesaid county, do certify that Jonathan J. Marvin, esq., who has signed his name to the foregoing affidavit, was at the time of so doing a justice of the peace in and for said county and State, duly elected, commissioned, and sworn; that all his official acts are entitled to full faith and credit, and that his signature thereto is genuine.

Witness my hand and seal of office this 20th day of August, 1888.

[SEAL.]

GEO. W. MARSH,
County Clerk.

AFFIDAVIT OF QUASH-QUA-MA.

STATE OF NEBRASKA, *County of Richardson, ss :*

I, Quash-qua-ma, head chief of the Sac and Fox tribes of Missouri Indians, located on their reservation at the Great Nemaha Agency, which reservation lies partly in the county of Brown, in the State of Kansas, and partly in the county of Richardson, in the State of Nebraska, being duly sworn, on oath state, that on the 4th day of April, 1889, on the reservation of my people, a council was had of the chiefs and head-men of the tribes, when the matter of putting the following-named persons on the roll of the tribes was discussed and decided: Frank Murphy, Peter Murphy, Louis Murphy, Thomas Murphy, Philip Murphy, and their sister, Maggie Murphy, now Maggie Le Fevre, by marriage. All these last named persons are the children of Margaret Murphy, who is a member of the Sac and Fox tribes of Missouri Indians, and has her name on the rolls of said tribes, and been resident on the reservation of the tribes for many years.

Affiant states that at the council above mentioned it was unanimously determined to place the names of the children of Mrs. Margaret Murphy on the rolls of the tribes, and allow them to share in the benefits of their fellow members of the tribes, secured and extended to them by the Government of the United States. Affiant states that after holding said council and authorizing said above-named parties to continue their residence upon said reservation, they were further authorized to select lands thereon in accordance with the terms of the act of Congress providing for the allotment and disposition of the lands of said tribes, as their distributive share of said lands, which they have done with the entire approval of myself and the council above mentioned.

Affiant further states that there is a white man on said reservation by the name of William A. Margrave, who has intermarried into said tribe, who has by bribery and other corrupt means so far dominated the affairs of my people as to be able to control matters largely in his own interests, and to the manifest injury of the Indians. I state

what I know of my own knowledge, that said Margrave, by the use of money and by feasting the Indians, he induced many of the members of the tribe to protest against allowing the Murphy family any lands or other rights as members of the tribes; that if allowed to have their own way untrammelled by the corrupting influences of said Margrave, the determination of said council would not have been disturbed or interfered with.

Affiant further states that said Margrave has control of the whole of the lands of said reservation with the exception of one quarter section; has pushed my people aside and introduced white families into the houses built by the General Government for the benefit of the Indians; has out and caused to be cut large quantities of growing timber on the reservation and sold the same for his own gain and profit; has sold large quantities of stone for building and other purposes, and also large quantities of sand for plastering purposes and converted the proceeds for the same to his own use. He also rents large quantities of the arable land on the reservation to the extent of many thousands of acres, and not a cent of benefit goes to my people. He sells every year all the grass land to the amount of 2,500 acres, usually for \$2 per acre, and gives the Indians only \$500 of the amount. In fact, for the last twenty years the man Margrave has systematically swindled and cheated my people in every way possible, until he has waxed rich and my people have been made poorer than ever.

Affiant states that said Margrave cultivates from 3,000 to 5,000 acres of our lands every year, for which he pays the Indians nothing. The land is thus being worn out without yielding its rightful owners any advantage or benefit. Affiant asks the authorities at the seat of Government to investigate the matters herein referred to, to the end that justice may be done between Margrave and the Indians he has been engaged in robbing; and also that it may be determined whether they are at liberty to share with their blood relations their lands and other properties of the tribe. Affiant states that the facts set forth herein can be established by ample proof and at any time.

Signed in my presence.
ISHAM REAVIS.

QUASH-QUA-MA (his x mark).

Signed in my presence, and sworn to before me this 3d day of July, 1889.

JONATHAN J. MARVIN,
Justice of the Peace.

LINCOLN, NEBR., *September 17, 1889.*

SIR: I am thoroughly convinced that you are guilty of conspiring with certain of the Sac and Fox tribe of Indians to prevent the Murphy people from having their rights on that reservation, and, being so convinced, I have determined to sue you in the United States circuit court for the district of Nebraska for the sum of \$50,000, the value of the interest of my clients, as members of that tribe, unless, in the space of one week, they are fully recognized and placed on the roll. We will see then what a jury will say as to their blood relationship with the Sacs and Foxes. You are the disturbing element, and you I shall hold responsible.

Very truly, etc.,

ISHAM REAVIS.

Mr. WILLIAM A. MARGRAVE,

POTTAWATOMIE AND GREAT NEMAHA AGENCY,
January 20, 1890.

I hereby certify on honor that the foregoing is a true copy of a letter now on file in the office of this agency, written by Isham Reavis to William A. Margrave, under date of September 17, 1889.

JOHN BLAIR,
United States Indian Agent.

WASHINGTON, D. C., *March 12, 1890.*

SIR: In accordance with your suggestion, I herewith respectfully submit the following statements as the duly authorized attorney of the Sac and Fox of the Missouri Indians relative to the re-investigation in your Department, pending the adoption of certain members of the Murphy family as beneficiaries of said tribe without consent from the Indians.

About the year 1877, and during the administration of Agent Kent, of the Great Nemaha Agency, Me-nom-e-ne-quah, a woman having no Sac and Fox of the Missouri blood, while helpless and in a destitute condition, was through the kindness and generosity of the said Sac and Fox Indians adopted as a beneficiary of said tribe. This was done purely as an act of charity on the part of the said Sac and Fox tribe.

Me-nom-e-ne-quah shortly after her adoption died, leaving no children born to her after such adoption.

Mrs. Murphy, a daughter of Me-nom-e-ne-quah, who had resided in the vicinity of the Sac and Fox of the Missouri, but not on their reservation, had never claimed, asked for, or received any recognition at the hands of said tribe of Indians before the death of her mother. But some years after her mother's death, and about the year 1882 or 1883, after years of persuasion and with the liberal use of whisky and other means of bribery, the said Sac and Fox tribe consented to place her on the rolls, with the distinct understanding, "on the part of Mrs. Murphy and the Sac and Fox Indians," that her adoption was purely an act of charity, and should not in any way be considered or construed as an encouragement to her children for a like action with reference to themselves. For the purpose of substantiating this fact I herewith submit the affidavit of Dr. H. C. Linn, who was officially present in the capacity of agent for said Sac and Fox of the Missouri Indians when Mrs. Murphy was placed on their rolls as a beneficiary of said Sac and Fox Indians, in the fall of 1883, and marked as exhibit "A." Some time in the month of September, 1889, the Indian Department sent General Gordon, a special Indian agent, to the Sac and Fox of the Missouri Reservation, when he took testimony for the purpose of investigating the claims made by members of the Murphy family to become beneficiaries of said tribe. At this investigation the Murphy family were ably represented by their attorney, Isham Revis; the Indians were without counsel, nor did they ask for any, believing then, as they do now, that their interests would be fully protected by the proper officers of the Indian Department.

I am informed that General Gordon made a report at length reviewing the whole situation and rights of parties to this controversy, and since I have not been able to procure a copy of General Gordon's report, I desire to ask the Indian Department to furnish me with a copy of that portion of General Gordon's report relating to the claims of the Murphy family as beneficiaries of the said Sac and Fox of the Missouri tribe, which I herewith desire to become a part of the record in this case and which I submit as Exhibit B.

It is also a fact that the children of Mrs. Murphy, who are now applying for membership, were all men and women at the time their grandmother was first treated as a beneficiary of said tribe in the year 1877, and all were certainly past their majority when Mrs. Murphy was adopted in the fall of 1883.

I understand it to be a general rule of the Indian Department, in cases of people adopted by Indian tribes, that children born after such adoption "only" can be considered as members. There is no evidence that Mrs. Murphy's children ever made any claim or asked to become beneficiaries of said Sac and Fox of the Missouri tribe until the year 1888, and only then through the personal solicitation of one Isham Revis, an attorney residing in the vicinity of said reservation in the State of Nebraska. On the contrary, it is a well-known fact that some years ago several members of the Murphy family moved to California, and were only induced to return within the past year, at the urgent request of their attorney, to make actual settlement on the reservation of the Sac and Fox of the Missouri, to the end of prosecuting their claims for adoption in said tribe. Frank Murphy married an Omaha woman, by whom he has several children who, with their mother, have received allotments with the Omahas, and of which tribe they are now members.

Louis Murphy claims two children who are pure white, being by a former white husband of Louis's white wife. Many Indians on the Sac and Fox Reservation insist that Philip Murphy has no right to the name of Murphy, and that his rightful name is Philip Solomon. There is not a living person of the Sac and Fox of the Missouri tribe who ever knew Me-nom-e-ne-quah before she accidentally drifted among them.

Under date of July 27, 1889, the honorable Secretary of the Interior rejected the application of the Murphy family, who sought to be adopted into the Sac and Fox of the Missouri tribe, and directed their removal from the said Sac and Fox Reservation. This order was, however, suspended on the personal solicitation and urgent request of the attorney above quoted, who I think is at the bottom of all trouble on said Sac and Fox Reservation now.

Not having, as yet, been permitted to examine the additional evidence, "if any," presented by the attorney of the Murphy family, since the order of July 27, 1889, was rescinded, I can only say that if the Murphy claims depend upon the evidence of one Joseph Tesson, "if necessary," there would be no trouble showing that the said Tesson is an interested party in securing the adoption of the Murphy family, because the said Joseph Tesson insists and claims, and as I verily believe is, the lawful brother of Me-nom-e-ne-quah, and that the Murphy family are therefore blood relations of the said Tesson. There can be no question but that there is a deep-laid scheme to confiscate by fraud and political influence this little but valuable reservation.

I also desire to call your attention to article 7 of the treaty between the United States and the Sac and Fox of the Missouri Indians, promulgated March 26, 1863,

which provides as follows, to wit: No person not a member of either of the tribes parties to this convention shall go upon the reservations or sojourn among the Indians without a license or written permit from the agent or superintendent of Indian affairs, except Government employés or persons connected with the public service. And no mixed-blood Indians, except those employed at some mission or such as may be sent there to be educated, or other members of the aforesaid tribes, shall participate in the beneficial provisions of this agreement or former treaties unless they return to and permanently unite with said tribes and reside upon the respective reservations within six months from the date of this convention.

The Sac and Fox of the Missouri tribe have never been consulted, nor their consent obtained, looking toward the adoption of any one of the Murphy family, and herewith enter a solemn protest against permitting any of the Murphy family becoming beneficiaries of their tribe. It is very clear that, by the adoption of Me-nom-o-nequah, Mrs. Murphy, her daughter acquired no rights by the adoption of her mother. The same principle must apply to the children of Mrs. Murphy. They could acquire no rights by the adoption of their mother. So, before the Murphy family can become beneficiaries, they must receive affirmative action of said Sac and Fox Indians.

There are seventy-six persons of all ages only in this band of Sac and Fox Indians. They have about 8,000 acres of land; they felt secure in the title under their treaty of 1863, but because they performed an act of charity to the grandmother, and later the mother of this family of Murphys, keeping these two old women out of the poor-house, their descendants ask to come in and confiscate one-third of their domain, for their descendants number twenty-one. These Indians are enlightened and industrious, have good farms, highly cultivated, and good houses, all the result of their hard labor; and now comes a squad of persons, a few with perhaps some Indian blood in their veins, while the rest of them are purely white, but none having any of the Sac and Fox of the Missouri blood in them, ask that nearly one-third of the domain and acquired wealth of these Sac and Fox Indians be donated to them, and against the protest of these Indians, who have transformed this wild prairie into highly cultivated fields; who have abandoned the wigwam for substantial and some elegant houses; who have become civilized, christianized, and cultivated.

No such outrage was ever sought to be perpetrated upon any people by this Government since it had an existence.

In view of all these facts, I earnestly urge that the order bearing date July 27, 1889, ordering the removal of the Murphy claimants from said reservation be re-issued and promulgated at once, so that the lands now occupied by the several members of the Murphy family may be occupied and cultivated by the rightful owners thereof.

I understand there are a number of affidavits in transit to Washington concerning this case. Should they come before any action is taken by the Department, I ask permission to file them and become a part of this case, as well as any other evidence of which I may become possessed, so that the full rights guaranteed to these Indians by the treaty of 1863 may be completely restored to them.

I also have a petition from these Indians asking that their lands be allotted on conditions therein named, which I will in due time present to your Department for favorable consideration.

All of which is respectfully submitted.

J. SCHILLING,

Attorney for Sac and Fox of the Missouri Indians.

The SECRETARY OF THE INTERIOR,
Washington, D. C.

DISTRICT OF COLUMBIA, ss:

Personally appeared before me, a notary public in and for the District of Columbia, H. C. Linn, of lawful age, who first being duly sworn, deposeth and says, that he was United States Indian Agent for the Indians in Kansas from 1878 till 1884; that he assumed charge of the Great Nemaha Agency, consolidated with the Pottawatomie Agency, in 1882; that the Great Nemaha Agency included the Sac and Fox Indians of the Missouri; that he remembers distinctly that at the fall payment of said Sac and Fox Indians in 1883, Mrs. Murphy was placed upon the rolls by adoption by said Sac and Fox Indians; that it was distinctly understood by Mrs. Murphy and said Sac and Fox Indians that her adoption was purely an act of charity by said Sac and Fox Indians towards said Mrs. Murphy, not that she had any tribal rights, and that her adoption imparted no rights to her children or any one else, but that she should be the sole beneficiary.

H. C. LINN.

Subscribed to in my presence and sworn to before me this, the 11th day of March, 1890.

[SEAL.]

JOHN J. WILMARTH,
Notary Public, D. C.

We, the undersigned, adult male members of the Sax and Fox Missouri tribe of Indians now residing on the Sax and Fox Reservation in Kansas and Nebraska, do hereby constitute and appoint John Schilling, of Brown County, Kans., our true and lawful attorney to maintain and defend our rights and protect the interest of said tribe, in any matter now pending, or that may hereafter be set for hearing and determination before the honorable the Commissioner of Indian Affairs or the honorable the Secretary of the Interior, especially in the matter of the admission of Mrs. Murphy or the Murphy family into our said tribe. We further authorize and empower said John Schilling to employ and appoint such assistants and attorneys as he may deem advisable, hereby ratifying all our said attorney may or can lawfully do as fully as if we were personally present.

In witness whereof we have hereunto set our hands and seals this 3d day of March, A. D. 1890.

WAH-PE-KO- (his x mark) NIA, <i>Chief.</i>	[L. s.]
PE-TON- (his x mark) E-QUA, <i>Head-man.</i>	[L. s.]
JOSEPH (his x mark) KOSH-A-WAY, <i>Head-man.</i>	[L. s.]
THOMAS (his x mark) CONNEL.	[L. s.]
JOHN (his x mark) ROUIDOUX.	[L. s.]
JOSEPH ROUIDOUX, <i>Interpreter.</i>	[L. s.]

Witness:

R. F. BUCKLES,
H. J. ATEN.

STATE OF KANSAS, *Brown County ss :*

Be it remembered, that on this 3d day of March, A. D. 1890, personally appeared Wa-Pe-Ko-Nia, chief; Pe-ton-e-qua, a head-man; Joseph Kosh-a-way, a head-man; Thomas Connel, John Robidoux, and Joseph Roubidoux, interpreter of the Sax and Fox Missouri tribe of Indians, and after having the above power of attorney duly explained to them, signed and acknowledged the same as their free act and deed.

Witness my hand and notarial seal the day and year last above written.

[SEAL.]

R. F. BUCKLES.
Notary Public.

This is a question involving the right of the Murphy children to enrollment in the Sac and Fox tribe of Missouri. These are the children of Margaret Murphy, who was the daughter of Me-nom-o-ne-quah.

The question of the right of enrollment in the Sac and Fox tribe turns altogether upon the nationality of Me-nom-o-ne-quah. This matter was before the Department in May last. It was subject to a partial investigation by the Indian agent, who reported that, to the best of his knowledge and information, Me-nom-o-ne-quah was a Menomonee, and not a Sac and Fox Indian. On this report the commissioner advised against the enrollment of the Murphy children, and on this advice of the commissioner the Secretary directed that they should be put off the reservation. This question was again investigated in September, and a special agent of the Indian Office sent to the agency to hear testimony on both sides. His report is long, but is rather in the nature of an argument against the enrollment than an impartial abstract and review of the testimony. He advises against the enrollment, it being clear to his mind that Me-nom-o-ne-quah was not a Sac and Fox Indian but a Menomonee. The evidence is voluminous and contradictory.

The strength of the testimony for the claimants lies principally in these facts:

First. Me-nom-o-ne-quah was enrolled with the Sac and Fox Indian tribe so early as 1863.

Second. Her daughter, Margaret Murphy, was enrolled several years ago.

Third. Quash-pah-me, the chief of the tribe, states that Me-nom-o-ne-quah was a close relation of his, and that he invited the Murphys to the reservation. (Record, pages 46, 47, 52, 54.)

The points of the special agent are—

First. That Me-nom-o-ne-quah was adopted as a sister of Nash-a-Ness, and thus became a member of the tribe, it being the custom to adopt people in this manner.

Second. That her name, Me-nom-o-ne-quah, is strongly indicative of the fact that she was a Menomonee, the name meaning Menomonee woman. There is a good deal of hearsay evidence, as statements made by Ma-nom-o-ne-quah that she was a Menomonee.

These facts are met by the evidence of the chief that at the time Me-nom-o-ne-quah was enrolled nobody who did not belong to the tribe was enrolled. (Record, page 50.) The name of Me-nom-o-ne-quah was explained by the fact that Me-nom-o-ne-quah's real name was Pah-wet-ah-moke; that her grandmother was a half-breed Menomonee, and in this way she got her nick name. (Record, page 16.) There is much

evidence, also hearsay, that she nor any one else ever said she was a Menomonee. There is no question that the considered father of Me-nom-o-ne-quah, Ah-mo, was a Sac and Fox Indian, and in good standing in the tribe.

I think the evidence clearly proves that Me-nom-o-ne-quah was a Sac and Fox Indian. The question is doubtful, even taking the view most unfavorable to the claimants, and it is recommended by the commissioner in his letter of February 13, as being in conformity with the custom of the Indian Office, that doubts should be solved in favor of claimants.

UNITED STATES SENATE,
Washington, D. C., February 18, 1890.

SIR: Inclosed please find letter from Hon. Isham Reavis, of Falls City, Nebr. He has been here in the interest of certain half-breed clients, now resident in Nebraska, who claim to be entitled to certain property rights as member of the Sac and Fox tribe of Indians. The Indian Office has decided his case in his favor, and, as will be seen by the inclosed letter, he is desirous of a speedy approval of the decision of the Commissioner of Indian Affairs.

Judge Reavis is a good lawyer and an excellent man, and I would be pleased to see his desires gratified. I have no knowledge, however, concerning the merits of the controversy.

Respectfully yours,

CHAS. F. MANDERSON.

Hon. JOHN W. NOBLE,
Secretary of the Interior, Washington, D. C.

NATIONAL HOTEL,
Washington, D. C., February 17, 1890.

DEAR SIR: The Commissioner of Indian Affairs and his assistant have both decided my case in favor of my clients, and the matter now goes to the Secretary of the Interior for his approval.

The only point upon which they hesitated was "what operative force" does the treaty of 1863 have upon my clients' rights to be enrolled. The treaty provides that mixed bloods should go upon the reservation and live there within six months or forfeit their rights. I claim that this provision is simply directory; but even if it should be held to be mandatory the Indians by acts *in pais* have set aside its operation by enrolling the grandmother and the mother of the applicants as members of the tribe and by agreeing to enroll my clients within the year. The commissioner takes my construction of the treaty, and I wish you would call on the Secretary of the Interior to-morrow and help me to get his approval. I am compelled to leave for home to-night, and therefore can not see you again, but I sincerely hope you will give me the benefit of your influence with Secretary Noble to get my matter through.

It is the application of Frank Murphy and brothers and sister to be enrolled as members of the Sac and Fox tribe of Indians.

Please write me the result.

Very truly, etc.,

ISHAM REAVIS.

Hon. CHAS. F. MANDERSON.

[Telegram.]

DEPARTMENT OF THE INTERIOR, February 20, 1890.

COMMISSIONER OF INDIAN AFFAIRS:

It is reported that you have decided to admit the Murphy family into the Sac and Fox tribe; if so, please defer action until you hear from me. Answer.

E. N. MORRILL.

UNITED STATES INDIAN SERVICE,
POTTAWATOMIE AND GREAT NEMAHHA AGENCY,
Hoyt, Kans., May 17, 1889.

SIR: By request of the Sac and Fox of Missouri Indians I herewith respectfully submit for your consideration their protest against admitting the Murphy family to membership in the tribe, and requesting their removal from the reservation; also a statement bearing on the subject from M. B. Kent, formerly agent of the Indians.

While making payment to the Indians recently I became fully satisfied that an ill-feeling existed between the Indians and the Murphys, and that the last-named people had at least been making very imprudent remarks, if not engaging in actual threats.

The Murphys are breaking land and otherwise conducting themselves as if though there was no doubt of a favorable decision being made in their case, at which the Indians are indignant and restless.

Very respectfully,

JOHN BLAIR,
United States Indian Agent.

Hon. JOHN H. OBERLY,
Commissioner of Indian Affairs, Washington, D. C.

HOUSE OF REPRESENTATIVES, U. S.,
Washington, D. C., December 27, 1889.

DEAR SIR: I respectfully call your attention to the claim of the Murphys and Mrs. Lefever, of Richardson County, Nebr., with reference to which a special agent made a report some time ago. The parties referred to claim relationship with the Sac and Fox tribes of Indians located in said county, and desire to be enrolled as members of said tribe. Judge Reavis, of Richardson County, who represents the parties referred to, is very desirous that speedy action be taken with reference to this matter. I respectfully urge that this be done at your earliest convenience.

Very truly, yours,

W. J. CONNELL.

Hon. THOMAS J. MORGAN.

UNITED STATES SENATE,
Washington, D. C., January 6, 1890.

DEAR SIR: Kindly postpone any final action on the matter pending before your office relative to the right of several parties of the name of Murphy, resident in Nebraska, to be enrolled as members of the Sac and Fox tribe of Indians in their vicinity.

I shall desire to be heard upon this matter, and trust that you will see your way clear to defer action until the arrival of my friend Judge Reavis from Falls City, which takes place some time during the present month.

Respectfully, yours,

A. S. PADDOCK,
United States Senator.

Hon. T. J. MORGAN,
Commissioner of Indian Affairs, Washington, D. C.

SAC AND FOX RESERVE, KANSAS,
September 12, 1889.

SIR: I have received your telegram of the 11th instant, saying that instructions to investigate Murphy matter had been sent to me at Pottawatomie on August 23. I have not as yet received said instructions but will proceed with the investigation on tomorrow. I have written to Pottawatomie for the instructions and suppose they will be here in a few days.

It will require perhaps a week to ten days to make this investigation (it may be longer) as I understand that claimants will introduce a large number of witnesses. I will keep you advised as to the progress of the case.

Very respectfully, your obedient servant,

GEO. W. GORDON,
Special Agent.

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

UNITED STATES INDIAN SERVICE,
POTTAWATOMIE AGENCY, KANSAS,
August 13, 1889.

SIR: I have the honor to acknowledge receipt of office letter "law and land, 2600, 6020, and 17521," dated July 27, 1889, together with the following inclosures: "Copy

of office letter to Jesse F. Warner, agent, January 15, 1889; copy of letter of Secretary of the Interior to Commissioner of Indian Affairs, dated January 28, 1889; copy of office letter to Jesse F. Warner, Indian agent, dated February 15, 1889; copy of a form of an agreement for Indians to sign in the event they agree to set apart 5 acres of land for the use of the Woman's National Indian Association for missionary and educational purposes," etc. "A plat of the 5 acres of land selected by the association for their purpose."

The said inclosures will be returned to your office with my report upon the subject in question, and which report I will endeavor to forward just as early as possible after completing the work assigned on the Sac and Fox Reservation in office letter dated July 19, 1889.

Very respectfully, your obedient servant,

GEO. W. GORDON,
Special Indian Agent.

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

MILLARD HOTEL,
Omaha, Nebr., August 24, 1889.

SIR: I take great pleasure in introducing Hon. Isham Reavis, of Falls City, Nebr., who desires to present the claims of certain half-breeds of the Sac and Fox tribes of Missouri Indians, who, it is claimed, are being deprived of their rights.

Judge Reavis is not only one of our most prominent citizens and a gentleman worthy of all credit, but he is also a lawyer of rare ability. I hope he may be granted full opportunity to be heard, and that until he can present the case of his clients no action will be taken by the Department.

Respectfully, yours,

CHARLES F. MANDERSON.

Hon. THOMAS J. MORGAN,
Commissioner of Indian Affairs, Washington, D. C.

UNITED STATES INDIAN SERVICE,
SANTÉE INDIAN AGENCY, NEBR.,
October 22, 1889.

SIR: I have the honor to state that on my arrival at this place, this date, I received office letter "Law and Land, 24686," dated September 4, 1889, together with twelve affidavits in reference to the application of the Murphy family for enrollment with the Sac and Fox tribe of Indians; one petition and two letters, the latter being from the Hon. Charles F. Manderson and one W. J. Connell, fifteen inclosures in all; and I beg leave to say that my report on the Murphy matter was transmitted to your office from Topeka, Kans., on the 11th instant. I have, however, read said affidavits, and in view of their *ex parte* nature, and of the general character of the allegations therein, and of the fact that only three of the twelve affiants were brought before me by the claimants or their counsel when they had an opportunity to do so, and in view of the testimony forwarded to your office by me with my said report, and of all the circumstances surrounding the case, I do not modify the findings or recommendations made in regard thereto in my said report under date of September 23, 1889, and forwarded to your office as aforesaid on the 11th instant.

It is singular that only three (Quosh-poh-me, George Gomen, and Margaret Murphy) of these twelve affiants, some of whom seem to have sworn very freely in their *ex parte* affidavits, were not brought before me by the claimants and their counsel during my investigation. All of these affiants, except the three mentioned, seem to be outsiders, or white persons living off of the reserve; and if, as such intelligent persons they really knew so much of the matters about which they undertook to make oath, I repeat that it is singular that the claimants and their counsel did not bring them before me, and have their evidence go in with the regular investigation of their case. The said twelve affidavits, one petition, and two letters, which it appears were misssent from your office to me at this agency instead of to the Pottawatomie Agency where instructions and other papers touching this matter were sent, are herewith respectfully returned.

I notice among these papers a petition to the Commissioner of Indian Affairs, without date, asking that the Murphys be enrolled as members of the Sac and Fox tribe of Indians, and to which petition is appended the signatures, by mark, of Quosh-poh-

me, Wop-connie, and Joseph Ko-sha-way, and I take this to be the petition to which Ko-sha-way called my attention when I was on the reserve, and to which circumstance I referred in my said report of September 23, 1889, on pages 129 and 130 thereof. Ko-sha-way stated to me that the Murphys met him in the road and asked him to sign the petition, and that he at first declined to do so, but that they pushed the paper and pen into his face and told him he must sign it, and that he then did so because he was afraid not to do so. He further said that no one signed the petition but himself and Quosh-poh-me, but that the Murphys had "stolen" (forged) the names of Woh-poh-co-ni-ah and Pe-oh-tol-i-quah, and put them on the petition. Woh-poh-co-ni-ah and Pe-oh-tol-i-quah both informed me that if their names were on such a petition they were "stolen" (forged), as they had not signed it. I notice the name Wapconnie to the petition as second chief, and which was evidently intended for Woh-poh-co-ni-ah, who is the second chief of the tribe. And if he tells the truth—and I have no reason to doubt his statement—his signature to this petition is a forgery. If I had received these papers before leaving the reserve I should have had this petition interpreted to the Indians whose names are appended to it, and then have interrogated them under oath as to whether or under what circumstances they signed the petition.

Very respectfully, your obedient servant,

GEO. W. GORDON,
Special Indian Agent.

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

UNITED STATES INDIAN SERVICE,
Topeka, Kans., October 11, 1889.

SIR: I have the honor to transmit herewith the record (testimony and my report), in the matter of the claim of Frank Murphy and others to tribal rights with the Sac and Fox of the Missouri tribe of Indians, and beg leave to say that I have been engaged longer in the preparation of my report than I expected to be when I last advised you in regard thereto. I have found this a tedious piece of work, and, as will be seen, my report is very voluminous (130 pages of legal cap), owing to an extended recapitulation of the testimony in the body of the report, and also to the frequent and repeated citations of the testimony throughout the progress of the report. This was done for greater clearness.

I began this report at White Cloud, Kans., on September 23, but afterward found it necessary to suspend its preparation, and to visit the Pottawatomie Agency to examine the records there, but which afforded me no information. I also again suspended work upon it in order to make out my accounts for the quarter ending September 30, 1889, and which were forwarded to your office on the 5th instant. With these delays and the very elaborate character of the report, I have been unable to forward it earlier. I have endeavored to make as much haste as possible, but not to make haste at the expense of accuracy or thoroughness in my examination and analysis of the testimony.

I will, on to-morrow, begin my report upon my investigation of the complaints against W. A. Margrove, contained in the letters of Isham Reovis of date May 11, 1889, and August 14, 1889. It will not be so extended as the one herewith forwarded. As will be observed from my report herewith, I refer to the testimony in this second case by way of showing the unreliability of the testimony of Frank Murphy, who is a witness in both cases. This second record will be forwarded in a few days, and just as soon as I can prepare my report thereon.

Very respectfully, your obedient servant,

GEO. W. GORDON,
Special Indian Agent.

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

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

Your petitioners, the chiefs and members of the Sac and Fox tribes of Missouri Indians, respectfully request that the following-named persons be put upon the roll of our said tribes, to wit: Thomas Murphy, Frank Murphy, Louis Murphy, Peter Murphy, Phillip Murphy, and Maggie Lasaver.

The above-named persons are the children of Margaret Murphy, a mixed-blood of our said tribes, and a member of our said tribes; and whose name is now on said roll and has been for many years past.

We, therefore, respectfully ask that they be enrolled as members of our tribes, and accorded all the privileges and benefits belonging to members of our tribes.

QUASH (his x mark) QUAMA,
Head Chief.
 WAP (his x mark) CONNIE,
Second Chief.
 JOSEPH (his x mark) KOSHAWA,
Head Man and Third Chief.

POTTAWATOMIE AND GREAT NEMAHA AGENCY,
 SAC AND FOX (OF MISSOURI) RESERVATION,
 May 9, 1889.

Mr. JOHN BLAIR,
United States Indian Agent, Pottawatomie and Great Nemaha Agency, Kansas :

SIR: We, the undersigned chiefs and other members of the Sac and Fox (of Missouri) tribe of Indians, respectfully beg leave to inform you that Frank Murphy, Thomas Murphy, Peter Murphy, and other members of the Murphy family are now residing upon and claiming an interest in our reservation; though they are not members of our tribe by descent or adoption. It is susceptible of easy proof that they have resorted to bribery and threats of a violent nature for the purpose of inducing the Indians to assent to their demands for recognition as members of the tribe, and there are now many of us fearful of personal injury from these men should their demands be disregarded.

Their claim is totally without foundation, and we not only protest against its further consideration, but ask that the family be immediately removed from the reservation.

An act of charity on our part in favor of an aged and helpless woman, who was not of our blood at all, years ago, is certainly no reason we should now admit to membership all her descendants.

Very respectfully, your obedient servants,

Wappe-konia (his x mark), Joseph Koshia (his x mark), Thomas Connel (his x mark), George Gomes (his x mark), Wah-ko (his x mark), W. A. Margrave, Mary Koshiway, Magre-ja-me (her x mark), Ke-ko-na (her x mark), Wah-ses-equa (her x mark), Mary Wappekonia (her x mark), Maggie Margrave, Annie Roubidoux (her x mark), Maggie Roubidoux (her x mark), Pa-qua-ske-ta (her x mark), Pe-qua-no (her x mark), Wa-wa-sa-mo-qua (her x mark), Eliza Gomas (her x mark), Ma-che-we-ua (her x mark), Sallie Dorian (her x mark), J. E. Le Clere, Pe-at-one-qua (his x mark), Henry Shaquina (his x mark), Willie Deroin (his x mark), Edmore Roubidoux (his x mark), Shawne (her x mark), John Roubidoux (his x mark), Wah-wa-sah (her x mark), Wm. Alley (his x mark), Che-ka-ka (her x mark).

SAC AND FOX (OF MISSOURI) RESERVATION,
 May 9, 1889.

I hereby certify that the foregoing letter was interpreted to all the Indians whose names are signed thereto; that they fully understood it, and that their marks are genuine and were made in my presence.

GEORGE (his x mark) GOMES,
Interpreter.

Witness to mark:
 NANNIE E. MARGRAVE.
 ELMER MOSELLON.

AFFIDAVIT OF MARGARET MURPHY.

STATE OF NEBRASKA,
 County of Richardson, ss:

Margaret Murphy, of lawful age, being duly sworn on oath states: I am the mother of Frank, Thomas, Peter, Louis, and Phillip Murphy and Mrs. Maggie Le Fevre, who are applicants for enrollment as members of the Sac and Fox tribes of Missouri Indians at the Great Nemaha Agency in Kansas and Nebraska. I am the daughter of

Mah-nosi-o-nee-quah, a full-blood Fox Indian woman, who was born in the tribe, lived among them till the time of her death, when she was more than one hundred years old, on account of which great age she was pensioned by the tribe many years before she died. The tribe has always recognized me as one of their people, and I have resided among them and my name has been upon their roll and I have received my annuity regularly every year since I became permanently resident in their midst, which I did several years ago at their special invitation. The present head chief, Quash-qua-ma, is a first cousin of mine. His mother and my mother were sisters. My children have always been acknowledged by the chiefs and head men of the two confederate tribes, now altogether substantially one people, to wit, the Sac and Fox tribes, and are resident on the reservation to which they were invited by the members of the tribe, as their blood relations. My sons have deported themselves always as good, peaceable, law-abiding people; and since their stay on the Indian reservation have had no trouble with anybody, though one William A. Margrave, a white man, who has intermarried with a half-breed Indian woman, and is living on the reservation, has done all he could to involve my sons in difficulties for the purpose of having an excuse to prefer complaint against them in order to compass their removal from the reservation. This man Margrave rules the reservation and the Indians resident thereon, with power as absolute as a king, or the autocrat of all the Russias. He has nearly the whole reservation in a farm, and enjoys the revenues of the same like an English landed proprietor, paying the Indians never a cent for the use of the land, and has taken the houses built by the Government for the use of the Indians and has filled them with his white tenants. On the 4th day of last April a council was had by these Indians, when it was agreed that my children should be put upon the roll, but the said Margrave set about to prevent it, and by bribing some and feasting others he induced some of them to protest against the proposed enrollment of my children. If the Indians could be let alone by this designing person, not a voice would be raised against them, and further saith not.

MARGARET MURPHY.

Sworn to before me, and subscribed in my presence, this August 24, 1889.

JONATHAN J. MARVIN,
Justice of the Peace.

STATE OF NEBRASKA,
County of Richardson, ss :

Quash-qua-ma, the head chief of the Sac and Fox Indians, being duly sworn, on oath says: The contents of the affidavit above and foregoing has been fully interpreted and explained to me until I fully understand it, with all its contents, and the same is true in every particular of my own knowledge, and further affiant saith not.

QUASH (his x mark) QUA-MA,
Head Chief of Sac and Fox Indians.

I certify that the affidavit of Mrs. Margaret Murphy was explained to her and to Quash-qua-ma, the head chief of the tribe, and that they were duly sworn by me to the truth of the statements therein contained.

Witness my hand this 24th day of August, 1889.

JONATHAN J. MARVIN,
Justice of the Peace.

AFFIDAVIT OF BENJAMIN F. POTEET.

STATE OF NEBRASKA, *County of Richardson, ss :*

Benjamin F. Poteet, of lawful age, being duly sworn, on oath states: I am a citizen of Richardson County, State of Nebraska; I am personally acquainted with Frank Murphy, Peter Murphy, Louis Murphy, Philip Murphy, Thomas Murphy, and Maggie Le Fevre (formerly Maggie Murphy). These persons are the children of Margaret Murphy, a mixed-blood of the Sac and Fox tribe of Indians of Missouri, and located on the reservation of said tribe at the great Nemaha Agency, in Kansas and Nebraska.

The said Margaret Murphy is on the roll of said tribe, and has been so for many years.

It is generally known that said above-named children have the blood of said tribe in their veins, and are entitled to share in the benefits of said tribe, and would long ago have been enrolled as such but for the personal and persistent opposition of one William A. Margrave, who is a white man with no Indian blood in him, but who has married a mixed-blood woman of said tribe, and by some means got himself adopted into said tribe as a member thereof. Said Margrave has for years robbed the Indians in every conceivable manner. Has sold the grass off their land for a large sum of

money each year for the last ten or twelve years, and the Indians have received little or no benefit from such sales. Two years ago I offered \$1,000 in cash for the use of certain pasture land on the reservation, but Margrave interfered, feasted the Indians, and, by plausible talk with them, persuaded them to let him have the pasture, and only paid them, according to the statement of one of the chiefs, only two hundred dollars.

This year I offered \$1.50 per acre for about 700 acres of grass land, but Margrave again interfered, and has succeeded in getting the whole for nothing, so far as I am able to learn, and the Indians say that he never pays what he agrees to for anything he gets of them. I own a large farm in the vicinity of these Indians, and am fully acquainted with the manner in which Margrave treats these simple people. They are both poor and ignorant and he takes advantage of them in every way possible. He has some ten or twelve farms in full operation on their reservation, and has them in the possession of white families who live in the houses that the Government has built for the use of these Indians. His opposition to the Murphy family is occasioned by his fear that if they are put on the roll they will obstruct his wholesale swindling of the Indians. Margrave is an autocrat on this reservation, all-powerful, and apparently responsible to nobody. It is a fact that for years he has had the almost exclusive control of the whole reservation, and treats the Indians as so many slaves or children. He threatens them with the vengeance of the agent, who, by the way, does not live on the reservation, and only visits it at long intervals. And he has so impressed them with the notion that he can do anything he pleases with the agent, that they dare not oppose their will to his.

I further state that the Murphy people are of good, moral character, peaceable, quiet citizens, and have never, since I have known them, been in any disturbance or riotous conduct; and further saith not.

BENJAMIN F. POTEET.

Sworn to before me and subscribed in my presence this August 24, 1889.

[SEAL.]

CHAS. LOREE,
Notary Public.

AFFIDAVIT OF PETER BOLZ.

STATE OF NEBRASKA, *County of Richardson, ss :*

Peter Bolz, of lawful age, being duly sworn, on oath states: I am a citizen of Richardson County, State of Nebraska, and am engaged in the business of selling lumber and hardware at the town of Preston, in said county, which town is located near the line of the Sac and Fox Indian Reservation; am acquainted with Frank Murphy, Peter Murphy, Philip Murphy, Louis Murphy, and Thomas Murphy, and their sister, Mrs. Maggie Le Fevre (formerly Maggie Murphy). They are all quarter-breed Indians of the tribe of Sac and Fox, and are the children of Margaret Murphy, a half-breed Indian woman of said tribe, residing on the reservation and drawing an annuity as a member of said tribe from the Government of the United States. The above-named parties are all of good moral character, peaceable, sober, and quiet people. I also know that the Indians regard said Murphy children as a part of their race and tribe, and but for the intermeddling of a white renegade by the name of William A. Margrave, would have been enrolled as members of said tribe long ago. I know this man Margrave to be a swindler and of bad veracity; a man who for years has overreached and cheated these Indians notoriously and continuously, in every way conceivable or possible; their evil genius and implacable foe, who ought to be summarily expelled from among these ignorant people. What I say here is well known to hundreds of people, in fact, to everybody in the vicinity except, perhaps, the Indian agents, whom the Government has sent from time to time to watch over the interests of the Indians, who do not appear to have known of Margrave's conduct in the matters referred to; and further saith not.

PETER BOLZ.

Sworn to before me and subscribed in my presence this August 24, 1889.

JONATHAN J. MARVIN,
Justice of the Peace.

AFFIDAVIT OF ROBERT CLEGG.

STATE OF NEBRASKA, *County of Richardson, ss :*

Robert Clegg, of lawful age, being duly sworn, on oath states: I am a citizen of Richardson County, Nebraska, and have been such for the past eighteen years, and am at present the mayor of the city of Falls City in said county. I am personally ac-

quainted with Frank and Peter Murphy, and know in a general way their other three brothers. My acquaintance with these people dates from the time more particularly since they became residents on the Sac and Fox Indian Reservation near this city. They are peaceable, quiet, sober, industrious men; pay their debts promptly, and have never, to my knowledge, been guilty of any kind of disturbance or riotous conduct. By general repute they are the children of a woman belonging to said tribes of Sac and Fox of Missouri Indians, and I have always understood that they have been recognized by said Indians as having the blood of said tribes in their veins, and so a part of their race; that such recognition has been manifested by the cordial invitation of the chiefs and head men of those tribes to the Murphys to come and reside on said reservation, and share with them in the benefits incident to membership in said tribes.

I further state that I personally know William A. Margrave, a white man who has intermarried with an Indian woman belonging to said tribes of Sac and Fox Indians, and for several years has been living on said reservation, and controlling it and the Indians with a power as absolute as a king, by means of which, and his crafty conduct generally, he has grown very rich and the Indians correspondingly poor. He has the larger part of the reservation in cultivation, and enjoys the revenues thereof without paying anything beyond a mere nominal rental, as I am informed, and a beef or two now and then upon which to feast these credulous and ignorant wards of the Government. From common repute this man, Margrave, by means best known to himself and those with whom he has dealt, has had about as unlimited control of the agents appointed by the Government to superintend the affairs of the Indians as he has had of the Indians themselves. The word and will of Margrave is supreme on that reservation. He is constantly on the reservation, while the agent is there only occasionally, and I am informed consults with Margrave alone in all things pertaining to the affairs of those simple people, and if a council is held at all, it is simply to ratify some wish of Margrave, who is always careful, on such occasions, to feast the Indians in advance, in order to have them consent to his schemes. He is the evil genius of those Indians, and it is a burning disgrace to the Government that such a man is allowed to carry on his swindling practices under the eyes of men who are selected for the express purpose of protecting this helpless race. I further state that this man, Margrave, has filled all but one, as I am informed and believe, of the houses built by the Government for the benefit and comfort of Indians, with white tenants of his own who cultivate the lands of the Indians for the benefit of Margrave, while the homeless Indians live in such rude tents as they are able to construct for themselves along the streams and in the woods adjacent thereto. That what I state here from what I know personally, and from information received, is known to all the people residing in the vicinity of said reservation, and they are numerous and respectable. And I further state that I believe it the duty of those in power, and who have the care of these Indians devolved upon them by the laws of Congress and the treaties with the Indians, to see to it that Margrave be compelled to account for the use of their lands for the last thirteen years, and for the sale of the annual crops of grass for the same length of time which he has made, and by general repute has alone profited by the enterprise.

ROBERT CLEGG.

Sworn to before me and subscribed in my presence this August 27, 1889.

[SEAL.]

EZRA E. MUTZ,
Notary Public.

STATE OF NEBRASKA, *County of Richardson, ss:*

Edwin S. Towle, of lawful age, being duly sworn, on oath says: I am a citizen of Richardson County, Nebraska, and have been so for the last twenty-seven years. Have read the foregoing affidavit of Robert Clegg. Am acquainted with the facts therein set forth, and concur with him therein.

EDWIN S. TOWLE.

Sworn to before me and subscribed in my presence this August 27, 1889.

[SEAL.]

CHAS. LOREE,
Notary Public.

UNITED STATES OF AMERICA, *District of Kansas, ss:*

On this January 14th, 1889, before me, a United States commissioner, personally came James White Cloud, Franklin Dupuis, Joseph Vetter, William Green, Julia Green, Louis White Cloud, and Joseph Tesson, of the Iowa tribe of Indians, at Great Nemaha Agency, who, being by me first duly sworn according to law, upon their solemn oath say: That they are well acquainted and have been so acquainted for the

past twenty-two years, with Frank Murphy, Louis Murphy, Peter Murphy, Thomas Murphy, Philip Murphy, and Margaret Le Fevre, and well know that they are the children of Margaret Murphy, who was a daughter of Mah-non-a-ne-quah, a member of the Sac and Fox tribe of Missouri, and who, until the time of his death, was borne upon the rolls as a member of said tribe.

JAMES WHITE CLOUD.
FRANKLIN DUPUIS.
JOSEPH VETTER.
WILLIAM GREEN.
JULIA GREEN.
LOUIS WHITE CLOUD.
JOSEPH (his x mark) TESSON.

Subscribed and sworn to before me, at my office, in White Cloud, Doniphan County, district of Kansas, on this the day and year above written.

W. SHREVE,
U. S. Commissioner.

QUESTIONS TO BE ANSWERED BY APPLICANTS.

1. Give the age of each of the following-named persons:
Frank Murphy, 35; Louis Murphy, 33; Peter Murphy, 30; Thomas Murphy, 28; Phillip Murphy, 40; Maggie Le Fevre, 42.
2. Were your parents full-blood Indians of the Sac and Fox of Missouri tribe?
Answer. No.
3. What was your father's name?
Answer. James Murphy.
4. Give your mother's name before her marriage?
Answer. Margaret La Due, daughter of Mah-now-a-ne-quah.
5. How long have you lived on the reservation?
Answer. Seven years.
6. Where did you live previous to that time?
Answer. In Missouri.
7. When did you first apply for enrollment?
Answer. About seven years ago.

UNITED STATES INDIAN SERVICE,
CROW CREEK AGENCY,
Dakota, September 10, 1889.

SIR: The inclosed letter, addressed to Mr. Geo. W. Gordon, United States Special Agent, appears to have been forwarded from Hoyt, Kans., to Crow Agency, Mont., and from there to post-office here. The letter has been here more than a week, and not knowing the whereabouts of Mr. Gordon, I deem it advisable to send it direct to you.

Very respectfully,

LUKE C. HAYS,
Acting Agent.

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

FALLS CITY, NEBR., August 14, 1889.

DEAR SIR: I telegraphed you to-day requesting you to ask the Commissioner of Indian Affairs to suspend the order for the removal of Frank Murphy and his five brothers and one sister from the Sac and Fox Indian Reservation in this and Brown County, Kans. The reason for the request is this: The parties are the children of one Margaret Murphy, a member of those tribes, and who has been on the rolls of the tribes for many years. On the 4th of last April the Indians held a council at which it was determined that the five boys and one girl, children of Mrs. Murphy, should be put upon the roll as members of the tribe, but a white man by the name of William A. Margrave, who has married an Indian half-breed, and who by some means has got his own name on the roll as a member, interfered, and by bribing some of the Indians, and by feasting the balance, has succeeded in preventing the Murphys' from

being enrolled. This man Margrave, by consent of the agent in charge, has control of almost the entire reservation, and is to all intents and purposes the tribe himself. He has ten farms in his possession, and all the grass land, which he sells yearly for over \$2,000, and for which he gives nothing, as the Indians inform me; and gives not a dollar for three or four thousand acres of land comprised in the farms I have mentioned. Last year a responsible man offered \$1,000 cash for a certain portion of the grass land, but Margrave interfered and kept the grass himself, for which he told me he gave \$400, but the head chief says Margrave did not pay anything. He is the disturbing element on that reservation, and nobody else. All the citizens of this county who know any of the facts will bear witness to the facts I have stated, as well as the chiefs and head men of those tribes.

Now, I suggest that the Department order an investigation into the state of affairs on this reservation in order that the Indians may be protected and justice be done; and there should be another agent appointed for them. Mr. M. A. Frank, a relative of Judge Dunsly, is an applicant for the place, and I wish you would help him to it if you can. In regard to the Murphy claim, I wish an opportunity to present the facts to the Indian office touching their right to become members of the tribe. This is highly important to me, as well as to them, and I will take it as a very great favor if you will comply with the request herein contained.

Very truly, etc.,

ISHAM REAVIS.

Hon. A. S. PADDOCK,
United States Senator.

Respectfully referred to the honorable Commissioner of Indian Affairs. Judge Reavis is a prominent lawyer residing in Richardson County, in which a part of this reservation lies. This statement can be taken as true. Please investigate and advise me.

A. S. PADDOCK.

AFFIDAVIT OF ALEXANDER ST. LOUIS.

STATE OF NEBRASKA, *County of Richardson ss:*

Alexander St. Louis, of lawful age, being duly sworn, on oath states: I am a citizen of Richardson County, Nebr., and have resided therein about thirty-one years. Am personally acquainted with Mrs. Margaret Murphy and her children, Frank, Thomas, Phillip, Louis, and Peter Murphy, and a daughter, Mrs. Maggie Lefevre, and have known them about twenty-five years. Mrs. Murphy is a half-breed Sac and Fox Indian woman; is now resident on the reservation of said tribe and is enrolled as a member thereof and in receipt of annuity from the United States Government. Mrs. Murphy's children are quarter-breeds of the same tribe, and are recognized as such by chiefs and head-men of the tribe; in pursuance of which they have been received by the Indians on their reservation where they have been for some time past. I know these Murphy people to be of good moral character, peaceable, quiet, and orderly, both honest and industrious. The reputation of the man who opposes the enrollment of the Murphy's as members of the said tribe for truth, veracity, and honesty among the people who know him, William A. Margrave, is very bad, and further saith not.

ALEX. ST. LOUIS.

Sworn to before me and subscribed in my presence this August 29, 1889.

[SEAL.]

E. A. TUCKER,
Notary Public.

AFFIDAVIT OF JACOB M. BONDRIE.

STATE OF NEBRASKA, *Richardson County, ss:*

Jacob M. Bondrie, being by me first duly sworn, upon his oath deposes and says as follows: I am 32 years of age; I have known Frank Murphy, Peter Murphy, Thomas Murphy, Phillip Murphy, and Maggie Lefevre, nee Murphy, since 1866. Said Murphys are quarter-breed Indian. I was acquainted with the grandmother of said quarter-breed Indians on their mother's side, and I am personally acquainted with their mother. Ever since I knew the family they were known as Sac and Fox Indians. The said grandmother was a full-blooded Indian woman, and from the time that I first became acquainted with her, in 1866, up to the time of her death, about nine or ten years ago she was known as, and sustained tribal relation with, the Sac and Fox tribes of Indians on the Great Nemaha Indian Reservation in Kansas and Nebraska, and

drew an annuity from the United States Government as a member of said tribe. The mother of said Murphy children is still living on said Indian Reservation with said tribe of Indians, and draws an annuity the same as the other Indians of said tribe. I lived myself on said Indian Reservation from sometime in 1884 till sometime in 1886, as Indian blacksmith, and I know from my personal knowledge that Marguerit Murphy, the mother of the above-named quarter-breeds is living with said tribe of Sac and Fox Indians on said reservation, and draws annuity as the Indians of that tribe, and I have never heard anything to the contrary but she was one of the members of said tribe. So far as my personal knowledge goes the reputation and moral character of said Murphy children is good.

JACOB M. BONDRIE.

Subscribed and sworn to before me, this 23d day of August, 1889.

[SEAL.]

JOHN GAGNON,
Notary Public.

AFFIDAVIT OF G. C. HOLT.

STATE OF NEBRASKA, *Richardson County, ss :*

G. C. Holt, being first duly sworn, upon his oath deposes and says as follows: I am fifty years old on 24th day of August, 1889. I have been acquainted with quarter-blood Indians of Sac and Fox tribe of Indians, viz: Frank Murphy, Peter Murphy, Thomas Murphy, Louis Murphy, Phillip Murphy, Maggie Murphy (formerly), now Maggie Lefebver, sons and daughters of Margret Murphy, half-breed Indian of Sac and Fox tribe of Indians, known as Sac and Fox of Missouri, now located on lands known as Sac and Fox Reservation, near Great Nemaha Agency, in Kansas and Nebraska. The said Margret Murphy is now living on said reservation in Kansas and Nebraska with said tribe of Indians. I have been acquainted with a brother of Margret Murphy, known as Joseph Tesson, for about thirty years; also know the mother of said Margret Murphy, and know that said parties claim and have claimed to belong to said tribe of Indians, and so far as my knowledge extends of right should be entitled to all of the rights and benefits derived from being so related to said tribe. I understand that said children of said Margret Murphy, namely, Frank Murphy, Phillip Murphy, Thomas Murphy, Peter Murphy, Louis Murphy, and Maggie Murphy (formerly), now Maggie Lefebver, are persons of good reputation.

G. C. HOLT.

Subscribed and sworn to before me this 23d day of August, 1889, and I further certify that the above affidavit was reduced to writing by said affiant himself.

[SEAL.]

JOHN GAGNON,
Notary Public.

AFFIDAVIT OF JOEL HARPSTER.

STATE OF NEBRASKA, *Richardson County, ss :*

Joel Harpster, being first duly sworn, upon his oath deposes and says as follows: I am fifty-four years of age; I am a resident of Rulo, Richardson County, Nebraska. I have lived in said town of Rulo the greater part of the time since 1864; soon after that last-mentioned year I became acquainted with Menomonequay, an Indian woman, who claimed to belong to the Sac and Fox Indian tribe of Missouri; she claimed and maintained tribal relations with Sac and Fox Indians on the Great Nemoha Indian Reservation in Kansas and Nebraska. She had a son named Joseph Tesson Honore, but always known as Joseph Tesson, who was then, and is now, living with said tribe of Indians on said reservation. She also had a daughter, named Marguerit, who was married to a white man by the name of Murphy. She was living at Rulo, Nebr., when I first knew her. Sometime about the year 1870 her husband died, and she subsequently removed from Rulo to said Indian reservation, where she is now living with said tribe of Indians. Said Marguerit Murphy had the following-named children: Frank Murphy, Peter Murphy, Thomas Murphy, Louis Murphy, and Phillip Murphy, and Maggie Murphy, now Maggie Lefebvre. Ever since my acquaintance with said family I have never heard anything to the contrary but what they belonged to the tribe of Indians known as the Sac and Fox of Missouri; I am personally acquainted with all the children of said Marguerit Murphy, hereinbefore named, and their reputation and general character is good.

JOEL HARPSTER.

Subscribed in my presence and sworn to before me this 24th day of August, 1889.

[SEAL.]

JOHN GAGNON,
Notary Public.

To whom it may concern: This is to certify that an Indian woman named Mah-non-a-ne-qual was a member of the Sac and Fox of Missouri tribe of Indians at Great Nemaha Agency, Nebraska, from the year 1874 to 1881, during which time I was United States agent for the above-named tribe of Indians; that she was enrolled as a member of said tribe when I took charge of them, and continued as such, and regularly drew annuity payments with them to the time of her death, in 1881; that she was the grandmother of Frank, Lewis, Peter, Thomas, and Phillip Murphy, and a married sister Maggie Le Faver.

M. B. KENT.

Subscribed and sworn to before me this 14th day of January, A. D. 1889, at my office, in White Cloud, Doniphan County, district of Kansas.

C. A. SHREVE,

United States Commissioner for the District of Kansas.

AFFIDAVIT OF LOUIS DARVEAU.

STATE OF NEBRASKA, *Richardson County, ss:*

Louis Darveau, being first duly sworn, upon his oath deposes and says as follows: I am eighty-one years old; I have lived in Rulo, Richardson County, Nebr., for the last thirty-one years. I have been personally acquainted with Frank Murphy, Peter Murphy, Thomas Murphy, Phillip Murphy, and Maggie Lefebvre, *nee* Murphy, quarter-breed Indians, about twenty-five years. The mother of these quarter-breeds was a half-breed Indian woman which I always understood belonged to the tribe of the Sac and Fox Indians of Missouri. She is still living with said tribe of Indians on the Great Nemaha Indian Reservation in Kansas and Nebraska, and is drawing annuity from the United States Government. Her name is Margaret Murphy. I have known her for about twenty-five years last past, and always heard that she belonged to said tribe of Indians. The grandmother of the above-named Murphy children on the mother's side was a full-blooded Indian woman. I was also personally acquainted with her. She died among said tribe of Sac and Fox Indians on said Great Nemaha Indian Reservation, and from the first time that I became acquainted with her, in about 1865, until her death, about nine or ten years ago, she drew annuities from the Government of the United States with said tribe of Indians.

I have had business transactions with these parties and have always found them upright and honest. I know nothing detrimental to the reputation or moral character of these parties.

LOUIS DARVEAU

Subscribed and sworn to before me this 23d day of August, 1889.

[SEAL.]

JOHN GAGNON,
Notary Public.

AFFIDAVIT OF E. H. JOHNSON.

STATE OF NEBRASKA, *Richardson County, ss:*

E. H. Johnson, being first duly sworn, and upon his oath deposes as follows: I am sixty-two years of age; I am personally acquainted with Frank Murphy, Louis Murphy, Peter Murphy, Thomas Murphy, Philip Murphy, and Maggie Lefebvre, *nee* Murphy, quarter-breeds of the tribe of Sac and Fox Indians of Missouri; that I was acquainted with the grandmother of said Murphys, and she was a full-blooded Indian woman of said tribe of Indians. She died with said tribe of Indians on the Great Nemaha Indian Reservation in Kansas and Nebraska. I am also personally acquainted with Margaret Murphy, the mother of the above-named quarter-breeds, and she is living among said tribe of Indians on the above-named reservation, and is drawing annuities from the Government of the United States and sustains her tribal relations with said tribe of Indians. I know all of the above facts from my own personal knowledge. I have known all the parties above named for over twenty-five years. This affidavit is made for the purpose of showing the descent of said quarter-breeds and their relation to said tribe of Sac and Fox Indians. I know nothing detrimental against the reputation and moral character of said quarter-breeds. They are living on the Great Nemaha Indian Reservation, and are making their living by farming on said reservation.

E. H. JOHNSON.

Subscribed and sworn to before me this 23d day of August, 1889.

[SEAL.]

JOHN GAGNON,
Notary Public.

OMAHA, August 24, 1889.

SIR: This will be presented to you by Judge Isham Reavis, of Falls City, Nebr., who expects soon to visit Washington, and will have some business relating to your Department.

As Judge Reavis is probably unknown to you personally, I take pleasure in saying to you, as the fact is, that he not only is one of the most prominent lawyers and politicians in Nebraska, but is also one of our most reliable and worthy citizens. You can safely rely upon any statement he may make. Any favor you can extend to him will be regarded as personal to myself.

Very truly yours,

W. J. CONNELL.

Hon. JOHN NOBLE,
Secretary of the Interior.

UNITED STATES INDIAN SERVICE,
POTTAWATOMIE AND GREAT NEMAHIA AGENCY,
Hoyt, Kans., July 11, 1888.

SIR: I beg leave to submit for your consideration application of Frank Murphy and others to be enrolled as members of the Sac and Fox (of Missouri) Indians; also affidavits of Joseph Tesson, Francis Xavier Dupuis, and Margaret Murphy in support of their right to enrollment in said tribe.

I do not deem it proper for me to make any recommendation in relation to the matter as I am entirely unacquainted with the matter at issue.

Respectfully yours,

JOHN BLAIR,
United States Indian Agent.

Hon. A. B. UPSHAW,
*Acting Commissioner of Indian Affairs,
Washington, D. C.*

STATE OF NEBRASKA, *Richardson County, ss.*

On this 9th day of July, A. D., 1888, personally appeared before me, Thomas Brannen, clerk of the district court in and for said county, the same being a court of record, Margaret Murphy, aged sixty-four years, a member of the Sac and Fox tribe of Indians, who, being first duly sworn, deposes and says that she was born a member of the Sac and Fox tribe of Indians and is still enrolled as a member of said tribe, and that she is the mother of Frank Murphy, Louis Murphy, Peter Murphy, Thomas Murphy, Philip Murphy, and Maggie Le Fevre, applicants for enrollment in the Sac and Fox tribe of Indians; and that they and each of them are entitled to such enrollment, and all the annuities and privileges thereto belonging, by their birth as children of this affiant.

MARGARET (her x mark) MURPHY.

Witness:
J. J. MARVIN.
THS. BRANNEN.

Sworn to and subscribed before me this 9th day of July, 1888, as witness my hand and official seal.

[SEAL.]

THS. BRANNEN,
Clerk District Court.

STATE OF NEBRASKA, *Richardson County, ss:*

On this 9th day of July, A. D. 1888, personally appeared before me, Thomas Brannen, clerk of the district court in and for said county, the same being a court of record, Joseph Tesson, aged seventy-seven years, and Francois Xavier Dupuis, aged seventy-eight years, both members of the Iowa tribe of Indians, who being first duly sworn, depose under oath as follows: The said Joseph Tesson states that Margaret Murphy, a member of the Sac and Fox tribe of Indians, is the sister of this affiant and the mother of the applicants for admission and enrollment in said tribe, Frank Murphy, Louis Murphy, Peter Murphy, Thomas Murphy, Philip Murphy, and Maggie Le Fevre; that this affiant has known these applicants since their birth, and that they are all the children of his sister, now Margaret Murphy, a member, and born in the Sac and Fox tribe of Indians, and entitled to enrollment therein and the an-

nities and privileges thereto belonging on account of their birth and maternity from a member of the tribe. And the said Francois Xavier Dupuis states that he has been acquainted with Margaret Murphy, the mother of the applicants, Frank Murphy, Louis Murphy, Peter Murphy, Thomas Murphy, Philip Murphy, and Maggie Le Fevre for about fifty-six years, that is, ever since 1832; that he has known said applicants, every one of them, since their respective births, being a near neighbor and living on the same reservation, and knows that each and all, by birth, are members of, and entitled to enrollment in, the Sac and Fox tribe of Indians, and that he was well acquainted with Alkeekia, or the Palmer, the uncle of the said Joseph Tesson and Margaret Murphy, and with Po qui-ne-quat, or the Broken Arm, also a near relative and a chief of said tribe, both nearly related to these applicants.

The said Joseph Tesson, although now a member of the Iowa tribe, was born in the Sac and Fox tribe.

JOSEPH (his x mark) TESSON.
FRANCOIS XAVIER (his x mark) DUPUIS.

Witness:

J. J. MARVIN.
THOS. BRANNEN.

Sworn to and subscribed before me this day by the above-named affiants, Joseph Tesson and Francois Xavier Dupuis, and that they heard the said affidavits read and were acquainted with the contents thereof, and that they are credible persons.

Witness my hand and the seal of the district court of said county the day and year first above written.

[SEAL.]

THOS. BRANNEN,
Clerk District Court.

STATE OF NEBRASKA, *Richardson County, ss:*

The following-named persons, to wit, Frank Murphy, Louis Murphy, Peter Murphy, Thomas Murphy, Philip Murphy, and Maggie Le Fevre, all children of Margaret Murphy, and all living on the Sac and Fox (of Missouri) Reservation, claim to be members by birth-right of the said Sac and Fox (of Missouri) Indians.

They state that they are not enrolled as members of the said tribe, but desire to be.

In support of their claim to enrollment and to share in all the rights of said tribe they respectfully submit the following several affidavits hereunto-attached.

THOMAS MURPHY.	FRANK MURPHY.
PHILIP MURPHY.	LOUIS MURPHY.
MAGGIE LE FEVRE.	PETER MURPHY.

UNITED STATES INDIAN SERVICE,
POTTAWATOMIE AND GREAT NEMAHA AGENCY,
Hoyt, Kans., June 20, 1889.

SIR: I have the honor to inform you, that the conduct of Frank, Peter, Thomas, and Louis Murphy, who are living on the reservation of the Sac and Fox of the Missouri Indians, pending a decision in the matter of their claim to membership in the tribe, is productive of great dissatisfaction to the Indians, and if continued is likely to result seriously.

Recently two members of the tribe employed some white men to break prairie for them who were met by the men above named and driven from the reservation; not satisfied with this they informed the breakers, "That if they returned blood would be spilled, and their stock injured, and that if the agent should interfere he would be resisted. Five white men witnessed the proceedings of the Murphys, and heard them use the language quoted; they justified their action by stating that they wanted the land themselves.

I am satisfied from information received from several reliable persons that these men have endeavored to gain the consent of the Indians to admit them as members of the tribe by bribery, the use of whisky, and by threats of a violent nature; one member of the tribe has lately left the reservation on this account.

The Indians claim that the applicants are not of their blood; that they did not adopt their grandmother, and that seven years ago they allowed Mrs. Murphy to be enrolled with the distinct understanding that no claim should be created thereby for the admission of any of her children to membership in the tribe.

The applicants were all born before their mother was ever admitted to the rolls of the tribe, and before their grandmother, as a beneficiary, and not as a member, was paid any of their funds, and it would seem therefore that they are in no degree descendants of a member of the tribe.

In addition to this, it appears that Frank M. Murphy and family are Omaha Indian allottees, and that Peter and Thomas have recently married Iowa women. In view of the discord created by them, I respectfully request that a decision may be made in the matter.

Very respectfully,

JOHN BLAIR,
United States Indian Agent.

Hon. R. V. BELT,
Acting Commissioner of Indian Affairs, Washington, D. C.

UNITED STATES INDIAN SERVICE,
POTTAWATOMIE AND GREAT NEMAHA AGENCY,
Hoyt, Kans., September 2, 1889.

SIR: In reply to your letter dated July 31, 1889, and marked as above, I have the honor to make the following report:

On the 13th of August, I called on the Murphy family and delivered to them a copy of the letter of the honorable Secretary of the Interior rejecting their application for enrollment as members of the Sac and Fox of Missouri tribe of Indians, and explained to them the contents of your letter in reference thereto.

I told them I would allow them a reasonable time to make preparation to leave the reservation. Their conduct towards me at the time was insulting and defiant, intimating very plainly that they would not obey the order.

I advised them that it would be better to leave peaceably than to wait until forcibly ejected.

They answered me, "They did not want any advice from me," declaring they are Indians, and that there is no "authority to put an Indian off of his reservation."

I called on them again on the 30th ultimo, and found them still defiant, and manifesting no disposition to obey the order of the Department.

One of them has lived with his mother, who is quite old, for several years on the reservation, and it would probably be an act of charity to allow him to remain as long as he conducts himself properly.

I am fully satisfied that they will have to be forcibly ejected, and having no police force there that I can call to my aid, I respectfully ask for further and early instructions as to the course to pursue.

Respectfully submitted.

JOHN BLAIR,
United States Indian Agent.

Hon. T. J. MORGAN,
Commissioner of Indian Affairs, Washington, D. C.

This is to certify that the members of the Murphy family, who are applicants for admission to membership in the Sac and Fox of Missouri tribe of Indians, have been residing near the reservation for a number of years. That during the time I had charge of the Great Nemaha Agency, from 1874 to 1881, they were continually urging admission, but failed to show any just claims save, perhaps, the fact that their grandmother, Me-nom-o-ne-quah, was a beneficial member of the tribe.

One of the older members of the family, Frank by name, was living on the reservation in 1874 and 1875, but was removed for improper and illegal conduct. Of the younger members of the family I know but little personally.

M. B. KENT.

WHITE CLOUD, KANS., March 28, 1889.

[Telegram.]

WHITE CLOUD, KANS., September 11, 1889.

To COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.:

Have I been instructed from your office to investigate claim of Murphy family to a participation in lands and annuities of Sac and Fox Indians? I am so informed through Isham Reavis.

GORDON,
Special Agent.

REPORT.

WHITE CLOUD, KANS., September 23, 1889.

SIR: I have the honor to state that pursuant to office telegram, dated September 11, 1889, I have taken proof in the matter of the claim of Frank, Lewis, Peter, Thomas, and Phillip Murphy, and Maggie Le Fevre, to tribal rights with the Sac and Fox of the Missouri tribe of Indians in the States of Nebraska and Kansas. And since doing so, I have also received, this date, office instructions in regard to this matter, "23409," dated August 23, 1889, and which have been forwarded to me at this place from the Pottawatomie Agency, after having been resent from your office to that place, as appears from office letter "L," dated September 16, 1889.

From the evidence (record herewith, marked Exhibit A, to this report) it will be observed that the claimants undertake to establish two propositions in support of their claim to a participation in the lands and annuities or to tribal rights with said Indians.

Firstly: That they are related by blood or consanguinity to the said Sac and Fox of the Missouri tribe of Indians, through their grandmother, Me-nom-a-ne-quah.

Secondly: That said tribe at a recent council held on the 4th day of April, 1889, admitted claimants as members of the tribe. (See Exhibit A, pages 28 and 29 *et seq.*)

After a careful review of the testimony and all the circumstances attending the case, I do not find either of these propositions sustained.

A SUMMARY OF JOSEPH TESSON'S TESTIMONY.

This is the first witness introduced by claimants in support of the first proposition. He claims to be a half-breed, Indian and French; states that he was born in St. Louis in 1811, and that he is seventy-eight years of age; is the brother of Maggie Murphy, the mother of claimants; that his mother was a Fox woman, named Pah-met-o-moke; that she resided more or less in St. Louis, Mo., and in Portage de Sioux (about 25 miles above St. Louis); that she came to the Sac and Fox Reserve in 1856 or 1857, and was put on the rolls of the Sac and Fox tribe about that time and remained on the rolls till she was killed (by the cars) about six years ago; that as near as he could find out, his mother was a full-blooded Indian; that she was one hundred and five or one hundred and six years of age at the time of her death; that he knew of her blood relationship to the Sac and Fox Indians by his grandfather, Ah-mo.

Witness states that he went west when he was a little boy and came back in 1855 and stopped about 60 miles west of the reserve, and Me-soh-quet and Pe-to-ko-mah found out that he was there and went to see him and to know of what tribe he was; that he had forgotten the language, but told them as far as he had knowledge, he was a Mes-qua-ka, which meant Sac and Fox Indians; that he went to Agent Vanderslice who told him if the Indians were satisfied he had nothing to say; that his uncle, Lar-ge-ness, was sent for and recognized him; that his uncle lived among the Mississippi Foxes back of Topeka, belonged to the Mes-qua-ka Sac and was enrolled with the Mississippi Foxes.

Witness was enrolled here (with Sac and Fox) and moved over there (to the Iowa tribe) and staid two years, and was then enrolled there. Witness knew his grandfather in Portage de Sioux, about 25 miles above St. Louis; was seven or eight years of age when his grandfather died, but still he remembers it.

Witness's mother, Me-nom-o-ne-quah, (she does not appear to have been known by any other name; this witness has said her name was Pah-met-oh-moke), moved to the Sac and Fox Reserve here 1863. Witness states that chiefs and head men recognized his mother as a Sac and Fox Indian; states that he (witness) left St. Louis when he was ten or twelve years of age and went up the Missouri River with the American Fur Company, staid there about one and a half years and went to the Rocky Mountains.

States that he was in Portage de Sioux when his grandfather told him that his mother was a Sac and Fox (states, page 6 and 7 of "A," that he was then seven or eight years of age)—that his mother lived with the Mississippi Sac and Fox Indians, but does not know whether she was enrolled with that tribe; that she was put on the rolls of the tribe the next payment after she came to the Missouri Sac and Fox in 1856 or 1857; that he thinks she drew annuities with the Sac and Fox continuously until her death. Witness further states Margaret Murphy (mother of claimants) was put on the rolls of the Sac and Fox tribe once before, and they had a little "rumpus" and she was taken off the rolls and went back to Rulo, and she was put on the rolls again in two or three years afterwards, and has been on them ever since.

Witness states that Mrs. Murphy moved from Missouri to Rulo, 3 or 4 miles from the Sac and Fox Reserve, 1864; that she resided at Rulo and on the reserve; that persons, both Indians and whites, are frequently adopted into a tribe when they have no blood of the tribe in them. Witness resides on Iowa Reserve and draws annuities

with that tribe; that claimants are quarter-breed Indians (that is, three parts white and one part Indian); that Frank Murphy has three children and Lewis Murphy five; that witness's mother was called Me-nom-o-nee-quah and that her grandmother was a half-breed Me-nom-o-nee Indian; that he heard the old folks say so; that he has relinquished his right with the Sac and Fox and draws annuities with the Iowa Indians; that witness and his half-sister, Mrs. Murphy, are cousins to Quash-pot-me, chief of the Sac and Fox tribe; that their mothers were cousins; heard them talk about it; that he, witness, understands the Sac and Fox language a little; that Indians sometimes adopt another, or sister or child, when they have no relations to supply the place of the one who has died or been lost, and such adopted person is called sister or child as the case may be, though they are of no blood relation; that it was not common repute that Nosh-oh-ness adopted Me-nom-o-nee-quah as his sister.

When Tesson is re-introduced as a witness in rebuttal (page 117 and following Exhibit A) he says that he did not tell Jennie Rubidoux that his mother was a Me-nom-o-nee Indian, that Me-nom-o-nee-quah was a blood sister of Nosh-oh-ness; because he saw Nosh-oh-ness a few minutes after he was born, from his, (Tesson's) grandmother; that there is bad feeling existing between him and Jennie Rubidoux; that he knows the general reputation of Jennie Rubidoux for truth, and that it is bad, but can not name any particular one whom he has ever heard speak of her, but she has that reputation throughout the whole neighborhood. Witness has heard M. B. Kent, a former Indian agent on the Sac and Fox Reserve, say, when he would see Jennie Rubidoux coming, "Yonder comes the telegraph," thereby meaning that she was bringing him false news.

A careful examination of the foregoing testimony of Joseph Tesson, and that of the witnesses, Augustine Hall, Government employé; Jennie Rubidoux, a half-breed Iowa Indian; and M. B. Kent, a former Indian agent, and now a banker of high standing in White Cloud, Kans., all of whom contradict him in some material particular, his questionable reputation for truth (see deposition of Kent, page 136, Exhibit A) and the improbability of some of his statements, I think will show that his evidence is to be received with great caution and grave doubt, if not to be entirely discredited in its essential particulars. He stated that his mother, whom he calls Poh-met-omoke, who was better known as Me-nom-o-nee-quah, and so called by all who knew her on the reserve, came to the Sac and Fox of the Missouri Reserve in 1856 or 1857, and was soon afterwards put upon the rolls of that tribe. It nowhere appears, however, that she ever previously belonged to or had ever lived with that tribe, but that she had previously resided in St. Louis, Mo., and in Portage de Sioux, Mo.; and Tesson further says that she had previously lived with the Fox Indians of the Mississippi, an entirely different tribe, and that he knows of her blood relationship to the Sac and Fox of the Missouri tribe of Indians through his grandfather, Ah-mo; that his grandfather told him that his mother, Me-nom-o-nee quah, was a Sac and Fox; that his said grandfather, Ah-mo, died when he, Tesson, was seven or eight years of age, but that he remembers the time when he died. If his grandfather died when he was of that age, and had previously told him that his mother was a Sac and Fox Indian, he must have been of a tender age to remember this circumstance through a period now of more than seventy years. But nowhere does Tesson or his half-sister, Mrs. Murphy, the mother of claimants, or any other witness, undertake to say that their mother, Me-nom-o-nee-quah, ever said herself that she was a Sac and Fox Indian. It is a singular fact that Tesson and Mrs. Margaret Murphy both claim to have derived their knowledge of their mother's genealogy from their grandfather, Ah-mo, and nothing from their mother herself on this subject. Besides, there is an irreconcilable conflict between the testimony of Tesson and Mrs. Murphy in this, namely: Tesson says his grandfather, Ah-mo, died when he was seven or eight years of age, and that he is now seventy-eight years old, and Mrs. Murphy says that she is now sixty-four years old, or fourteen years younger than Tesson; and if Tesson, who says that he is a great deal older than Mrs. Murphy, is correct as to his own age at the time of his grandfather's death, then Ah-mo, the grandfather, must have been dead at least six years when Mrs. Murphy was born, and she could not, therefore, have heard him say anything about her mother's genealogy.

Again, Tesson says that he went west from Missouri to the Rocky Mountains when he was a little boy ten or twelve years of age (say eleven), and did not return until 1855. That would make him forty-four years of age when he returned if he was born in 1811, as stated by him, and being ten or twelve years old when he left the country, would make his absence therefrom thirty-three years or thereabouts. He further says that when he returned (from this long absence) and was encamped about 60 miles from the reserve of the Sac and Fox, that Me-so-quet and Pe-to-ko-mah (Sac and Fox Indians, but both now dead) came to his camp to see and find out what tribe he belonged to. This is a most improbable story, as Indians do not go out in search of half-breeds (as Tesson claims to be, though he is an unusually white half-breed, if such at all) to take care of them, but, on the contrary, their prejudice to half-breeds is well known throughout the entire Indian country.

Again, Tesson says when he went to the Indian agent, Vanderslice (that after his wandering in the West for thirty-three years), they sent for his uncle, Largé-ness, who then lived with the Sac and Fox of the Mississippi tribe of Indians, and that his uncle recognized him, and they put him on the rolls of the Sac and Fox Indians. This is another most improbable and, to my mind, incredible story—that he should be recognized by his uncle who could not have seen him since he was a little boy and for a period of not less than thirty-three years. Tesson says he never visited the Sac and Fox before he went West. If he had been a matured man when last seen by his uncle, he might have been recognized by him after a lapse of thirty-three years; but to have been an immature boy, ten or twelve years of age when last seen, if seen at all, and then to be recognized after a period so long, is hardly credible. The so-called uncle, Lar-gé-ness, is now dead.

Tesson further says that his mother, Me-nom-o-neé-quah, through whom claimants seek to establish their blood relationship to the Sac and Fox, lived with the Mississippi Fox before she came to the Sac and Fox of the Missouri, another circumstance opposed to the idea of her being originally a Sac and Fox of the Missouri.

Tesson further says that Mrs. Murphy, the mother of the claimants, was put on the rolls of the Sac and Fox of the Missouri tribe once before, but they had a little "rumpus" and she was taken off the rolls—another circumstance opposed to the idea of her being a Sac and Fox through her mother, Me-nom-o-neé-quah. Since closing the testimony in the case, I have been informed verbally that Mrs. Murphy was put on the rolls of the Sac and Fox tribe of the Missouri in 1866, 1867, 1868, or 1869, and was allowed to draw one annuity with them and was then dropped from the roll—that the Indians agreed that she should have one annuity payment in order to repay her kindness to Quash-pah-me, one of the chiefs, who had cut his foot and was taken care of by her at her house in Rulo during the time of his recovery from the wound; and not because they considered her as belonging to the tribe. This information is not in evidence, but I suppose it can be confirmed or disaffirmed by the annuity pay-rolls of that date now on file in the Indian office. There are no annuity pay-rolls of that date in the files at the Pottawatomie and Great Nemaha Agency now, nor of the date when the record, herewith transmitted, says that she was placed on the pay-rolls of the Sac and Fox tribe the last time, namely 1881, 1882, or 1883. There are no records in the Agency files that show this, and reference will, therefore, have to be made to the files in the Indian Office, and I think that such files will throw material light on this subject. They ought to show when Me-nom-o-neé-quah first began and when she ceased to draw annuities with this tribe. They also ought to show whether her daughter, Mrs. Murphy, was put on the rolls at any time before her last enrollment, and, if so, it is a strong circumstance tending to show that she was not then regarded as being a member of the tribe; and there ought to be a certificate of the chiefs and head-men (as was the custom then and now) accompanying the first annuity pay-roll after her enrollment, showing that she had been duly enrolled as a member of the tribe and under what circumstances. And I would recommend that the files of the Indian Office be examined to ascertain these facts before final action is taken on this question.

Again recurring to the testimony of Joseph Tesson, he states (page 117, Exhibit A), that Me-nom-o-neé-quah was a blooded and not an adopted sister of Nosh-oh-ness, because he says he saw Nash-ah-ness, a few minutes after he was born from his grandmother. Let us observe here that Me-nom-o-neé-quah was killed in 1881, and Tesson says she was, as near as could be ascertained, one hundred and five or one hundred and six years of age at that time. That was eight years ago, and Tesson being now seventy-eight, he was seventy years old at the time of his mother's death, or about thirty-five or thirty-six years younger than she. He states that he saw Nash-ah-ness, his mother's brother, a few minutes after he was born, and to remember such an event or anything else he could hardly have been younger than five or six years of age, and this would then make Me-nom-o-neé-quah forty to forty-two years of age at the time her brother Nosh-ah-ness was born—thus making the child-bearing period of their mother (Tesson's grandmother) from forty to forty-two years, supposing that Me-nom-o-neé-quah was the first born and Nosh-ah-ness the last, and which fact, if it be such, would contradict our knowledge of physiology—the fullest child-bearing period in this latitude being from thirty to thirty-two years. This story of Tesson's seeing his uncle a few minutes after he was born from his grandmother is therefore most improbable, and like many of his other statements, impairs his credibility as a witness.

Again, Tesson is contradicted by Augustus Hall, a white man, and Government blacksmith for the Iowa and the Sac and Fox Indians, wherein he denies that he ever said that he was a Sioux Indian, or that he ever said he did not know what tribe he belonged to. (See testimony of Hall, page 94, Exhibit A, and that of Tesson, page 118, Exhibit A.) Again, he is contradicted by Jennie Rubidoux, a half-breed Sioux Indian (who can have no interest in the issue of the case), wherein he denies that he

told her that Me-nom-o-neé-quah was a Me-nom-o-nee Indian (see Jennie's testimony, page 113, Exhibit A, and Tesson's, page 117, Exhibit A).

Again, Tesson is also contradicted by Mr. M. B. Kent, former Indian agent on this reserve, and a gentleman of unquestioned veracity and high standing, wherein he says that "he has heard M. B. Kent say, when he was agent, and would see Jennie Rubidoux coming, "yonder comes the telegraph," thereby meaning that she was bringing him false news (see Tesson's testimony, page 119, Exhibit A). Kent says (page 135, Exhibit A), that he never at any time made any such remark or anything similar to it, or said anything that would reflect upon the veracity of Jennie Rubidoux. Kent also says (same page, Exhibit A) "that her reputation for truth is as good or better than that of any Indian on the reserve."

From the extreme improbability of some of Tesson's statements, the fact that he is, the half uncle of claimants, the fact that he is contradicted in material statements by Hall, Jennie Rubidoux and ex-Agent Kent, and in view of his questionable reputation for truth, I attach but little value to his testimony.

SUMMARY OF MRS. MARGARET MURPHY'S TESTIMONY.

Witness stated that she was born in Portage de Sioux, Mo., and is sixty-four years of age. Her grandfather and grandmother said that her (witness's) mother belonged to the Sac and Fox Indians. Witness is mother of claimants. She does not remember when she came to the Sac and Fox Reserve. Her children (claimants) were born in Portage de Sioux, Mo.; came directly to Rulo, Nebr., from Missouri, but don't recollect how long she lived in Rulo before going to the reserve. Witness is on the roll of the Sac and Fox Indians, but can't recollect how long she has been on it. Indians put her on the roll. Her mother's name was Me-nom-o-neé-quah; she lived with the Sac and Fox all the time. (Tesson says she lived at Rulo and on the reserve, and Kent says when he was agent, from 1874 to 1881, she lived at Rulo, and that he paid her her pension there.) Witness does not remember when her mother died.

Quash-pah-me is cousin of witness; witness states that she heard his mother and her mother talking about their family relationship, but can't tell what they said about it, that they claimed to be related.

Witness states that her grandfather died in Portage de Sioux, Mo., and that he lived with the Sac and Fox tribe when he died. But on page 24, cross-examination, witness says she did not know where the tribe was living at either time. She was married when in Portage de Sioux.

Witness don't know the ages of her children. In rebuttal, witness says she was never required by the Indians to leave the reserve, but went to Rulo to make a living and to send her children to school.

This witness appeared to be very feeble, weak-minded, and hard of hearing, and to know very little about the matters upon which she was interrogated, and leading questions were permitted to be asked her, but there is, nevertheless, but little in her testimony that is material to the issue, about the only point being that her grandfather, Ah-mo, and her grandmother told her that her mother, Me-nom-o-nee-quah, was of the Sac and Fox tribe of Indians. As before stated, if Tesson's statement is true as to his age when his grandfather, Ah-mo, died, this witness, being fourteen years younger than Tesson, could never have seen her grandfather, Ah-mo, as he would have been dead at least six years when she was born.

SUMMARY OF THE TESTIMONY OF FRANK MURPHY, ONE OF THE CLAIMANTS.

Witness says he is thirty-two years of age; has lived most of the time in northern Nebraska; has lived in this part of the country, off and on, since 1864; has lived on the Sac and Fox Reserve, off and on, for twenty-two years. It was probably more than a year after witness's mother, Mrs. Murphy, moved to this county from Missouri before she went onto this reserve; she remained on it two years and then went to Rulo. Mother lived at Rulo and we farmed on the reserve. Mother is on the roll of the Sac and Fox Indians and has been on it about seven years. Witness came back to the reserve the last time last June, now a year ago; brothers were here then; they have been on the reserve for the last seven years.

The Indians say we have Sac blood in us, and that we should live with them and share with them. Ko-shi-nay, Quash-pah-me, and George Gomess have recognized our claims, and others whose names witness can not call to mind. Indians have called a council and have admitted us as members of the tribe. This was on the 4th day of last April. I was present and learned then what was done. After they had talked among themselves, the interpreter told us that they had agreed through the head chief, Quosh-pah-me, to put us on the roll. We were to be put on for the October payment of annuities.

Margraves first said Indians could do as they pleased, but afterward said that we

would interfere with his farming and grass, and that he would prevent us from coming on if he could.

Claimants range from twenty-six to forty-two years of age. Witness can't remember much of his life before he came West; remembers of hearing his father read some letters from the Sac Indians inviting us (the Murphy family) to come to the reserve from Missouri; remembers that his grandfather came down from the reserve to Missouri, but can't tell when it was, but it was before we came from Missouri, and of witness's father objecting to come to the reserve on account of the want of schools.

Witness remembers, from the talk of his parents, that their intention in leaving Missouri was to come to the Sac and Fox reserve, and to which they expected to gain admission by the letters they had received from the Indians inviting them to the reserve. Witness knows why the Indians invited his mother to the reserve; it was because she belonged to them. It has always been the conclusion in the family that witness's mother was a half-breed Sac Indian. Quash-pah-me and George Gomess invited us to come on to the reserve. The others who invited us are dead. We have been invited to come to the reserve quite frequently, but can't give any particular time.

The Sac chiefs Quash-pah-me and Wah-pah-co'-ni-ah called the council of April 4, 1869. Witness don't know that money, horses, or other valuable consideration was offered to the Indians for their influence to have claimants placed on the roll of the Sac and Fox tribes. Offers were made, but not in that way. The Indians told witness that it was customary among them to give them something of the kind to have the names put upon the roll, and said that one Margraves had given them a white cow to place him upon the roll. We all promised them a present, and they preferred that it should be a pony.

I think there were promises of a pony by each one of these claimants.

Witness has married a half-breed Omaha Indian who is a member of the Omaha tribe, and has three children.

The presents (the ponies) were not offered to the Indians as a bribe, but in recognition of a custom among the Indians. Gomess first mentioned the giving of the presents.

Some of the brothers of witness have been living on the reserve continuously for six or seven years. We have made selections of land, but have not been residing on them. We reside with our mother (Mrs. Murphy), who has 160 acres on the reserve, and in the house of Quash-pah-me, which witness has rented for \$10 per annum, and is to repair the house; has already expended \$30 in repairing it. Brothers of witness live on the reserve with their families. They have married mixed-blood Iowa Indians.

It will be observed from the foregoing testimony that the witness, one of the claimants, states that he is thirty-two years of age, and that he came to this country (the vicinity of the reserve) in 1864 from Missouri. This would make him seven years of age when he came from Missouri. But before leaving there he remembers hearing his father read letters from the Sac and Fox Indians inviting the family to come to the reserve because they belonged there. His father first objected to coming, but did come in 1864, and notwithstanding this invitation and the expectation of the family to be admitted to the rolls of the tribe through the letters they had received before leaving Missouri. Witness's mother was not put on the rolls till about seven years ago, or about eighteen years after she came to Rulo, 3 or 4 miles from the reserve, while her children, witness and his four brothers and one sister, have never been put on the rolls, notwithstanding, he says, they have been invited by the Indians quite frequently to come to the reserve; that Quash-pah-me and George Gomess invited them to do. Gomess denies this (page 108, Exhibit A).

This witness further says that the Indians say they (the Murphy family) have Sac blood in them and that they should live with them and share with them. But notwithstanding this and the frequent invitations which witness says they had from the Indians to come on to the reserve, and notwithstanding his statement that his parents came from Missouri to the reserve 25 years ago, in 1864, expecting to be admitted to the roll of the Sac and Fox tribe through the letters they had received from the Indians while they were in Missouri, inviting them to come to the reserve, I say notwithstanding all this claimants have never yet been admitted to the rolls, and their mother was admitted only about seven years ago, or about eighteen years after she had come from Missouri for that purpose. This is wholly inconsistent, and the evidence of this witness is not to be credited. It may be that Quash-pah-me invited his mother to come on to the reserve after he had received care from her when his foot was wounded, as will appear further on in the evidence. Again, this witness was quite young, seven years of age or less, to have remembered hearing the letters read from the Indians inviting his parents to come to the reserve, and to have remembered that his father objected to coming then on account of the want of schools. It is singular that this, if true, was not testified to by the mother of witness.

This story is inconsistent with the fact and circumstances that the claimants have

never yet been put on the rolls of the tribe by these same Indians, who have so frequently invited them to come on to the reserve, and who were so anxious to have them share with them. And claimants do not undertake anywhere in the record to show why they have never been enrolled with the tribe, though witness states they have lived on the reservation off and on for twenty-two years. (See page 25, Exhibit A). Referring again to the statement of this witness that the Indians wrote to his parents when they lived at Portage Des Sioux, Mo., about 25 miles above St. Louis, to come to the reserve, I remark that it is not a custom among Indians to hunt up half-breeds and their white husbands, especially when they are 300 or 400 miles away, and insisting upon their sharing their land annuities with them. I attach but little credit to the testimony of this witness and claimant, from the very improbability and inconsistency of his story, and the further fact that he is contradicted by George Gomess, one of the leading members of the tribe, wherein he says that Gomess invited them to come to the reservation. He is also contradicted by Jennie Rubidoux wherein he says that she told him that there was bad feeling between her and Joseph Tesson. He is also contradicted by three other witnesses in another record, hereafter to be reviewed and forwarded to the Indian Office, namely, the record of the investigation of the complaint against W. A. Margroves and of the affairs of the Sac and Fox reserve. In that record this same witness, Frank Murphy, states that he did not go with Quash-pah-me to Falls City when he complained to Judge Reavis of Margroves getting the use of land that was once claimed by Louis Tesson (see page 13 of that record). Quash-pah-me says he did go with him on that occasion (see page 7 of that record). Murphy is also contradicted in this same statement by David Johnson (see page 61 of that record). He is also contradicted by George Gomess, wherein he, Murphy, says in that record, page 10, that he heard Gomess say that he was not getting rent enough for his land from Margroves (see contradiction by Gomess, pages 45 and 46 of that record). He is contradicted by Pe-at-tal-i-quah, wherein he, Murphy, says (page 12 of that record) that he heard Pe-at-tal-i-quah say that Margroves had cheated him out of \$70 in a house trade. Pe-at-tal-i-quah emphatically denies this (page 59 of that record) and says it is a lie. Murphy is again contradicted by George Gomess, wherein he, Murphy, says in that record (page 17) that he heard George Gomess tell Judge Reavis that Margroves was the cause of himself and co-claimants not being put on the rolls of the Sac and Fox tribe of Indians (see contradiction by Gomess, page 43 of that record). He is further contradicted by Gomess, wherein he, Murphy, says (page 18 of that record) that Gomess told him that he would not agree to sell the grass on the Louis Tesson place, because Margroves would be down on him, and would not accommodate him as he had been in the habit of doing, and that he would cut off his credit, and that he would nearly starve to death, as he was helpless and blind (see Gomess' denial of this, page 44 of that record).

I refer here to the contradiction of Murphy by other witnesses in that record, namely, the record of the testimony in the case of complaints against W. A. Margroves, hereafter to be forwarded, as affecting and impairing the credibility of his testimony given in the case here under consideration, and wherein he is an interested party, claiming full rights to participate in the lands and annuities of the said Sac and Fox tribe of Indians.

One of the contentions of claimants is that they have been already admitted to the rolls of the Sac and Fox tribe through the head chief, Quash-pah-me, at a council held at the house of George Gomess on the 4th of April last. (See testimony of Frank Murphy, pages 28 and 29 and following of Exhibit A.) On cross-examination this witness admits (pages 36 and 37 and following, Exhibit A) that himself and co-claimants promised the Indians a pony each if they would put them on the rolls, and states that the ponies were not offered as a bribe but in recognition of a custom in giving presents on such occasions. He further says that the ponies were not offered until after the talk about putting them on the rolls had taken place, and that Gomess, the interpreter, first mentioned the subject of presents. But Murphy is contradicted in this statement by one of his own witnesses, Quash-pah-me, wherein he, Quash-pah-me, says (pages 56 and 57, Exhibit A) the headmen did not ask for ponies, but the boys (the Murphys) offered them the six ponies and \$250 in money. George Gomess also contradicts Frank Murphy in this statement, wherein he says (page 81, Exhibit A), in response to the following question: "Did they (the Murphy men) offer you the ponies before the council (of April 4) was held?" Answer. "Yes. I told them (the Indians) before the council was held and they were talking about it at my stable," etc. Again, this witness for claimants, George Gomess, the interpreter for the council of April 4, 1889, says (page 80, Exhibit A), "The boys (the Murphy men) promised the presents and told me to tell them (the Indians). They promised six ponies and their first annuities. Six annuities, there being six claimants seeking to be enrolled at this council, I am informed would be between \$250 and \$300, thus substantially corroborating Quash-pah-me, another witness for claimants, wherein or before stated he says (pages 56 and 57, Exhibit A): "The headmen did not ask for ponies, but the boys (the Murphys) offered them the six ponies and \$250 in money."

Murphy says nothing of the offer of any money (in his testimony) to be placed on the rolls of the tribe, but admits that the claimants each promised a pony as a present and that it was after the talk had by the Indians at the council, and that they (the Indians) told him it was customary to give them something of the kind to have the names put on the roll and that Margraves had given them a white cow to place him on the rolls. But, as will be seen from the foregoing, Murphy is contradicted by two of his own witnesses, Quash-pah-me and Gomess, who say that the presents were offered by the boys, and Gomess says before the council was held, and they, the Indians, talked about it at his stable.

There perhaps would not have been any especial impropriety in making the presents of ponies merely if it had not been done or talked of until after the action of the council, inasmuch as the proof shows that it was a custom among the Indians to receive presents (but most usually a beef or a hog or something for a feast) from those whom they admitted to membership with them. But when not only these six ponies but \$250 to \$300 in money were offered to the headmen before the council was held to place the claimants on the roll as members of the tribe, we may well suspect the integrity of the action of this council, and that it was thereby improperly influenced, especially so as it was not a full council of the adult Indians of the tribe, but of the chiefs and headmen. Besides, it does not appear that said chiefs and headmen were actually enrolled claimants or members of the tribe at their council on the 4th of April, 1889, but simply agreed to do so for the October or fall payment of annuities. And, furthermore, it appears that such verbal agreement of said headmen has since been annulled by a full council of the tribe, and a petition signed by not only all the adult males of the tribe but by the women also, protesting against the admission of claimants to the rolls of the tribe, and that such petition was forwarded to the Commissioner of Indian Affairs. (See records of the Indian Office. I could obtain no copy of the petition among the agency records.) Further see the testimony of Thomas Connel, Indian, and a member of the tribe, in reference to the petition to the Commissioner of Indian Affairs, protesting against the admission of the claimants as members of the Sac and Fox of the Missouri tribe of Indians (pages 103, 104, and 105 of Exhibit A). Also in reference to the action of the full council of the Indians at the house of Margraves on the reserve, subsequent to the council of the headmen at the house of George Gomess on the 4th of April (see the testimony of George Gomess, pages 108 and 109 of Exhibit A, herewith). Gomess says (page 109, Exhibit A) that the Indians changed their minds because "we, headmen, had agreed to put them (the Murphys) on the roll, but the others did not know anything about it."

Thus it appears that the action of the so-called council of April 4, 1889, at which claimants contend they were admitted as members of the tribe, and to be placed on the rolls for the October payment of annuities, was not only probably influenced and brought about by the improper offers of money by claimants to the chiefs and headmen, but that it was an irregular and partial council of the tribe, and its "agreement" with claimants only verbal and to take place at a future time, but that such action or agreement, however it may have been brought about, has since actually been reversed and annulled by a full council of the tribe, and its action, in writing, forwarded to the Indian office. This seems to me to dispose of the claim or contention of claimants that they have already been admitted to membership by the agreement and consent of the tribe. I do not so find. I think it has been the custom heretofore, in admitting persons to membership and to tribal benefits, for at least all the headmen and chiefs to certify in writing that they have been admitted, and their action then approved by the agent in charge and by the Indian Office, before such persons can participate in the lands, annuities, rights, and privileges of the tribe. But in view of the fact, as shown in record Exhibit A herewith, that it is a custom among these Indians to frequently admit to membership and full tribal rights both whites and Indians who are in nowise connected with the tribe by blood, I would suggest that in future no such persons be admitted except with the consent of a majority of the adult male members of the tribe, given in the presence of the agent in charge, and upon a certificate duly signed by the said majority of adult male members that such person or persons have been admitted to membership by them, and that said certificate be approved by the agent and the Indian Office, before such person or persons are allowed to participate in the property rights and privileges of such tribe. I think this is due to its few old and to those under twenty-one years of age and who usually constitute the great mass of the tribe; otherwise, persons might be admitted by the chiefs and head men for a consideration, which the most of them will readily accept and to the prejudice and injury of the classes mentioned. Especially does such a precaution now appear necessary, since in many places the lands of the Indians are becoming valuable and desirable, and when so many persons, and particularly those who are now claiming to have Indian blood in them, are seeking admission to membership for the advantage to be derived; though heretofore they have made no claims to the possession of Indian blood.

Recurring to a review of the testimony introduced by claimants in support of their contention that they have Sac and Fox blood in them, derived through their grandmother, Me-nom-o-nee-quah, I refer to the testimony of Quash-pah-me, the head chief of the Sac and Fox tribe at present.

He says: "I am sixty-four years of age, and I belong to the Sac and Fox Indians. I am chief, and have lived among the Sac and Fox Indians since I can remember. I am acquainted with Mrs. Margaret Murphy, and have known her about twenty-four years. I knew Mrs. Murphy's mother in her lifetime; her name was Me-nom-o-nee-quah; I first saw her in Rulo, about twenty-four years ago. My grandmother and Me-nom-o-nee-quah's grandmother were sisters, they belonged to the Fox Indians. Me-sah-quet was my grandfather. My mother was the mother of Me-nom-o-nee quah in the Indian way, but in the American way she was (my mother) her aunt. They were close relations.

"I don't know whether or not Me-nom-o-nee-quah was a member of the Sac and Fox tribe of the Missouri Indians. Quite awhile ago the Sacs, and the Foxes belonged together. Sometimes the Sacs drew annuities by themselves, and sometimes the Foxes by themselves. I think Me-nom-o-nee-quah was enrolled with the Foxes. I know that she really belonged to the Foxes; I think the old people said she was born with the Foxes. Me-soh-quet and As-so-me-co-sah said she was born among the Foxes. I never heard Pe-to-ko-mah say anything about Me-nom-o-nee-quah. The old people knew that Me-nom-o-nee-quah really belonged to the Foxes, and in that day they never put any one on the roll unless they really belonged to the tribe. As I recollect, Me-nom-o-nee-quah was put upon the roll by Me-soh-quet and Pe-to-ko-mah. There was a difference in the Sacs and Foxes, but they are the same now. They have united; it was a long time ago. I do not remember it; my father did not remember the time they united.

"Margaret Murphy was Me-nom-o-nee-quah's own daughter. I have acknowledged Mrs. Murphy as a member of the Sac and Fox tribe. I did tell them (the Murphys) to come here, and if they would come and stay with us we agreed to put them on the roll. Mrs. Murphy and her family came in a little while. We had a council in Mrs. Murphy's house last spring of all the head men, and we agreed to put them on the roll; and the second time we had a council at George Gomers's house, and then the head men agreed to put the six children on the roll this fall for fall payment of annuities.

"I don't know the reason why they were not enrolled. The boys agreed to give the head men six ponies to be placed on the roll. Then Mr. Margraves said you can do what you please; the money belongs to you and you can do what you please with it. He asked the boys to give us a horse a piece. The head men did not ask for ponies, but the boys offered them the six ponies and \$250 in money. It has been a custom a long time for the Indians to demand and receive a present from persons who are placed on the rolls. When a Missouri Sac goes to the Mississippi Sacs and stays awhile and comes back to the Missouri Sacs they always give us presents to be placed on the roll, and then they draw the money and go back. Mr. Margraves gave us a beef when he was enrolled with the tribe. No one has offered me any inducement to go away and not testify in this investigation.

"No one offered me \$100 to go to the Territory. Mr. Margroves was to pay me \$100 for the rent of my land—40 acres of ground—which will be rent for next year. I owe Margrove \$50 and the other \$50 will be paid me hereafter for me to go to the Territory. Mr. Margroves wanted me to stay until I saw George W. Gordon, special agent, in regard to the selling and allotting of land.

Mr. Margroves has not proposed to give me any thing to leave here before this investigation. He always wanted me to be present at this council. When an Indian leaves the tribe, he is dropped from the roll, and that has always been the custom. When he returns, he is re-enrolled, with the consent of the tribe.

I don't know when Me-nom-o-nee-quah was put upon the rolls of this tribe, and I don't know when Mrs. Murphy was put on the rolls. I know how Mrs. Murphy came to be placed on the rolls. The old lady made a present of a good horse to one of the chiefs, and they all agreed to put her on the roll; because her mother had died and they took pity on her and put her on the roll. She was a poor woman. The old lady gave the Chief Ko-shi-nay a horse and the chief put her on the roll."

In reply to the question, "did the Indians invite Mrs. Murphy to come to the reservation, or did she ask to be put on the rolls," witness answers, "I don't know exactly. They had a council and invited me to it, and she, being my relation, of course I agreed to put her on the roll.

"I may be mistaken about Mrs. Murphy giving a horse to be placed upon the roll. Mr. Tesson gave Ko-shi-ay a brown mare, and the Indians understood that it was given to him to have his (Tesson's) sister (Mrs. Murphy) put on the roll. I now learn since testifying (from Mr. Tesson, who is present) that it was not given for that purpose, but was a gift of his own to the chief."

COMMENTS OF GORDON, AGENT.

Such is a summary of the testimony of Quash-pah-me, and which appears neither clear nor consistent. He says that he is sixty-four years of age; that he knew Me-nom-o-nee-quah, the grandmother of claimants, during her life-time; that he first saw her about twenty-four years ago at Rulo (3 or 4 miles from the Sac and Fox reserve); that his (witness's) grandmother and Me-nom-o-nee-quah's grandmother were sisters; that they belonged to the Fox Indians. And immediately after this (page 48, Exhibit A) he says, "I don't know whether or not Me-nom-o-nee-quah was a member of the Sac and Fox tribe of the Missouri Indians." Again, it will be observed that Me-nom-o-nee-quah was a very old woman at the time of her death, in 1881. Tesson, her son, says, as near as could be ascertained, she was one hundred and five or one hundred and six years of age. Gomers says she was said to be one hundred and ten years of age. But suppose her to have been one hundred and five at the time of her death, eight years ago; that would make the witness, who says he is now sixty-four years of age, fifty-six years old at the time of her death, or about fifty years younger than Me-nom-o-nee-quah, and about forty years old when he first saw her. He, therefore, could have little or no personal knowledge of her genealogy. And it is very singular, if she was a member of the Sac and Fox tribe, with which he (witness) says he has been ever since he was born, that he never saw her until he was forty years of age. Witness further says that his mother was, in the Indian way, the mother of this old woman, Me-nom-o-nee-quah, who was fifty years older than witness, but in the American way she (witness's mother) was the aunt of Me-nom-o-nee-quah. I am satisfied that the relationship that the witness is here speaking of, if it existed at all, was an adopted relationship. And I was reliably informed, after he had testified and had left for the Indian Territory, that he had stated, when the Indians complained of the testimony he had given, that he meant that it was an adopted and not blood relationship. However, we are to take the written record of his evidence for whatever it is worth, and not what he may afterward have said about it.

Again this witness says: "I know that she, Me-nom-o-nee-quah, really belonged to the Foxes. Me-sah-quet and As-so-me-co-sah said she was born among the Foxes," but he does not say whether the Foxes of the Missouri or the Mississippi. And it will be remembered that her son, Tesson, says in his testimony that his mother, Me-nom-o-nee-quah, was with the Mississippi Foxes before she came to the Sacs and Foxes of the Missouri Indians. Witness further says that Me-sah-quet, who is one of his authorities for saying that Me-nom-o-nee-quah was born with the Foxes, was his, witness's grandfather; yet Te-oh-toliqua, Indian, and the first witness introduced by the Indians in defense, says (page 84, Exhibit A, hereto) that he is about forty years of age; that Me-sah-quet was his uncle, and that he heard Me-sah-quet (who is now dead) say that Me-nom-o-nee-quah was a Me-nom-o-nee Indian; that Me-nom-o-nee-quah one time came to his uncle's house and that he heard his uncle say that she did not belong to the Sac and Fox Indians, but to the Me-nom-o-nees (another tribe). So that here is a positive contradiction as to what Me-sah-quet said about the nationality of Me-nom-o-nee-quah.

This witness, Quash-pah-me, could not possibly have had any personal knowledge as to the genealogy of Me-nom-o-nee-quah, although he says, "I know she really belonged to the Foxes," for according to his testimony as to his own age and that of others as to the age of Me-nom-o-nee-quah, she was eighty-eight or eighty-nine years of age when he first saw her, about twenty-four years ago.

Again, this witness emphatically says, "Margaret Murphy was Me-nom-o-nee-quah's own daughter" (Page 52 Exhibit A). And yet he says he has known Mrs. Murphy only about twenty-four years, and she says in her testimony that she is now sixty-four years of age, so that she must have been about forty years of age the first time Quash-pah-me ever saw her, and her mother, Me-nom-o-nee-quah being eighty-eight or eighty-nine years of age the first time he ever saw her, he could not therefore have any personal knowledge of their relationship or of their nationality, and all that he knows of these matters, if anything, must be from hearsay.

Witness further says that he has acknowledged Mrs. Murphy as a member of the Sac and Fox tribe, and that he has told the Murphy's to come to the reserve, and that if they would come and stay he would agree to put them on the roll. This is the only witness introduced that admits that he ever invited the Murphy's to come to the reserve, though Frank Murphy says the Indians frequently invited them to do so. Yet it is strange that with the letters from the Indians to the Murphy family when they were in Missouri previous to 1864 to come to the reserve and the repeated invitations of the Indians since that time to do so (according to the testimony of Frank Murphy), that they have never accepted such invitations or made any effort to be enrolled with the tribe until within the last few months, and then with the offers of 6 ponies and \$250 to \$300 in money to the head-men to be placed on the rolls. It is also strange that with these repeated invitations from the Indians to the Murphy's to come to the reserve and share with them, that the Indians are now unanimously

opposed to their enrollment as members of the tribe, except perhaps this witness, Quash-pah-me, who, as heretofore shown, many years ago received kindness from Mrs. Murphy when he was wounded in the foot and remained one winter in her house at Rulo, and a desire upon the part of this witness to make some return to herself and family for the kindness thus received may in some measure account for the favorable coloring of his testimony in their behalf.

Again witness says: "I know how Mrs. Murphy came to be put on the roll. The old lady made a present of a good horse to one of the chiefs, and they all agreed to put her on the roll, because her mother had died, and they took pity on her and put her on the roll. The old lady gave Ko-shi-hay a horse and the chiefs put her on the roll." Witness afterward says that "he may be mistaken about Mrs. Murphy giving a horse to be put on the roll. That Tesson, her brother, gave the chief Ko-shi-hay a brown mare, and the Indians understood that it was given to have his (Tesson's) sister (Mrs. Murphy) put on the roll." At this point the witness was interrupted by Tesson, who stated that the horse was not given for that purpose, but was a gift of his own to the chief, and the witness then refers in his testimony to what Tesson has said.

Thus, I think, it will be seen, as stated in the beginning of the review of the testimony of this witness, Quash-pah-me, that it is neither clear nor consistent, and does not in connection or without connection with the other evidence in the cause establish either of the propositions contended for by claimants, namely, that they are descended from the Sac and Fox of the Missouri tribe of Indians through their grandmother Me-nom-o-nee-quah, and that they have been admitted to the rolls of the tribe by the action of the head-men at the council held at the house of Gomess on the 4th of April, 1889.

A SUMMARY OF THE TESTIMONY OF GEORGE GOMESS, WITNESS FOR CLAIMANTS.

Witness says: I am sixty-six years of age; I am not a Sac and Fox Indian (it is shown in another record that witness is a Mexican). I have lived with the Sac and Fox tribe of Indians since 1852. I have known Mrs. Margaret Murphy about twenty years. I have known Joseph Tesson since 1856. He and Mrs. Murphy are half brother and sister. I knew their mother, Me-nom-o-nee-quah. She is not now living. When I first saw her (Me-nom-o-nee-quah) she was in Meridese, Kans., with the Sac and Fox of the Mississippi. That was in 1863. An uncle of Joseph Tesson and Mrs. Murphy was present then. His name was Nash-ob-ness. That was with the Mississippi Fox. I was talking to her, Me-nom-o-nee-quah. She talked good Fox. The Sacs and Foxes are different in their languages. I couldn't tell exactly whether she was an Indian woman. They said she was an Indian woman. She was not very white, just yellow. She belonged to the Foxes at that time. In reply to the question, "What Foxes?" witness says: "I couldn't tell you. Her brother told me she was a Fox, but I don't know whether she was a Fox of Missouri or of Mississippi." I don't know whether she was enrolled with any tribe at that time. After she came up here we put her on the roll of the Sacs and Foxes of the Missouri. I don't know how long ago that has been. The nation (meaning the tribe) pensioned her at the same time as myself. I can't tell exactly when that was. I think it was about eleven and a half years ago. Me-nom-o-nee-quah was over a hundred years old when she died, I understood about one hundred and ten. I hardly know how long she lived with the Sacs and Foxes of Missouri Indians before she died; may be ten or fifteen years; I don't know. She was with the tribe before Me-sah-quet died. She was among the Iowas with Mr. Tesson. She came here to visit Me-sah-quet and Moh-less. I don't know what relationship she claimed with Me-sah-quet. I never asked her. I never heard Me-sah-quet say anything about it. I never heard him. He claimed some relation, but I never asked him whether she was aunt or sister. I don't know which. Me-sah-quet was second chief while he lived with the Sac and Fox. He was a Fox Indian. The Sacs and Foxes are two different tribes. They speak different languages. They have been together a long time, so they told me in the Indian office at Washington. They are all mixed up. You can hardly tell who are Foxes and who are Sacs. I have no recollection when they were distinct tribes. I have only been living with them since 1852. They have been one tribe since I have known them.

Mrs. Murphy has been on the Sac and Fox roll about eight or nine years. I don't know what relation she is to Quash-pah-me. He, Quash-pah-me, told me that Mrs. Murphy and his mother were sisters in the Indian way, but cousins in the English.

I understood that some of the Indians went to Rulo and told the Murphy family to come here on this reserve and stay with them and they would put them on the roll. Sac-cah-pee did so. Quash-pah-me stayed with them all one winter. He cut his foot with an ax, and he went to Mrs. Murphy's and she took care of him. Me-sah-quet and Moh-less and No-ko-wat regarded Me-nom-o-nee-quah as one of their people. They said she was a Fox of the Missouri.

The meaning of the word "Me-nom-o-nee-quah" is "Me-nom-o-nee woman." In reply to the question, "Have you ever heard that Me-nom-o-nee-quah was a Me-nom-o-nee woman?" witness answers, "That is what I heard. Some said she was a Fox and some a Me-nom-o-nee. I don't know anything about it. Old Me-sah-quet told me that Tesson was his grandson." Witness continues, he knew of Indians called Me-nom-o-nees and Chippewas. If Joseph Tesson and Mrs. Murphy were grandchildren of old Me-sah-quet, I suppose they would necessarily have the blood of the Sac and Fox Indians of the Missouri in their veins. I don't know only what I have heard. I have heard some say Me-nom-o-nee-quah was a Me-nom-o-nee Indian, and some say she was a Fox. I have heard this since about 1863. No-ko-wat said she was a Me-nom-o-nee. He is the only one I have ever heard say it. He was a Me-nom-o-nee himself. I knew Nosh-oh-ness. He called Me-nom-o-nee-quah sister. I don't know whether he claimed her as an adopted or blooded sister. I never heard him say anything about it.

I was interpreter at the council that was held at my house last spring in reference to putting the Murphy boys on the roll. It, the council, was held by all the principal men, and the boys (the Murphys) told them if they would put six on the roll they wouldn't ask them to put any more of their relatives on.

They told the boys they couldn't put them on for the spring payment because they were too much in debt, but they would put them on the roll for this fall payment. That is all I know. The council then closed. The boys were satisfied and the Indians were satisfied and closed the council. That is all I know about it. Mr. Margrave told them (the Indians) that the money belonged to them and the land belonged to them and if they wanted the boys on the roll they could do as they pleased. He had no objections. Then it came my time to speak. "We will put the five men and one woman on the roll and no more, and the boys ought to give us a certificate to show that they would not ask any more, and they said they would." Continuing, "it is expected by the Indians when a person is put on the roll that he or she will make them a present of some kind. When a man asks to be put on the roll and not promise them anything, and the Indians put him on the roll, they do not expect anything. But when a man promises to give them something to be put upon the roll and afterward does not pay it, the Indians call him a rascal and never like him either. The boys (the Murphys) promised the present and told me to tell them (the Indians). They promised six ponies and their first annuities." (This last sentence is interlined on page 80, Exhibit A). "There was nothing secret about it. I told the Indians about the ponies. Some of the Indians were satisfied concerning the presents, and one said he did not want any. He didn't want to give the Indians' money away for ponies. They (the Indians) had not agreed to put the boys (the Murphys) on the roll before anything was said about giving ponies. They (the Murphys) offered the ponies before the council was held, and I told them (the Indians) before the council was held, and they were talking about it among themselves at my stable, that the Murphys were going to give each a pony, and one didn't agree, and they said they would give him one anyhow."

COMMENTS ON THE FOREGOING.

Such is a summary of the testimony of George Gomess, official interpreter and witness, introduced by claimants.

It will be observed that he states that when he first saw Me-nom-o-nee-quah (the grandmother of claimants and alleged by them to be of the blood of the Sac and Fox of the Missouri tribe of Indians) she was with the Sac and Fox of the Mississippi tribe of Indians, this in 1863, while Tesson says she was put on the rolls of the Sac and Fox of the Missouri tribe in 1856 or 1857. Yet this witness, Gomess, says he has been with the Sac and Fox tribe of the Missouri since 1852, and yet the first time he ever saw her was in 1863 at Meridesene Kans., and then she was with the Sac and Fox Indians of the Mississippi.

Again witness says: "I don't know exactly whether she was an Indian woman. They said she was an Indian woman; she was not very white, just yellow." From which it appears that she might have been a half-breed. And in this connection I remark that Tesson and Mrs. Murphy, her alleged children, are unusually white for half-breeds, as they now claim to be; while the claimants, Mrs. Murphy's children by white men, show very little if any Indian blood at all. They would ordinarily be taken for full-blood whites.

Witness further says that he does not know whether Me-nom-o-nee-quah was enrolled with any tribe when he first saw her, but that after she came to the Sac and Fox Reserve she was put on the roll of the Sac and Fox of the Missouri. Doesn't know how long she had lived with the Sac and Fox of the Missouri at the time of her death, but says may be ten or fifteen years. This does not agree with the statement of Tesson that she was put on the roll of this tribe in 1856 or 1857, or about that time.

The annuity rolls at the Indian office ought to show when she was put on the roll of this tribe. The rolls of that date are not to be found among the agency records.

Again, this witness says he never heard Me-sah-quet say anything about his relationship to Me-nom-o-nee-quah, yet he says he claimed some relationship with her. If he never heard Me-sah-quet say anything about it, how could he know that he claimed to be a relation?

Again, he says Mrs. Murphy has been on the roll of the Sac and Fox of the Missouri eight or nine years, but doesn't know what relationship she bears to Quash-pah-me; that Quash-pah-me told him that his mother and Mrs. Murphy were sisters in the Indian way, but cousins in the English, while Quash-pah-me says in his testimony (page 47, Exhibit A) that his mother was the mother of Me-nom-o-nee-quah in the Indian way, and aunt in the American, which would make Mrs. Murphy the great-niece of Quash-pah-me's mother instead of cousin. This goes to strengthen the suggestion hereinbefore made that Quash-pah-me was confused about this relationship or that it was an adopted and not blood relationship.

Again, witness says that "Me-sah-quet and Moh-lesi and No-ko-wat regarded her (Me-nom-o-nee-quah) as one of their people. They said she was a Fox" (page 73, Exhibit A); and yet the witness, on page 76, Exhibit A, says "that he heard No-ko-wat say that Me-nom-o-nee-quah was a Me-nom-o-nee Indian; that No-ko-wat was himself a Me-nom-o-nee," thus flatly contradicting himself as to how No-ko-wat regarded Me-nom-o-nee-quah as to her nationality. Witness further says (page 75, Exhibit A), "I have heard some say that she (Me-nom-o-nee-quah) was a Me-nom-o-nee, and some say she was a Fox. I have heard this since about 1863."

On page 74, Exhibit A, witness says that the word Me-nom-o-nee-quah means a "Me-nom-o-nee woman." I call especial attention to this. I am informed that "e-quah" or "quah" is the Sac and Fox word for woman and Me-nom-o-nee is the name of a tribe of Indians to the north or northeast of this reserve. Hence "Me-nom-o-nee-quah," a "Me-nom-o-nee woman." Tesson attempts to explain this and the fact that it was a matter of common repute (which he admits) that Me-nom-o-nee-quah was a Me-nom-o-nee Indian by saying that her (Me-nom-o-nee-quah's) grandmother was a Me-nom-o-nee Indian (page 16, Exhibit A). But it will be remembered that Tesson says he went West when he was ten or twelve years of age and returned in 1855, or when he was forty-four or forty-five years of age, having been born in 1811. It is therefore hardly possible that he could have known anything reliable as to the history or genealogy of his great-grandmother, but thus seeks to account for the "common repute that his mother was a Me-nom-o-nee Indian, and for the name by which she was known among the Indians, 'Me-nom-o-nee-quah,' a 'Me-nom-o-nee woman.' I regard this matter of her name as a strong circumstance in support of the claim of the Indians that she was a Me-nom-o-nee and not a Sac and Fox Indian.

So that it is not satisfactorily established by the testimony of this witness taken in connection with that of the others, that Me-nom-o-nee-quah was descended of the blood of the Sac and Fox of the Missouri tribe of Indians. But the tendency of the proof when the whole record is considered in connection with all the circumstances attending the case, goes to show that she was a Me-nom-o-nee Indian and was admitted to the Sac and Fox tribe merely as a beneficial and not as an original member thereof. But at what date she was so admitted none of the witnesses undertake definitely to state except Joseph Tesson, the uncle of claimant, and he says she was admitted at the first payment of annuities after she came to the tribe in 1856 or 1857. If Me-nom-o-nee-quah was not admitted to the rolls of the tribe simply as a beneficial member (which the record shows was a custom among these Indians), but because she was of the blood of the tribe, it is strange that his daughter, Mrs. Murphy, was not admitted until six or eight years ago and not until after her mother's death in 1881. Quash-pah-me in his testimony says, "Her (Mrs. Murphy's) mother (Me-nom-o-nee-quah) had died; we took pity on her and put her on the roll; she was a poor woman." I suppose the annuity rolls of this tribe, the Sac and Fox of the Missouri, in the Indian Office, will show the exact dates at which both of these parties, Me-nom-o-nee-quah and her daughter, Mrs. Murphy, were admitted to the rolls, if they do not show why they were so admitted. If Tesson's statement is correct, the former must have been admitted about 1856 or 1857, and the record herewith shows that the latter must have been admitted in 1880, 1881, 1882, or 1883. There are no records to be found at the Pottawatomie Agency showing these facts. Again, this witness, George Gomes, says that at the council held by the principal men of the tribe at his house last spring, he was interpreter for the Indians, and that the claimants told them if they would put the six on the roll they would not ask that any more of their relatives should be put on. The proof shows that claimants, among them all, have eight children, making a claim now for the admission of fourteen instead of six. Now, if the claimants had felt at that time that they were entitled to admission to the rolls of the tribe by right of blood, why would they make such an agreement—an agreement by which their eight children would be excluded from tribal rights? But this attempt at admission having failed, claimants now seek to assert their right to admission through the claim of blood.

Witness, who is an adopted member of the tribe, with full rights, says he agreed to put the five men and one woman on the roll and no more, and that he demanded that claimants should give a "certificate" stating that they would not ask that any more of their relatives should be put on the roll, and that claimants said they would do so (give the certificate).

Witness further says that before the council at his house was held, the claimants promised the principal men a pony each and their first annuities (\$250 to \$300 in money) to be put on the rolls, and that he told the Indians about it before the council. It has heretofore been shown that the action of this partial council of head-men was subsequently reversed and annulled by a full council of the tribe, and that at that council a petition was signed by both the men and women and sent to the Indian office protesting against the admission of claimants to the rolls of the tribe.

TESTIMONY OF FRANCIS DUPUIS.

The next witness introduced by claimants is Francis Dupuis. He says he is acquainted with Joseph Tesson and Mrs. Murphy—that they are half brother and sister, that they belong to the Sac and Fox tribe of Missouri Indians. But on page 130, Exhibit A, when this witness was reintroduced in rebuttal, he says that "he heard that Me-nom-o-nee-quah belonged to the Sacs, when she first came here; she came with Sacs. I have no personal knowledge of what tribe she belonged to." But says very emphatically (page 82, Exhibit A) that Tesson and Mrs. Murphy, the children of Me-nom-o-nee-quah, "belong to the Sac and Fox of Missouri Indians." If he had no personal knowledge of what tribe Me-nom-o-nee-quah belonged to, it would seem that he should have still less knowledge of what tribe her children belonged to, as they must follow their mother's tribe—their father being a white man. Witness further says that the people have regarded Tesson and Mrs. Murphy as Sac Indians.

This is about all that this witness says in his examination that need here be noticed, and which shows that he is inconsistent in the main point he attempts to prove, namely, to what tribe Tesson and Mrs. Murphy belong. And he appears swift in making his first statement "that they belong to the Sac and Fox tribe of Missouri Indians," and which was not responsive to the question asked him, and which question was, "What was their reputation among the people who knew them as to their nationality." He answers, "They belong to the Sac and Fox of the Missouri Indians." Clara Dupuis, the daughter-in-law of this witness, says (page 96, Exhibit A) that she heard this witness, Francis Dupuis, say "that Tesson had Me-nom-o-nee blood." This statement of Clara Dupuis is sought to be denied by her father-in-law, Francis Dupuis, wherein he is asked (page 130, Exhibit A) if he ever told Clara Dupuis that Tesson was a Me-nom-o-nee Indian. And he answered "No." So that here is a substantial contradiction between the daughter-in-law, and the father-in-law, neither of them belonging to the Sac and Fox tribe, but living on the Iowa Reservation.

I consider that the testimony of this witness, Francis Dupuis, adds but little if any strength to the contention of claimants that they are descended from the Sac and Fox of Missouri tribe of Indians.

This concludes my review of the evidence adduced in chief by claimants. They introduce other evidence in rebuttal to which some allusion has already been made in relation to its connection with the evidence in chief, and further reference will be made to it in reviewing the evidence adduced by the Indians in opposition to the claims asserted.

REVIEW OF EVIDENCE ADDUCED IN DEFENSE.

SUMMARY OF THE TESTIMONY OF PE-AH-TOL-I-QUAH.

Witness says: "I am forty years of age, and may be a little older. I am an Indian and belong to the Sac tribe. I knew Me-nom-o-nee-quah during her life-time, she belonged to the Me-nom-o-nees. I learned that from my father, Me-sah-quet; in Indian he was my father; in English, my uncle. One time Me-nom-o-nee-quah came to my uncle's house, and he said to me that she did not belong to the Sacs, but to the Me-nom-o-nees. I heard No-ko-wat say she belonged to the Me-nom-o-nees. He was a Sac. [Gomess says he was a Me-nom-o-nee.] I know the Murphy boys. They are now living on this reserve. I don't know exactly how long it is since they came here; some came lately and some came before. One time the Murphys were put off the reserve. They drove them off; that was when the young men were small. The reason they drove them off was, they said 'You don't belong here. You are no Sacs.' No-ko-wat told them that 'You belong to the Me-nom-o-nees; go up there.'

"Nobody has told me what to say to-day. Nobody has talked to me about what was to be said here to-day. I think I was about thirty years old when Me-sah-quet died. I don't know when he died. I was not here then. I was on the other reserve.

"Old Me-sah-quet said that Me-nom-o-nee-quah was not of kin to him at all. The old man was talking to us, and he told us this.

"I know Joseph Tesson. The first time I ever saw him, was when he was in Meridesne, Kans. I don't know how long ago that has been. I never counted.

"There was no connection between Joseph Tesson and Me-sah-quet. My uncle, Me-sah-quet, said so. Me-sah-quet was Quash-pah-me's grandfather. I don't know that there is any relationship between Quash-pah-me and Mrs. Murphy. It there is, Quash-pah-me must be a Me nom-o-nee. He is not a Me-nom-o-nee, but he is a Sac."

Such is a summary of the testimony of Pe-ah-tol-i-quah, and from which it will be seen that he says that his uncle, Me-sah-quet (who was a chief of the Sac and Fox tribe of the Missouri Indians), told him that Me-nom-o-nee-quah was a Me-nom-o-nee Indian, and not of the Sac and Fox tribe; also, that No-ko-wat, a Sac Indian, said the same thing. Again, he says, at one time the Murphys were put off of the reserve, that they were driven off, and that the reason they were driven off was because they did not belong there; that No-ko-wat told them they did not belong there; that "they were Me-nom-o-nees, and to go up there." Frank Murphy and his mother, Mrs. Murphy, deny in their testimony in rebuttal that they were ever put off of the reserve. (See pages 122 and 128, Exhibit A.) But Thomas Connell, witness for the defense, says (page 102, Exhibit A) they (the Murphys) were put off of the reserve, but he doesn't know exactly when; that they were put off because they were no Sacs. It is not improbable that this is the time referred to by Tesson, Mrs. Murphy's half-brother, wherein he says (page 13, Exhibit A), "she (Mrs. Murphy) was put on the rolls once before, and they had a little rumpus, and she was taken off the rolls, and went back to Rulo. I have been informed outside of the record and since its conclusion, that Mrs. Murphy was put on the rolls of the tribe about 1868 or 1867, during the absence of one of the chiefs, Moh-less, and that when he returned he complained, and insisted that she was not of the tribe, and that she should be taken off the roll, but that he agreed that she might remain on for the payment of one annuity in order to pay her for her kindness to Quash-pah-me when his foot was cut." This is not evidence, but I mention it that the rolls in the Indian office may be examined to ascertain the fact or falsity of the statement that she was once on the rolls and then taken off. And if so, it is a strong circumstance against the claim now set up that she is of the Sac and Fox tribe, through her mother, Me-nom-o-nee-quah.

RÉSUMÉ OF THE TESTIMONY OF WAH-PAH-CI-AN-AH, INDIAN, AND SECOND CHIEF ON THE RESERVE:

Witness says: "I live on the Sac and Fox reservation. I knew Me-nom-o-nee-quah during her life-time. I don't know whether she belonged to the Sacs or the Foxes. The people I heard talk about her are all dead. They were my uncles, Pe-to-ko-mah and Tah-kah-ko. They told me that Me-nom-o-nee-quah came from the North from the Me-nom-o-nees. She was put on the rolls of the Sac and Fox Indians because she was a poor old woman."

Such is all that is material of the testimony of this witness, and which goes to strengthen the position of the defense, that Me-nom-o-nee-quah was not of the Sac and Fox tribe, but of the Me-nom-o-nee tribe.

RÉSUMÉ OF THE TESTIMONY OF AUGUSTUS NALL FOR THE DEFENSE.

Witness says: "I am Government blacksmith for the Iowa and Sac and Fox Indians, and I live on the Iowa Reserve, about 8 miles from here [the Sac and Fox Reserve]. I have known Joseph Tesson about twenty years. I have frequently heard him say of what nationality he was. He sometimes said he was a Sac, and sometimes he said he was a Sioux, and sometimes he said he did not know exactly where his tribe was. He was with the Sacs when I first knew him. He has always been regarded as a Sac. When Tesson said that he did not exactly know where his tribe was, he might have meant that he didn't know whether he was a Sac or a Fox."

Such are the material points in the evidence of this witness, and which tends to weaken the evidence of Tesson, who, however, denies that he ever told any one that he was a Sioux or Cheyenne, or that he did not know what tribe he belonged to. (See p. 118, Exhibit A.) It will be seen further on that Tesson is contradicted by Jennie Rubidoux and by M. B. Kent, ex-agent of the Sac and Fox tribe.

TESTIMONY OF CLARA DUPUIS, WITNESS FOR DEFENSE.

"I live on the Iowa Reserve, about 5 miles from here. I know Francis Dupuis; he is my father-in-law. I heard him say that Mr. Joseph Tesson had Me-nom-o-nee blood."

Francis Dupuis undertakes to deny this, wherein he says in his testimony in rebuttal (p. 130, Exhibit A) that he never told Clara Dupuis that Tesson was a Me-nom-o-nee Indian.

TESTIMONY OF JOHN RUBIDOUX, INDIAN WITNESS FOR THE DEFENSE.

"I reside on the Sac and Fox Reserve a short distance from here, and I think I am thirty-one years of age. I knew Me-nom-o-nee-quah during her life-time. I don't know to what tribe she belonged. I heard the people say she was named Me-nom-o-nee-quah, and belonged to the Me-nom-o-nees. I don't know what tribe she belonged to, but that is what I always heard them say. The Sacs here, all of them, said that. They have been saying that a while back, may be ten years ago. I was at a council held at the house of George Gorness last spring about admitting the Murphy family to the roll of the Sac and Fox tribe. They talked about putting the Murphys on the rolls. I did not hear them say what they were going to do with them. I have not been at any council since, about putting the Murphys on the roll. I don't know when Me-nom-o-nee-quah was put on the rolls. I don't know what the chiefs and head-men said at the time she was put on the roll of her relationship to the Sac and Fox of the Missouri Indians."

Such is the evidence of John Rubidoux, and which tends, by common repute, to strengthen the position of the defense that Me-nom-o-nee-quah was not of the Sac and Fox of the Missouri tribe of Indians, but a Me-nom-o-nee Indian.

SUMMARY OF THE TESTIMONY OF THOMAS CONNELL, INDIAN WITNESS FOR THE DEFENSE.

I am about forty years old; I live here on the Sac and Fox reserve; am an Indian and a member of the Sac and Fox tribe; I knew Me-nom-o-nee-quah during her life-time; all I know is what I heard; I heard that she belonged to the Me-nom-o-nees; I heard No-ko-wat say so; No-ko-wat was a Fox; he used to live on this reserve; he is now dead. The Murphy family were put off of this reservation, but I don't know exactly when. They were put off because they were no Sacs; I don't know how many years ago it was. I was not at the council said to have been held at the house of George Gorness last spring. I have not been at any council since that time to put them (the Murphys) on the roll, but have been to put them off. It was held at my house; the whole nation was there—Pe-ah-tol-i-quah, Tom Connell, Jno. Rubidoux, Joseph Rubidoux, Willie Devoin, Henry Sa-qua-nee, Wm. Margraves, Bill Alley, and George Gorness; these were all. Quosh-poh-me, Wah-pah-co-ni-oh, Joseph Ko-shi-nay, and Ed. Rubidoux were not there. The men signed first, and then the women signed; they did not sign anything, but took down a list of the names of the men and women who were there. We had another council after that at Mr. Margrave's. At the first council at my house some of the men were not there. At the second council at Mr. Margrave's house all the men and women were there, except Quash-poh-me. All the men and women and the head-men there signed the paper that day, except one; that was Quash-poh-me, who was not there; he came the next day and signed it; he heard that the others had signed it and he came the next day and signed it. The paper (that was signed) was a petition saying that the nation did not agree that the Murphys should be put on the rolls of the tribe. The petition (the paper referred to) was sent to the agency at Pottawatomie and the agent sent it on to Washington to the Commissioner of Indian Affairs. There has not been any council about this matter since then.

I can't tell how many weeks it was after the council held at the house of George Gorness till the council at my house. I was not at home but in the Indian Territory (when the council was held at Gorness's house). I can't tell what month it was when the council was held at my house. It was in the spring of this year. I called the council at my house. Nobody told me to do it. I told a young man to go round and tell the Indians. I did not go myself. I did not have any talk with Mr. Margrave about calling the council at my house; Nobody but ourselves called the council at Margraves' house. We went to Margraves's house to sign the paper (the petition referred to). Margraves did not give me anything to get up that council. The Indians have not accused me of getting \$100 from Margraves to get up that council against the Murphy's. None of them have ever accused me of getting \$100; I was not promised anything to do it (to get up the council referred to at Margrave's house). I have gotten no hogs from Margraves this summer; I have gotten some from his place, but I bought them. I have not paid for them, but I am to pay for them on pay-day. I am personally very much opposed to the Murphy boys. I don't want them to come on (the rolls).

I was here on this reserve when Me-nom-o-nee-quah was put on the rolls. I don't know when this was. I don't know what the old Sacs, the head-men and chiefs, twenty-five or thirty years ago said about the relationship of Me-nom-o-nee-quah to the Sac and Fox Indians.

Such is the testimony of Connell, which tends to strengthen the position of the defense that Me-nom-o-nee-quah was not of the Sac and Fox tribe but of the Me-nom-o-

nees—this wherein he stated that he heard No-ko-nat, a member of the tribe, now dead, say she was a Me-nom-o-nee Indian. This witness also corroborates the statement of Pe-ah-we-a-quah that the Murphys were once put off of the reserve, but, as before shown, this is denied by Frank Murphy and his mother in rebuttal.

This witness, Connell, testifies that there were two councils of the Indians held after the council held by the head-men on the 4th of April, 1889, and at which it is shown the head-men agreed to put the five men and one woman on the rolls for the fall payment of annuities, and that at the last one at Margraves's house both the men and women at this full council signed a paper or petition stating that they did not agree that the Murphy's should be put on the rolls of the tribe, and that such petition was forwarded to the Commissioner of Indian Affairs. It will further be seen that the attempt upon the part of claimant to show by this witness that he was bribed by Margraves to get up the councils subsequent to that of April 4, 1889, was a failure.

TESTIMONY OF GEORGE GOMESS, A MEMBER OF THE TRIBE, AND WITNESS FOR THE DEFENSE, AND INTERPRETER FOR THE TRIBE.

I am about sixty-six years old; am on the rolls of the Sac and Fox tribe of the Missouri, and draw annuities. I never invited any of the Murphy family to come upon this reserve and be one of the tribe.

[This latter sentence is a contradiction of Frank Murphy, witness for himself and claimants, page 34, Exhibit A, wherein he says that In-oo-pah-me and George Gomess invited them, the Murphy family, to move on to the reservation.]

Witness Gomess continues: I was at the council at Mr. Margraves house. The nation did not agree to put the Messrs. Murphy on the roll and I did not agree. The councilors signed the petition not to put them on the roll. They don't want them on the roll. The Indians a few days before at my house in a general council agreed to put the Murphy people on the roll of the tribe. The Indians changed their minds because we head-men had agreed to put them on the roll, but the others did not know anything about it. One Indian said that Margraves had given Tom Connell \$100 to circulate a petition among the Indians protesting against putting the Murphy's on the roll. It was John Rubidoux, but he was mistaken.

Such is the testimony of George Gomess, in which it will be seen that he contradicts Murphy, wherein Murphy says that Gomess was one of the Indians who invited the Murphy family to move on to the reserve. This witness also shows that the agreement of the head-men at the council on the 4th of April, 1889, to put the Murphys on the roll was disagreed to by the council at Margrave's house afterward, and says that the Indians (the head-men) changed their minds because the other Indians were not at the council of the head-men at his house on April 4, 1889. So that whatever the head-men agreed to do at that council was not done, and was disagreed to by the full council, subsequently held at Margrave's house, by the head-men and the other Indians. Witness says (at this last council) the nation did not agree to put the Murphys on the roll and I did not agree. (He, Gomess, was one of the head-men who had agreed at the council in April to put them on the roll for the fall payment of annuities.) Witness further says (at the last council held on this subject) the councilors signed the petition agreeing not to put them on the roll. They don't want them on the roll. So that the testimony of this witness and that of Tom Connell negative and dispose of the claim set up by the Murphys in the testimony of Frank Murphy, wherein he says (page 28, Exhibit A), the Indians have called a council among themselves and admitted us as members of the tribe. This was on the 4th day of last April.

TESTIMONY OF KE-KO-NA, WITNESS FOR THE DEFENSE, AN INDIAN AND MEMBER OF THE SAC AND FOX TRIBE.

I think I am about sixty-eight years of age, and if not mistaken I have lived on this reservation about twenty-six years. I knew Me-nom-o-nee-quah during her lifetime. She belonged to the Me-nom-o-nees. I learned this from my mother, who was a Fox woman. I never heard any one but my mother say that Me-nom-o-nee-quah was a Me-nom-o-nee Indian.

I knew the chief, Me-soh-quet. Me-nom-o-nee-quah claimed to be his niece, but it was not so. I know it was not so, because the old man, Me-soh-quet, said so.

Such is the testimony of Ke-ko-na, and which goes to strengthen the position of the defense that Me-nom-o-nee-quah was not of the Sac and Fox but of the Me-nom-o-nee tribe of Indians. It also corroborates Pe-oh-toli-quah, wherein he says (page 87, Exhibit A) that Me-soh-quet said that Me-nom-o-nee-quah was not of kin to him.

SUMMARY OF THE TESTIMONY OF JENNIE RUBIDOUX, WITNESS FOR THE DEFENSE, A SIOUX INDIAN HALF-BREED, LIVING ON THE IOWA RESERVE.

Witness says: I am forty-two years of age, and live on the Iowa Reservation, adjoining this. I knew Me-nom-o-nee-quah. She told me that she was a Me-nom-o-nee woman. Mr. Tesson here (Tesson was present) told me that his mother was a Me-nom-o-nee woman. I don't know as to whether he claimed Me-nom-o-nee-quah as his mother, but he told me that his mother was a Me-nom-o-nee woman. I live about 4 miles from Mr. Joseph Tesson. I have known him ever since I can remember. I never heard the Indians say anything about what blood Me-nom-o-nee-quah was; but I heard Uncle Joe Rubidoux say she was a Me-nom-o-nee woman, and that he had known her ever since he was a little boy, and that he knew her when she lived in St. Louis. My uncle (Joe Rubidoux) lived with me, and old Me-nom-o-nee-quah used to come and stay with me two or three weeks at a time, and I heard them talking about it. She said she was a full-blooded Me-nom-o-nee. I asked her of what tribe she was, and she said of the Me-nom-o-nee. This was in 1872. Two years ago last summer Joseph Tesson told me his mother was a Me-nom-o-nee Indian. I am not on bad terms with Mr. Tesson. Our families are on perfectly good terms. I saw Me-soh-quet during his life-time three or four times. I suppose he was a Sac Indian. Me-nom-o-nee-quah did not tell me anything about any relationship between her and Me-soh-quet. I don't know anything about that. I have no feeling in this case. I belong to the Sioux tribe. I have never lived among the Sacs and Foxes, but I have lived on the Iowa Reservation (adjoining) for twenty-four or five years. I did not tell Frank Murphy at George Gomess's house, on this reservation, March, 1889, that there was a very bad feeling between myself and Joseph Tesson."

Such is the testimony of Jennie Rubidoux, and which, if true (and I credit it), strongly supports the position of the defense that Me-nom-o-nee-quah was not of the Sac and Fox tribe of Indians but of the Me-nom-o-nees. Claimants undertake, in rebuttal, to impeach the testimony of this witness by Joseph Tesson, the uncle of claimants, Frank Murphy, one of the claimants, and Mrs. Brien (the mother-in-law of one of the claimants). Tesson denies (page 117, Exhibit A) that he ever told Jennie Rubidoux that his mother was a Me-nom-o-nee Indian. He also says that her general reputation for truth is bad, but can't name any one whom he has ever heard speak of her reputation for truth. But further says (page 119, Exhibit A) that he has heard Mr. M. B. Kent, a former agent on the reserve, say when he would see Jennie Rubidoux coming, "Yonder comes the telegraph," thereby meaning that she was bringing him false news. Kent, who is a banker and a gentleman of high standing in White Cloud, Kans., denies in his evidence (page 136, Exhibit A) that he ever said any such thing in the presence of Joseph Tesson or anywhere else. Kent further says that he is acquainted with the general reputation of Jennie Rubidoux for truth and that it is as good or better than that of any Indian on the reserve (and this would include Tesson himself). Kent further says that from what he knows of Jennie Rubidoux and of her general reputation he would believe her on oath. He also says (page 136, Exhibit A) that he is acquainted with the general reputation of Tesson for truth and that it is questionable, that he has heard it questioned. I would further remark that Tesson is not only thus contradicted by Mr. Kent as to what he should have said about Jennie Rubidoux being a "telegraph," and bringing him false news, and by Jennie Rubidoux wherein he denies that he told her his mother was a Me-nom-o-nee Indian; but he is also contradicted by Augustus Hall, Government blacksmith, wherein he denies (page 118, Exhibit A) "that he ever told any one that he was a Sioux or that he did not know what tribe he belonged to." Hall says (page 94, Exhibit A) "he (Tesson) sometimes said he was a Sac, and sometimes he said he was a Sioux, and sometimes he said he didn't exactly know where his tribe was." So that as between Jennie Rubidoux and Joseph Tesson I am constrained to believe the former. Frank Murphy, in his evidence in rebuttal (page 123, Exhibit A) states that Jennie Rubidoux told him that "she bore Joseph Tesson bad feelings and always would."

I have heretofore referred to what appears the inconsistencies and unreliable character of the evidence given in his examination-in-chief by this witness, Frank Murphy, and called attention to the several contradictions of him by other witnesses, and I attach very little credit to his testimony.

It is also sought to impeach the credibility of Jennie Rubidoux by Mrs. Louisa Brien, who I am informed since her evidence was taken is the mother-in-law of one of the claimants. She states that she knows the general reputation of Jennie Rubidoux for truth, and that it is bad. But with all this I do not, in view of the fact that Tesson, Frank Murphy, and Mrs. Brien are related to the claimants, and Murphy being one of them, and of the unreliability of the evidence of Tesson, and Murphy as herein before shown, and in view of the testimony of M. B. Kent and Samuel M. Brosious in support of the character of Jennie Rubidoux, and in view of her disinterestedness in the matter about which she was testifying, and in view of

her excellent manner upon the witness stand and in the presence of Tesson and Murphy, who have attempted to impeach and contradict her, I say I do not consider that she has been successfully impeached, and feel constrained to credit her testimony.

It now remains to give a summary of the testimony adduced in rebuttal, and to the most of which reference has already been made and commented upon in the body of this report.

TESTIMONY OF JOSEPH TESSON, WITNESS FOR CLAIMANTS IN REBUTTAL.

Witness says: "I never told Jennie Rubidoux that my mother was a Me-nom-nee woman. Me-nom-nee-quah was a sister by blood of Nosh-oh-ness, because I saw Nash-oh-ness a few minutes after he was born from my grandmother." (See comment upon this last statement, page 16, and following of this report.) Witness continued: "I never told any one that I was a Sioux, or Cheyenne, or that I did not know what tribe I belonged to. (See evidence of Hall, page 94, Exhibit A, in conflict with this.) There is unpleasant feeling existing between myself and Jennie Rubidoux." (See evidence of Jennie Rubidoux, page 116, Exhibit A.)

Witness continues: "I know the general reputation of Jennie Rubidoux for truth and veracity; it is bad." (See comments on this page 98, and following of this report.) Witness continues: "I can't name any one whom I ever heard say that Jennie Rubidoux was not a woman of truth. I have heard Mr. M. B. Kent, a former agent on this reservation, say when he would see her coming, 'Yonder comes the telegraph,' meaning that she was bringing false news to him." (See Kent's contradiction of this, page 136, Exhibit A.) Continuing: "Me-nom-nee-quah never lived with the Me-nom-nee Indians to my knowledge; if such had been the fact I would have known it." (She might have lived with them before he was born or during his thirty-three years' absence in the West, and he have known nothing about it. This again shows the reckless character of the testimony of this witness.) Continuing: "Me-nom-nee-quah never lived with Jennie Rubidoux." (Jennie does not say so, but that she used to come to her house and stay two or three weeks at a time, see page 114, Exhibit A.) Witness continues: "It was not possible for Me-nom-nee-quah to have stayed with Jennie Rubidoux two or three weeks at a time without my knowing it. I have known Pe-oh-tol-i-quah since about 1855; he was then about two years old; he had no knowledge of his father when he went away from here; he was about three years old when his father died; his mother took him to the Mississippi Sacs, and during the war he returned here. He was absent from here when his uncle, Me-sah-quet, died." (And so Pe-oh-tol-i-quah says, page 87, Exhibit A. "I was not here when Me-sah-quet died. I was not on the Otter (Iowa) Reserve.")

TESTIMONY OF FRANK MURPHY, WITNESS, IN REBUTTAL, FOR AND ONE OF THE CLAIMANTS.

Witness says: "I never heard that Me-nom-nee-quah ever lived with Jennie Rubidoux (nor does Jennie say so). She lived with my mother part of the time and with Joseph Tesson the remainder. None of our family were ever removed from this reservation." (Pe-oh-tol-i-quah and Thomas Connell, witnesses for the defense, say they were. (See pages 86 and 102, Exhibit A). Witness continues: "My mother thought it the best policy to move away from the reservation as she could not make a living here. We were all too small to do heavy work, and removed to Rulo to get the benefit of schools. Jennie Rubidoux spoke to me of the feeling between her and Joseph Tesson. She told me that the trouble between them occurred about a wedding at his house, between Mr. Tesson's adopted son and her daughter. She said she bore him hard feelings and always would." (See evidence of Jennie Rubidoux, page 115, Exhibit A.)

Such are the material points in the testimony in rebuttal of this witness, Frank Murphy. (See comments upon his evidence, page 25, and following of this report.)

TESTIMONY OF MARGARET MURPHY, IN REBUTTAL, MOTHER OF AND WITNESS FOR CLAIMANTS.

Witness says: "I was never required by the Indians to leave this reservation. My children were too small and I had to go to Rulo to make a living and send my children to school. Me-nom-nee-quah never lived with the Me-nom-nees, and never lived with Jennie Rubidoux." (Jennie does not say so.) And Me-nom-nee-quah might have lived with the Me-nom-nees before witness was born. She, witness, says she is now sixty-four years of age (see page 21, Exhibit A) and her mother, Me-nom-nee-quah, is said to have died eight years ago at the age of one hundred and five or one hundred and six, as nearly as can be ascertained (see evidence of Tesson,

page 3, Exhibit A), and 'this would make Mrs. Murphy fifty-six years old at the time of her death and forty-nine years younger than her mother. In other words, according to the evidence of Tesson and Mrs. Murphy, Me-nom-o-nee-quah was forty-nine years of age when her daughter, Mrs. Murphy, was born, and it would be impossible for Mrs. Murphy to have any personal knowledge of where Me-nom-o-nee-quah lived previous to her own birth. Mrs. Murphy says "Me-nom-o-nee-quah never lived with the Me-nom-o-nees." It might be that she never lived with them to her knowledge, but it is entirely possible for her to have done so without her knowledge.

TESTIMONY OF FRANCIS DUPUIS, WITNESS FOR CLAIMANTS, IN REBUTTAL.

Witness says: "I never told Clara Dupuis (his daughter-in-law) that Joseph Tesson was a Me-nom-o-nee Indian." (Clara does not say so, but that he told her that Tesson had Me-nom-o-nee blood). Witness continued: "I heard that Me-nom-o-nee-quah belonged to the Sacs. When she first came here she came with the Sacs. I have no personal knowledge of what tribe she belonged to."

TESTIMONY OF LOUISA BRIEN, MOTHER-IN-LAW OF ONE OF, AND WITNESS FOR, CLAIMANTS.

Witness says: "I know the general reputation of Jennie Rubidoux for truth and veracity, and it is bad. I live about one-half mile from her. I know Joseph Tesson and I knew his mother. I only know that she was a Fox. I do not know to what tribe Joseph Tesson belongs." Thus it will be seen that witness says very emphatically that Joseph Tesson's mother, whom she knew, was of the Fox tribe, but does not know to what tribe Tesson, whom she also knows, belongs. And upon cross-examination she says: "I only know that Me-nom-o-nee-quah was of the Fox tribe because she was always here since I have known her. I have no personal knowledge of what tribe she was." Thus, it will be seen, that the witness not only had no personal knowledge of what tribe Me-nom-o-nee-quah was but does not even undertake to say that she ever heard of what tribe she was, but only knows that she was a Fox because she was always here since she knew her.

Witness continues: "I have heard a good many say that Jennie Rubidoux was not a truthful woman. Clara Dupuis told me that she was nothing but a liar, and Mrs. Story told me the same thing." (See testimony below in support of the credibility of Jennie Rubidoux.)

TESTIMONY OF M. B. KENT, WITNESS IN DEFENSE.

Witness says: "I reside in the town of White Cloud, Kans., and my occupation is that of banker. I was United States Indian agent at the Iowa Indian Reserve, near here, from 1874 until 1881, and during that time I resided on the Iowa Reserve, and the Sac and Fox of the Missouri tribe of Indians were under my charge as such agent. The Sac and Fox Reserve was under my jurisdiction, and the old agency at that time was about 6 miles from here, and the Sac and Fox Reserve 10 or 12 miles. I am acquainted with Jennie Rubidoux and with her general reputation for truth and veracity, and it is as good or better than that of any Indian on the reserve. I never said, when I was agent or at any other time, in the presence of Joseph Tesson or anywhere else, when I would see Jennie Rubidoux coming, 'Yonder comes the telegraph,' thereby meaning that she was bringing me false news. I never at any time made such a remark or anything similar to it or said anything that would reflect upon her (Jennie Rubidoux's) veracity." (This is a direct contradiction of Tesson; see his testimony, page 119, Exhibit A.) Witness continues: "I am acquainted with Joseph Tesson, and have known him for nearly fifteen years. I am acquainted with his general reputation for truth and veracity, and it is questionable; I have heard it questioned. I knew Me-nom-o-nee-quah, but she never resided on either the Sac or Fox or Iowa Reserve when I was agent. She drew annuities with the Sac and Fox, but she lived in Rulo, and frequently came to Joseph Tesson, on the Iowa Reserve, about payment times. She was pensioned by the Sac and Fox, and because she was poor, old, and deaf, and partially blind. I paid her her pension at Rulo. I do not know to what tribe she belonged. She was on the rolls of the Sac and Fox Reserve when I became agent. From what I know of Jennie Rubidoux and her general reputation, I would believe her on oath."

Such is the testimony of M. B. Kent, a gentleman of high standing in his community, and entirely disinterested in the matters about which he testifies.

TESTIMONY OF SAMUEL M. BROSIUS, A WITNESS FOR THE DEFENSE AND A HARDWARE MERCHANT IN WHITE CLOUD, KANS.

Witness says: "I am acquainted with Jennie Rubidoux and have known her for fourteen years. I knew her when I was Indian trader on that reserve fourteen years ago, and she was a customer of mine then and is at the present time. I have done quite an amount of business with her and I give her all the credit she wants. I have never lost anything by her and consider her entirely honest in her business transactions. I have never heard her general reputation for truth and veracity questioned. From what I know of her and her general reputation I would believe her on oath."

This concludes my summary and review of all the evidence adduced in the cause, and I here deem it proper to remark that neither the claimants nor their counsel nor the Indians in defense were present when I took the depositions of the last two witnesses, Kent and Brosius. But as these are gentlemen (white men) of high standing and respectability I presume a cross-examination by claimants would have developed little if anything to change the effect or character of their testimony. Still, they were entitled to the privilege and benefit of a cross-examination. But these depositions were taken after I had left the reserve and when claimants were 10 to 12 miles away and the residence of their counsel 20 miles distant. Besides, I understood from Judge Reavis, counsel for claimants, that he had other evidence in the Indian Office on which he would also rely, and if so it would be entirely *ex parte*. But outside of the evidence of Kent and Brosius I do not consider that claimants have established their claim to admission to the rolls of the Sacs and Foxes of the Missouri tribe of Indians, either on the ground of their connection by blood with said tribe through their grandmother, Me-nom-o-nee-quah, and their mother, Mar. Murphy, or otherwise, or that they have been admitted as members thereof by the action of the council of the head-men and chiefs of said tribe, held on the 4th day of April, 1889, or at any other time.

It will be observed that claimants made an attempt in the testimony of Thomas Connell (pages 105 and 106 of Exhibit A) to show that Connell had been bribed by Margraves to get up the council subsequently held by the whole tribe, and at which they reversed and annulled the action of the head-men at their council on the 4th of April. But the attempt to show bribery was a signal failure. Another attempt to show that Margraves offered to bribe Quash-poh-me to leave the reserve and not testify in this investigation was made by claimants, through their own witness, Quash-poh-me, but which attempt was also a signal failure, the witness testifying that instead Margraves wanted him to remain until after the investigation. (See pages 58 and following, Exhibit A.)

Margraves and his family, six in all, are members of the Sac and Fox tribe of the Missouri Indians, and he, Margraves, may be opposed (as the tribe seems to be) to the admission of claimants as members, and if he believes they are not entitled to admission I don't see why he has not the right as a member to say so. True, he is a white man, but his wife is an educated half-breed Sac and Fox Indian, and she and her four children are members of the tribe by blood relation, and Margraves himself a member by adoption by the tribe. They are therefore interested in the lands and annuities of the tribe. They are living with the tribe on the reserve, and have been for a great many years, and have enjoyed and now enjoy all the rights and privileges that appertain to any members of the tribe. Outside of this record claimants charge that Margraves is the cause of their not being admitted as members of the tribe. But nowhere in the evidence or out of it is it shown that he has taken an active or improper part in preventing their admission. But, on the contrary, both Quash-poh-me and George Gunen, witnesses for claimants, say that Margraves told the Indians that the money and the land were theirs, and that they could do as they pleased with them. (See pages 56 and 78, Exhibit A.)

In view of all the testimony in the case and of the inconsistencies and conflicts therein and referred to during the progress of this report; and in view of all the circumstances surrounding the case, and more especially the following, namely, that not even one of the witnesses for claimants undertakes to say that they ever heard Me-nom-o-nee-quah herself say of what tribe she was, though she died only eight years ago (and two of the witnesses, Tesson and Mrs. Murphy, her own children), and that the only witness who claimed ever to have heard her say anything about her nationality (Jennie Rubidoux, a disinterested witness for the defense), that she, Me-nom-o-nee-quah, told her that she was a Mee-nou-o-nee Indian (see page 113, Exhibit A); the further circumstance that her name, Me nom-o-nee-quah, signifies "Me-nom-o-nee woman" (see page 74, Exhibit A); the further circumstance that she, Me-nom-o-nee-quah, was with the Sacs and Foxes of the Mississippi tribe before she came to the Sacs and Foxes of the Missouri tribe (see evidence of Tesson, George Gomez, and Pe-ah-tole-e-quah); the further circumstance that Mrs. Murphy was put on the rolls once before, and they had a little "rumpus" (see page 13, Exhibit A) and not again admitted to the rolls until after her mother's death in 1881, or about

that time, when witness for claimants says (page 62, Exhibit A) "her (Mrs. Murphy's) mother had died and the Indians took pity on her and put her on the roll; she was a poor woman;" the further circumstance that before the council of April 4, 1889 (before which they had promised to give the head-men six ponies and \$250 to \$300 to put them on the rolls), claimants agreed that if the tribe would put the six (themselves only) on the roll they would not ask that any more of their relatives should be put on (see page 79, Exhibit A), although the claimants had eight children who would be entitled to be enrolled on account of blood relationship if their parents were so entitled; the further circumstance that claimants have resided within the immediate vicinity of this reserve (and as they contend have resided on the reserve off and on for twenty-two years), that the youngest of the claimants is now twenty-six years old and the oldest forty-two years old, and that they have never made any application to be admitted to membership with the tribe until within the last few months, and that they have thus slept so long upon their now alleged tribal rights by reason of their tribal blood—all of the foregoing circumstances, to say nothing of the unsatisfactory character of the affirmative testimony of claimants, are strong if not conclusive proofs against the legitimacy of their claim to be blood descendants of the Sacs and Foxes of the Missouri tribe of Indians through their grandmother, Me-nom-o-nee-quah, and their mother, Mrs. Margaret Murphy.

In view of all these circumstances and the entire evidence in the cause I am not of the opinion that Me-nom-o-nee-quah was, by blood, of the Sacs and Foxes of the Missouri tribe of Indians, but am constrained to believe that she and her daughter, Mrs. Murphy, were admitted to the rolls of said tribe (though at widely differing times) by adoption (which the proof shows was a frequent custom among said Indians), and because they were old and poor at the time and not because they were by blood related to said tribe; and by the custom and practice of the Indians the children or descendants of adopted members are not members of the tribe by the fact of their parents' or ancestors' adoption, and are not so recognized by the Indians. Accordingly I make the following

FINDINGS.

First. I do not find that claimants, Frank Murphy, Lewis Murphy, Peter Murphy, Thomas Murphy, Philip Murphy, and Maggie Le Fevre, are of the blood of the Sacs and Foxes of the Missouri tribe of Indians through their grandmother, Me-nom-o-nee-quah, and their mother, Margaret Murphy, or otherwise; nor do I find that they are entitled to enrollment as members of said tribe by reason of their blood relationship to the said Me-nom-o-nee-quah and Margaret Murphy, nor by reason of any blood relationship to said tribe.

Second. I do not find that claimants have been admitted to the rolls as members of said tribe by the action of the council of head-men, referred to in the evidence (Exhibit A hereto) as having been held on the 4th of April, 1889; nor do I find that they have been so admitted by the action of any other council of said tribe.

I would remark that if the first claim to the right of enrollment as members of the tribe by virtue of blood relationship thereto had been satisfactorily proven and established claimants would still have been excluded from tribal rights and privileges with said Indians by the provisions of the treaty with the Sacs and Foxes of the Missouri tribe of Indians, concluded on the 6th day of March, 1861, and proclaimed March 26, 1863, article 7 of which provides as follows:

"No person not a member of either of the tribes, parties to this convention, shall go upon the reservation or sojourn among the Indians, without a license or written permit from the agent or Superintendent of Indian Affairs, except Government employes or persons connected with the public service. And no mixed-blood Indians, except those employed at some mission, or such as may be sent there to be educated, or other members of the aforesaid tribes, shall participate in the beneficial provisions of this agreement or former treaties, unless they return to and unite permanently with said tribes and reside upon the respective reservations within *six months* from the date of this convention." (See said treaty.)

Claimants undertake to show in their proof that they are mixed-blood Indians—one part Indian and three parts white, though they are very white in appearance to have even one-fourth Indian blood. But according to their own proof they would be excluded from a participation in the rights and privileges of said Sac and Fox Indians of the Missouri by the provisions of said treaty, as the proof does not only not show that they "united permanently with said tribe and resided on the reservation within six months from the date of the convention," proclaimed March 26, 1863, but it shows that claimants and their parents did not remove to the vicinity of the reserve until 1864, and then to the town of Rulo, a few miles from the reserve, where they resided, and Frank Murphy testifies (page 26, Exhibit A) that his mother and family did not go on to the reserve for probably more than a year after she moved to this part of the

country in 1864. And then it does not appear that she even then "permanently united with the tribe and resided on the reservation," but Frank Murphy says, "We have lived on and off of the reserve for twenty-two years." The proof further shows that Mrs. Murphy herself was not admitted to the rolls until six or eight years ago. The annuity rolls of this tribe now in the Indian Office ought to show when both Me-nom-o-nee-quah and Mrs. Murphy were admitted to the rolls, and I respectfully suggest that they be referred to in connection with the evidence herewith in review of this case by the Indian Office.

If, then, the foregoing provisions of said treaty are of any force or effect claimants are thereby excluded from any of the beneficial provisions of the same and from enrollment as members of said tribe, and will remain so excluded until they have been admitted as members or adopted as such by the proper consent and action of said tribe duly approved by the Indian Office.

As I do not find that claimants are entitled to enrollment as members of said tribe, either by reason of blood relationship thereto, or by the provisions of said treaty, or by the proper consent and action of the tribe, I respectfully make the following recommendations:

First. That the application of claimants to be enrolled as members of said tribe be rejected:

Second. That the order of authority of the Secretary of the Interior "20516," dated July 27, 1889, for the removal of claimants from the reservation, be no longer suspended, but that the same be revived, and that claimants be removed from the reservation, and that the agent in charge be directed to remove them therefrom.

But in view of the importance of this case, and that the surest degree of justice may be arrived at therein, I respectfully request that the entire record herewith (evidence and report) be carefully reviewed, and the propriety of my conclusions, findings, and recommendations be passed upon by your office before final action is taken in the case.

In conclusion, I deem it proper to state that I was informed outside of this record by Ko-shi-way, a leading Indian of said tribe, that since the action of the full council of the tribe at Morgrose's house, when they signed a petition protesting against the admission of claimants to the roll of the tribe, the Murphys met him in the road and told him they wanted him to sign a petition to the Commissioner of Indian Affairs, which they had, asking that they be enrolled as members of the tribe; that he at first refused to sign it, and that they pushed the paper and pen into his face and told him he must sign it, and that he then did so, because he was afraid not to do so. Ko-shi-way further stated that Quash-pah-me and he were all who signed the petition, but that the Murphys had "stolen" (forged) the names of Wah-pah-co-ni-oh, the second chief, and that of Pe-ah-tol-i-quah, another leading Indian, and had put them on the petition. Wah-pah-co-ni-ah and Pe-ah-tol-i-quah informed me that if their names were on such a petition that they were "stolen" (forged), as they had not signed any such petition. I mention this matter so that, if any such petition has reached your office, you may be informed as to what these Indians say about it.

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

GEO. W. GORDON,

United States Special Indian Agent.

The COMMISSIONER OF INDIAN AFFAIRS,
Washington, D C.

EXHIBIT A TO REPORT OF SEPTEMBER 23, 1889.

Frank Murphy and others v. The Sac and Fox of the Missouri tribe of Indians.

Testimony in the matter of the claim of Frank Murphy, Lewis Murphy, Peter Murphy, Thomas Murphy, Philip Murphy and Maggie Le Fevre, to tribal rights with the Sac and Fox of the Missouri tribe of Indians in the States of Nebraska and Kansas, taken before George W. Gordon, United States Special Indian Agent, during the month of September, 1889.

EVIDENCES ADDUCED IN SUPPORT OF CLAIM.

STATE OF NEBRASKA, *County of Richardson* :

Personally came before me, George W. Gordon, United States Special Indian Agent, JOSEPH TESSON, who, being first duly sworn the truth to speak, deposes and says:

Examined by JUDGE REAVES, counsel for claimants.

Q. State name, age, and place of residence.—A. Joseph Tesson, born St. Louis, Mo., 1811—seventy-eight is my age. I reside on the Iowa Reservation.

- Q. What nationality do you belong to?—A. Sac and Fox.
- Q. Of Missouri Indians?—A. Yes.
- Q. Are you acquainted with Frank Murphy, Peter Murphy, Thomas Murphy, Philip Murphy, Lewis Murphy, and Maggie Le Fevre?—A. Yes.
- Q. How long have you known them?—A. Since they were born.
- Q. Do you know their mother?—A. I do. She is a sister of mine.
- Q. What is her name?—A. Margaret Murphy.
- Q. Now, Mr. Tesson, I wish you to give in as brief a manner as possible a personal history of your sister Margaret Murphy and yourself so far as you remember the facts touching your relation and hers with the Sac and Fox tribe of Missouri Indians now located on the reservation situated partly in the State of Kansas and partly in the State of Nebraska, and state as fully as may be, all that you know in connection therewith.—A. I am partly Indian, my mother was a Fox woman.
- Q. Give your mother's name.—A. Pah-weh-ah-mo-ke.
- Q. Resume your history.—A. My mother has remained more or less in St. Louis and Portage de Sioux. She has resided there more or less and she came here and was put on the roll of the Sac Missouri, and was on the roll when she was killed.
- Q. When was your mother put on the roll of the Sac and Fox tribe?—A. About 1856 or 1857.
- Q. From the time that she was put on the roll of the Fox tribe up to the time of her death, where did she live?—A. She lived with her daughter at Rulo and on the reservation.
- Q. What blood was she, full or half blood?—A. As near as I can find out she was full blood.
- Q. When did she die?—A. As near as I can remember about six years ago.
- Q. How old was she when she died?—A. As near as I can find out in the neighborhood of 105 or 106.
- Q. Now, state what information you have as to her membership by blood relation with the Sac and Fox tribe of Indians.—A. I knew it by my grandfather, her father, whose name was Ah-Mo. My mother's brother I know was a full blooded Indian, who died here among the Mississippi Sacs.
- Q. What tribe did he belong to?—A. Sac and Fox of Missouri.
- Q. How much of your adult life have you passed with the Sac and Fox of Missouri Indians?—A. When I was a little infant, I don't recollect much about that. I left here when a little boy and went West and came back in 1855. I was camped in here about 60 miles from this reservation, and Ne-sah-quoh and Pe-po-ho-mah, they found out that there was a half-breed Indian, as they called me up there, and they came up to find out who I was. As near as I could speak to them, as I had forgotten their language, they wanted to know from me what tribe I belonged to. I told them that as far as I had knowledge, that I was a Mes-qua-ka. They invited me to come down and I wouldn't come down right away, so I went to the agent and reported myself.
- Q. What do you mean by the word Mes-qua-ka?—A. Fox Indians. Sac and Fox Indians, the distinction of the two tribes is that they called the Mississippi tribe the Sacs, and the Missouri the Mes-qua-ka.
- Q. Now proceed.—A. I reported to Agent Vanderslice; he told me that if the Indians were satisfied that he had nothing to say, and to satisfy myself better, I wanted Po-po-ko-mah to go to the agent with me; he stated to the agent that I was a Mes-qua-ka Indian of Missouri, and I stated the name of my grandpa and my uncle. I moved down, and after I had moved down on the reservation I told them who my grandfather and my uncle were and they sent for my uncle to see if he would recognize me and he did, and said I was his nephew.
- Q. Who was your uncle?—A. He was called by the whites Lageness and by the Indians Ah-ke-keh.
- Q. Where did your uncle live at that time?—A. Amongst the Mississippi Sacs back of Topeka, called Marridesene Agency.
- Q. What tribe of Indians did your uncle belong to by blood?—A. Mes-qua-ka Sacs.
- Q. What was your uncle doing among the Mississippi Sacs at that time?—A. He was a member of that tribe; he was a Mes-qua-ka by blood but he was enrolled with that tribe.
- Q. Do the members of the Sac and Fox tribes of Missouri become enrolled among the Mississippi Sacs at pleasure?—A. The way they change and when they move from one band to another they are considered a member of that tribe wherever they are, and two or three years afterwards they may come back here and enroll here and that throws them off of that roll over there.
- Q. Is that a custom between the two branches, the Mississippi Sacs and the Missouri Sacs?—A. That is the custom. I know that by myself. I was enrolled here and moved over there and staid a couple of years and was enrolled there.
- Q. Did you know your grandfather on the Indian side?—A. I did.

Q. Where did you know him?—A. In Portage des Sioux, above St. Louis, about 25 miles.

Q. Where did he die?—A. I know that he died there in Portage des Sioux and that is all that I remember about it, as I was about seven or eight years of age, but still I remember it.

Q. Was this tribe of Sacs and Fox located at Portage des Sioux then?—A. No, they were up in Missouri, on the Platte River, and some were in Illinois.

Q. Do you remember the Black Hawk war?—A. I do.

Q. What effect did that war have with reference to a division of the old tribe of the Sac and Fox tribe of Indians?—A. I don't know.

Q. How many children did your mother have?—A. Seven children.

Q. Are you older or younger than Mrs. Margaret Murphy?—A. I am a great deal older.

Q. Were you both brought up in the same family?—A. I was partially with my step-father, but I never made my home with him as I was in St. Louis a part of the time. My home was in St. Louis, and part of the time I was in Portage des Sioux to see my mother.

Q. Do you know when your mother became a resident of this Sac and Fox Reservation?—A. She moved to this reservation with the Indians in 1863.

Q. You have heretofore said that your mother was put on the roll in 1856 or 1857, and in your answer to the last question you say she came to this reservation in 1863; explain what you mean by saying she came to this reservation with the Indians in 1863.—A. Well, you see the Government asked them to place themselves in a body and to take a portion of the Iowa land for their's and give the benefit to the Iowa's and the west end of the Sacs Reservation was sold they (the Sacs) were on the west end of the reservation and from the west end they came down here in 1863, and that is the time that I refer to in my last answer.

Q. How was your mother always regarded by the chiefs and members of the Sac and Fox Indians in her life-time, with reference to her relations by blood to them and the tribe?—A. They recognized her as a Sac and Fox Indian.

Cross-examined by Special Agent GORDON:

Q. You have stated that you were born in St. Louis, Mo. How old were you when you left St. Louis?—A. I was about ten or twelve.

Q. Where did you go then?—A. I went up the Missouri River with the American Fur Company.

Q. How long did you stay with the American Fur Company, and where did you go from the Missouri River?—A. About a year and a half. I went from there to the Rocky Mountains.

Q. Was that the time that you went West that you have already spoken of?—A. Yes.

Q. How long did you remain West?—A. I couldn't say, exactly.

Q. Where did you go from the Rocky Mountains?—A. I went to Mexico.

A. How long were you in Mexico?—A. Only a few days. I left there and went back to the Arkansas River, and lived with Bent & Savarand for eleven years.

Q. Where did you go from the Arkansas River?—A. I went on the South Platte, near where Denver is now.

Q. How long were you there?—A. About two or three years.

Q. Where did you go to from there?—A. On the North Platte, and from that back to the South Platte.

Q. For how long?—A. I don't know. I kept traveling back and forth.

Q. Where did you go to from that country?—A. I went back to the Arkansas River; back to Bent & Savarand.

Q. How long did you remain that time?—A. Two years.

Q. Then where did you go?—A. I went to Fountain Cabonie, higher up on the Arkansas River, at the foot of the Rocky Mountains, and built a fort of my own.

A. How long did you reside there?—A. I don't know, exactly; I think about two or three years.

Q. Where did you go to from there?—A. I went to the South Platte, near where Denver is now. I built a trading post there.

Q. How long did you remain there?—A. About a year, and then went over to North Platte and got some goods, and did business another year there.

Q. Where did you go from there?—A. I went to the North Fork of the North Platte where Fort Laramie is, and remained one year.

Q. Where to from there?—A. Up to the garrison, about 8 miles, and remained there two or three years.

Q. Where did you go to from the garrison?—A. I went to Mexico for Captain Van Vleet, quartermaster of the Army.

Q. How long in Mexico?—A. About a week, and then returned to Fort Laramie.

Q. Where did you go then?—A. I staid there about a year and then went down to Bandaux, on the North Platte.

Q. Where to from there?—A. I came down to the Sac and Fox tribes here.

Q. Do you remember what year that was?—A. In 1855, I think.

Q. Where were you when you say that your grandfather told you that your mother was of the Sac and Fox blood?—A. I was in Portage des Sioux.

Q. Can you state your age at that time?—A. I was a boy about eight or ten years old. I was small, and maybe not that old.

Q. Who was your grandfather?—A. Ah-mo.

Q. What nationality was he?—A. Sac and Fox.

Q. What is your nationality on your father's side?—A. French.

Q. You have stated in your testimony before, have you not, that your mother lived with the Mississippi Sacs before she came to the Sac and Fox of Missouri.—A. Yes.

Q. Was she enrolled with the Sacs and Fox of Mississippi?—A. I don't know.

Q. You have stated that she came west from Portage in 1856 or 1857?—A. Yes, sir.

Q. Was she put on the rolls then?—A. She was put on the rolls at the next payment of annuities that was made after she came here in 1856 or 1857.

Q. Did she draw innuities there continuously until her death?—A. I believe she did.

Q. How long did you draw annuities with the Sac and Fox of Missouri?—A. They did not put me on the roll until after two or three payments had been made after I came on the reservation.

Q. When was Mrs. Margaret Murphy put on the annuity roll?—A. She was put upon the rolls once before, and they had a little rumpus and she was taken off the rolls, and went back to Rulo. She was put on the roll again in two or three years afterwards, and has been on the roll ever since.

Q. Was she not adopted into the tribe after she came back to the tribe?—A. They asked me about it and I told them that they recognized me and my mother, and I asked them why they couldn't recognize her, and the first thing I knew they had her back on the roll again.

Q. At what time was this?—A. I couldn't say.

Q. Did she ever draw any annuities before her mother's death?—A. Yes, sir.

Q. Where was she when she married the first time?—A. Portage des Sioux in Missouri near St. Louis.

Q. Whom did she marry there?—A. Solomon, a white man.

Q. Has she been married more than once?—A. Yes; she married Murphy the second time, the father of these claimants.

Q. Had she any children by the first marriage; and if so, how many?—A. Two. I think they all go by the name of Murphy.

Q. Where has Mrs. Murphy lived during her life-time?—A. In Portage and here.

Q. And when did she come here?—A. In 1864.

Q. Has she resided on the reservation since she came here?—A. No. In Rulo, close by the reservation, and on the reservation.

Q. How far is Rulo from here?—A. Three or 4 miles.

Q. Are you now on the rolls of the Sacs and Fox yourself?—A. No.

Q. Are not persons, both Indians and whites, adopted into these tribes when they have no blood relation with them?—A. Yes, sir; it frequently has been done.

Q. Were you ever among the Cheyenne and the Sioux Indians?—A. I was. I traded with them.

Q. Where do you now reside?—A. On the Iowa Reservation.

Q. In Nebraska or Kansas?—A. In Kansas.

Q. You have stated that you are acquainted with the claimants, will you state if you know where they were born?—A. I think they were born in Portage. I was there when some of them were born.

Q. Did they come to this country with their parents?—A. They did.

Q. I believe you stated that they came here in 1864?—A. I believe they did.

Q. Can you give their ages?—A. No.

Q. Will you state the degree of Indian blood in the claimants?—A. I only know that my mother was a full-blooded Indian. Mrs. Murphy was a half-breed and claimant's father being a white man would make them quarter-breed.

Q. Have the claimants families?—A. Five of them; all except one.

Q. What are the size of those families?—A. Frank Murphy has a wife and three children, Louis Murphy has a wife and five children, Peter Murphy has only a wife, Thomas Murphy has only a wife, Mrs. La Fevre has a husband.

Q. You state that your mother's name was Pah-met-ah-moke?—A. Yes.

Q. Was she known by any other name?—A. Yes; Elizabeth and a nickname Mah-nom-o-nee-quah.

Q. Is it not a matter of common reputation in this community that she was a Me-nom-o-nee Indian?—A. Yes; her grandmother was a half-breed Menomonee Indian.

Q. How do you ascertain that fact?—A. Why, by hearing them talk about it is all the way I have of knowing.

Q. Who did you ever hear talk about it?—A. Why, the old ones of the tribe used to talk about it.

Q. Are you now drawing annuities from the Sacs and Fox?—A. No; I am drawing from the Iowas. I relinquised my rights with the Sacs and am on the rolls of the Iowas.

Re-examined by counsel of claimants:

Q. Who is the head chief of the Sacs and Fox the present time?—A. Quash-pah-me.

Q. Is he a Sac and Fox Indian?—A. Yes.

Q. What relation, if any, are you and your sister, Mrs. Margaret Murphy, to Quash-pah-me?—A. We are cousins.

Q. Did you know his mother?—A. I did.

Q. Did you ever see your mother and his mother together?—A. Yes, sir.

Q. Did you ever hear them talk together about their relationship?—A. I have.

Q. State what they said about it.—A. They used to talk about their relationship; about the old times when they were young women.

Q. What relation did they claim to each other?—A. Sisters. Actually they were cousins but in the Indian way sisters.

Q. Does Quash-pah-me claim relationship to you and Mrs. Murphy to-day?—A. Yes; he calls me his brother, but we are cousins.

Q. Then, in fact, you belong to the same family that Quash-pah-me does?—A. Yes.

Re-cross examination by Special Agent GORDON:

Q. Where was it that you heard this woman and your mother talking of their relationship?—A. On this reservation.

Q. You say then from your understanding that they were cousins and not sisters?—A. Yes.

Q. In what language did they converse?—A. Sacs.

Q. Do you speak and understand that language?—A. A little.

Q. Did you at the time that you heard them conversing?—A. Yes, sir.

Q. Is it not a fact that sometimes when an Indian loses a child or a sister that they then adopt some other child or woman in the place of the one that was lost?—A. Yes; frequently.

Q. And they call such person child or sister as the case may be?—A. Yes, sir; they call it by that name that they adopt it for.

Q. Did you ever hear or know of an Indian named Nash-ah-ness?—A. Yes.

Q. Where did you know him?—A. I knew him in the tribe. He lived with us and I saw him immediately after he was born.

Q. Where is he now?—A. Dead.

Q. To what tribe do you refer?—A. Sac and Fox of Missouri.

Q. Is it not a fact that it is common repute in this community that Nash-ah-Ness adopted Me-nom-o-nee-quah as his sister before she was placed on the rolls of this tribe?—A. No, sir; I never heard it before in my life until I heard it the other day.

Q. Did you ever visit the Sac and Fox of Missouri when you resided in St. Louis and previous to the time you left there with the American Fur Company?—A. No, sir.

And further this deponent saith not.

JOSEPH (his x mark) TESSON.

Sworn to and subscribed before me this 13th day of September, 1889.

GEO. W. GORDON,
United States Special Indian Agent.

STATE OF NEBRASKA, county of Richardson:

Personally came before me, George W. Gordon, United States special agent, Mrs. MARGARET MURPHY, who, being first duly sworn the truth to speak, deposes and says:

I am sixty-four years of age and was born in Portage des Sioux.

Examined by counsel for claimant:

Q. What nationality did your mother belong to?—A. Sac and Fox.

Q. How did you know she was a Sac?—A. They all say so; my grandfather and grandmother said so.

Q. Where were you married?—A. Portage des Sioux.

Q. Are you the mother of Frank Murphy, Peter Murphy, Lewis Murphy, Philip Murphy, Thomas Murphy, and Mrs. Le Fever?—A. Yes.

Q. Where were they born?—A. Portage.

- Q. When did you come to this reservation?—A. I don't remember.
 Q. Did you come directly from Portage to Rulo?—A. Yes, sir.
 Q. How long did you live in Rulo before you came to the reservation?—A. I can't recollect exactly.
 Q. Are you on the roll of this tribe now, and if so how long have you been on the roll?—A. Yes; I am on the roll; I can't recollect how long.
 Q. How did you get on the roll in the first place?—A. The Indians put me on.
 Q. What was your mother's name?—A. Me-nom-o-nee-quah.
 Q. Did she ever live with the Sac and Fox?—A. Yes; all the time.
 Q. When did she die?—A. I don't remember.
 Q. Who was your grandfather?—A. Ah-mo.
 Q. Do you remember him?—A. Yes, sir.
 Q. Where did he die?—A. In Portage.
 Q. Was he living with the tribe when he died?—A. Yes, sir.
 Q. Do you know Quash-pah-ma?—A. Yes, sir.
 Q. Who is he?—A. He is a Sac.
 Q. Does he hold any office among the Indians?—A. He is the head chief.
 Q. Is he any family relation to you, and if so, state what it is?—A. He is my cousin.
 Q. Did you know his mother?—A. Yes, sir.
 Q. Is she alive?—A. No, sir.
 Q. Does Quash-pah-me claim any relation to you now, and if so state what?—A. Yes, sir; he claims cousin.
 Q. Did you ever hear Quash-pah-me's mother and your mother talk about their family relationship?—A. Yes, sir.
 Q. Where?—A. Here.
 Q. What did they say about their relationship?—A. I can't tell you.
 Q. Did they claim to be related?—A. Yes, sir.
 Q. What relationship are you, if any, to Joseph Tesson?—A. Sister.

Cross-examination by United States Special Agent GORDON:

- Q. How many times have you been married?—A. Twice,
 Q. How long since the first time, do you remember?—A. No, not exactly.
 Q. Do you know the ages of your children?—A. I don't know; they know their ages.
 Q. Have you a family record with the ages of your children?—A. Not in the house. We have one, but not here.
 Q. Have you a Bible containing the record?—A. No.
 Q. Were you married in Portage both times?—A. Yes, sir.
 Q. Do you know where the Sacs and Fox were living then?—A. No.
 Q. Do you know where they were located when you married the second time?—A. No.

Further deponent saith not.

MARGARET (her x mark) MURPHY.

Sworn to and subscribed before me this 13th day of September, 1889.

GEO. W. GORDON,
 United States Special Indian Agent.

Personally came before me, George W. Gordon, United States special Indian agent, FRANK MURPHY, who, being first duly sworn the truth to speak, deposes and says: I am thirty-two years old and live on the Sac and Fox Reservation

- Q. Are you a son of Mrs. Margaret Murphy?—A. Yes, sir.
 Q. How many brothers and sisters have you?—A. Four brothers and one sister.
 Q. Are they claimants along with you for rights on the Sac and Fox Reservation as members of the tribe?—A. Yes, sir.
 Q. How long have you lived in this part of the county?—A. I have lived off and on you might say since 1864.
 Q. Where have you lived most of the time since you have been here?—A. In Northern Nebraska.
 Q. Do you remember when your mother first came here, and state when?—A. Yes, sir; she came in 1864.
 Q. How long have you and your brothers lived on this reservation?—A. We have lived off and on for twenty-two years.
 Q. How long after your mother came here did you go on the reservation?—A. It was probably more than a year.
 Q. How long did you remain on the reservation then?—A. About two years.
 Q. Was your mother on the roll at that time?—A. No, sir.
 Q. Where did you go when you left the reservation?—A. We moved to Rulo.

Q. When did you again come on the reservation?—A. Very soon afterwards. My mother lived at Rulo and we farmed on the reservation.

Q. Your mother is on the roll now?—Yes, sir.

Q. When was she put on the roll?—A. I think about seven years ago.

Q. Do you know the circumstances under which she was put on the roll?—A. I do not; I wasn't here.

Q. When did you come back on the reservation the last time?—A. Last June a year ago.

Q. Were your brothers on the reservation when you came the last time?—A. They were.

Q. How long had they been on the reservation previous to your coming?—A. For the last seven years, I should judge; there were some of us on most of their time for the last twenty-two years.

Q. What were the circumstances of your coming on the reservation the last time?—A. I can't answer that, as I don't understand.

Q. State if at any time in the last twenty-two years your family have been invited to come on the reservation by the Indians.—A. They have.

Q. Do you know why?—A. Yes.

Q. State the reason.—A. The Indians say that we have Sac blood in us, and that we should live with them and share with them.

Q. Name some of the prominent Indians of the tribe who have recognized your claim and have admitted it.—A. Joseph Kosh-a-way, Quash-pah-me, George Gomess. There have been several more that have spoken to us, but I can't call them to mind.

Q. State what action, if any, the Indians at any time have taken with reference to rights claimed by you and your family (brothers, sister, and mother) on this reservation.—A. They have called a council among themselves, and admitted us as members of the tribes.

Q. When was that done?—A. On the 4th day of last April.

Q. What was the result of that council?—A. They determined and admitted us as members of the tribe.

Q. Do you know the name of any particular Indians who attended that council, and if so give them?—A. I do; Quash-pah-me, Wah-pah-co-niah, Joseph Kosh-o-way, George Gomess, Pe-ah-tal-i-quah, Wak-ko, John Ra-bi-deaux. There were others there, but they were not members of the tribe.

Q. How many of these parties have you talked with concerning the result of that council?—A. I have talked with all but one.

Q. From what source did you derive your information concerning that council?—A. I was present.

Q. State what took place.—A. The Indians talked among themselves for the purpose of putting us on the roll, and in about an hour came in and said they had agreed to one thing, and the interpreter told us that through the head chief Quash-pah-me that they had decided to put us on the roll.

Q. Was there a limit in time, and if so state the same.—A. Yes, we were to be put on for the October payment of annuities.

Q. Was Mr. Margrave present at that council?—A. He was.

Q. What did he say or do, to your knowledge, on that day or immediately afterwards?—A. He said that he had nothing to say in regard to what they were going to do, and after hesitating a moment he resumed, saying, I will say something. The land belongs to the Indians, the money belongs to the Indians, and that they might do as they pleased with it, and that he had no objection to our enrollment.

Q. What did he say afterwards?—A. He said that we had done wrong to apply to the Commissioner for our rights; that if we hadn't done it that we all would have been placed on the roll by the consent of the Indians one at a time.

Q. When did he tell you that?—A. He told me that twice. The last time that he told me was when Agent Blair came to the house and gave me a letter from the Secretary of the Interior, probably a month ago, and once sometime before.

Q. What information have you on the subject of his active opposition to your being placed on the roll along with your brothers, and if you have any state what it is.—A. Mr. Margrave told me that we boys would interfere with his business, farming, and interfering with his grass lands on the reservation. I asked him why he thought so, and he said, you would want a home and would want a farm. He said it would be natural in me to do so. I told him I undoubtedly would.

Q. Did he tell you in any of those conversations that he would prevent you and your brothers from coming on the reservation if he could possibly do it?—A. He did.

Q. Is Margrave an Indian?—A. No, sir.

Q. He lives on this reservation?—A. Yes, sir.

Q. Frank, how old are your other brothers?—A. My eldest brother is in the neighborhood of forty.

Q. Give their names and ages as well as you remember them.—A. Philip Murphy, about forty; Frank Murphy, thirty-two; Lewis Murphy, thirty; Peter Murphy, twenty-eight; Thomas Murphy, twenty-six.

- Q. How old is your sister and her name?—A. Maggie Le Fever; age, forty-two.
- Q. How much of your life can you remember before your mother came West?—A. Not very much.
- Q. What do you remember, if anything, of the relationship of your family and life with the Sac and Fox Indians?—A. I remember of my father reading some letters that came from the Sac Indians inviting us up there from Missouri.
- Q. What particulars do you remember about those letters, if any?—A. I remember of my grandmother coming down from the Sacs and Foxes, but I can't tell you when it was, but it was before we came from Missouri, and of my father's objections to coming up here on account of the want of schools.
- Q. Did your father die before coming here?—A. He did not.
- Q. I want you to tell what you know in reference to your parents coming here, and with what intention they came West, if you know; and state all you do know in that connection.—A. I remember from their talk that their intention was to come to this reservation.
- Q. How did they expect to gain admission to this reservation?—A. By letters that they had received from the Indians inviting them up here.
- Q. Do you know why the Indians invited your mother up here?—A. I do. She belonged to them.
- Q. Whenever the subject of pedigree, family relationship, and blood connections have been discussed in the family of your mother since your childhood, what has been the conclusion with reference to your mother's nationality?—A. It always has been the conclusion that she is a half-blooded Sac Indian.

Cross-examined by Special Agent GORDON:

- Q. You stated that after you moved from Missouri to this vicinity that the Indians invited your family to move on the reservation?—A. Yes, sir; I did.
- Q. Can you state the names of the Indians who so invited you?—A. Yes, sir.
- Q. Will you give the names?—A. Some are dead and some are living.
- Q. Give the names of some of those who are living?—A. Quash-pah-me, George Go. ess; the others are dead. There are not many Sacs on the reservation; they have intermarried with the Iowas.
- Q. Was this a voluntary invitation on their part, and about what time was it given as near as you can say it?—A. Yes, sir; it has been done quite frequently while we were off the reservation living near here.
- Q. Can you give any particular time?—A. No; I can't give any particular time at all.
- Q. You have spoken of a council held by the Indians in April last, at which you state you and your brothers were invited. Do you know who called that council; if so, state who?—A. The Sac chiefs Quash-pah-me and Wah-pah-co-ni-ah.
- Q. You stated, I believe, that the interpreters informed you after they had been out and consulted, they had agreed to have you placed on the rolls next fall?—A. Yes, sir.
- Q. Did you, before that time, or at that time, or any other time, offer any of the Indians on this reservation any money, horses, or other valuable consideration, if they would use their influence to have yourself and brothers and sister placed on the rolls of the Sac and Fox tribe?—A. I don't know that any such offer was made; offers were made but not in that way.
- Q. In what way were the offers made?—A. They told me that it was customary among them to give them something of the kind to have the names put upon the roll, and said that one Margrave had given them a white cow to place him upon the roll.
- Q. What, then, if anything, did your brothers propose to give them?—A. We all promised them a present, and they preferred that it should be a pony.
- Q. Did you promise to make them a present of one pony for the enrollment of all, or one for each?—A. I promised a pony.
- Q. Was that your individual promise?—A. Yes, sir; and they also told me that Mr. Margrave had talked to the Indians in the matter of the enrollment of the Murphy boys. This talk took place before any presents had been offered.
- Q. Who is the party that told you this?—A. George Gomess.
- Q. What did Gomess tell?—A. He told me that Mr. Margrave had tried to enforce a law among them that each of us should pay \$1,000 to have our names enrolled.
- Q. You say that you individually promised them a pony. Do you know whether any other party had promised them a pony or other valuable consideration for a like purpose?—A. I think I do.
- Q. What was it?—A. I think there were promises of a pony by each one of these claimants.
- Q. Are you a man of family?—A. Yes, sir.
- Q. Will you state whom you married and of what nationality.—A. Emma Montcravie, half-breed Omaha Indian.

Q. Is she at present a member of the Omaha tribe?—A. Yes, sir.

Q. How many children have you?—A. Three.

Re-examination by counsel of claimant:

Q. Were the presents you mentioned demanded of you in recognition of a custom among the Indians, or was it offered by you as a bribe to be placed on the roll?—A. It was not offered as a bribe to be placed on the roll, but in recognition of a custom among the Indians.

Q. Who first mentioned the giving of the present you have spoken of?—A. Gomess first mentioned it.

And further this deponent saith not.

FRANK MURPHY.

Sworn to and subscribed before me this 13th day of September, 1889.

GEO. W. GORDON,
United States Special Indian Agent.

FRANK MURPHY, recalled and recross-examined by Special Agent Gordon.

Q. I believe you stated, Mr. Murphy, that your brothers have been living here on this reservation continuously for six or seven years?—A. I said that some of my brothers were on here continuously during that time.

Q. Have they made selections of land?—A. They have.

Q. Have they been residing on those lands?—A. No, sir.

Q. Where have they been residing?—A. On the reservation.

Q. What part?—A. Here at this place and at the place where I am now living.

Q. Whose place is this?—A. My mother's place. This is her selection.

Q. How much has she selected?—A. A quarter section.

Q. Does she control and make use of this quarter section?—A. Yes, sir.

Q. How long has she resided here?—A. Five or six years.

Q. Who claims the place you live on here on the reservation?—A. Quash-quah-me and other Indians. He told me there were six interested in the place and house.

Q. Do you pay him any rents, or are you there by his permission?—A. Yes, sir; I pay him rent.

Q. State what, please.—A. I pay him \$10 per year for the use of the house and putting and keeping it in repair. I have expended about \$30 in repairing it.

Q. How much land is there with the house?—A. About 3 acres.

Q. How much does Quash-quah-me claim to control there?—A. One hundred and sixty acres, he told me, but I only rented the house and the 3 acres.

Q. Is your family here with you, Mr. Murphy?—A. Yes, sir.

Q. Do your brothers' families live with them on this reservation?—A. Yes, sir.

Q. Have any of them married into this tribe or in any other?—A. They have married mixed-blood Iowa Indians.

Q. Are your brothers all here on the reservation?—A. They are.

And further this deponent saith not.

FRANK MURPHY.

Sworn to and subscribed before me this 14th day of September, 1889.

GEO. W. GORDON,
United States Special Indian Agent.

STATE OF NEBRASKA, County of Richardson:

Personally came before me, Geo. W. Gordon, United States special Indian agent, QUASH-PAH-ME, who, being first duly sworn the truth to speak, deposes and says:

Examined by counsel for claimant:

My name is Quash-pah-me; age, sixty-four; and born in Missouri.

Q. What tribe of Indians do you belong to?—A. Sac and Fox.

Q. What position do you hold among the Sacs and Foxes?—A. I am chief, and my ancestors have, as far as I can remember, been chiefs of this tribe.

Q. Have you always lived among the Sac and Fox Indians?—A. Since I can remember I have been with the Sac and Fox Indians of Missouri.

Q. Are you acquainted with Mrs. Margaret Murphy?—A. Yes; I know her.

Q. How long have you known Mrs. Murphy?—A. If I am not mistaken, about twenty-four years.

Q. Did you know the mother of Mrs. Murphy in her life-time?—A. Yes, sir.

Q. What was the name of Mrs. Margaret Murphy's mother?—A. Me-nom-o-nee-quah.

Q. Where did you know Me-nom-o-nee-quah?—A. The first time I saw her; she was in Rulo.

Q. How long ago?—A. About twenty-four years ago.

Q. What relation, if any, was Me-nom-o-nee-quah to you? State all facts.—A. Our grandmothers were sisters. They belonged to the Fox Indians. My grandmother was aunt to Mes-ah-quet.

Q. Was Mes-ah-quet ever a chief of the Sacs and Foxes?—A. Yes, sir.

Q. What relation was Mes-ah-quet to you?—A. Grandfather.

Q. What relation was your mother to Me-nom-o-nee-quah?—A. In Indian way she was mother, but in American way aunt. They were close relations.

Q. Was Me-nom-o-nee-quah a member of the Sac and Fox tribe of Indians of Missouri?—A. I do not know whether or not she was a member.

Q. Was Me-nom-o-nee-quah owned and acknowledged by the older members of the Sac and Fox tribe as one of their people, and if so, what did they do in recognition of such relationship?—A. Quite a while ago the Sac and Fox belonged together. Sometimes the Sacs draw annuities by themselves and sometimes the Foxes by themselves. I think she was enrolled with the Foxes. I know that she really belonged to the Foxes.

Q. How was she regarded by the older members of the tribe?—A. The old people, I think, said she was born with the Foxes.

Q. State who of the old members of the Sac and Fox tribes said she was born among the Foxes.—A. The old relatives, Mes-sah-quet, As-so-me-co-seh.

Q. Did you ever hear Pe-to-ko-mah say anything about it?—A. No; Pe-to-ko-mah never talked much about anything, and I never heard him say anything about Me-nom-o-nee-quah.

Q. What did the older members do or say with reference to Me-nom-o-nee-quah, if anything, in recognition of her relationship to them and the tribe?—A. The old people knew that Me-nom-o-nee-quah belonged really to the Foxes, and in that day they never put any one on the roll unless they really belonged to the tribe.

Q. Was Me-nom-o-nee-quah put upon the roll, and if so, by whom?—A. As I recollect she was put upon the roll here by Mes-sah-quet and Pe-to-ko-mah.

Q. Do you remember at any time there was a division between the Sacs and Foxes of Missouri Indians?—A. I don't remember any time they separated. I don't know.

Q. Is there or has there ever been any difference between the Sacs and Foxes?—A. Yes; there was a difference.

Q. Is there any difference in the tribes now?—A. Now, Sacs and Foxes are the same. They have united.

Q. When did they unite?—A. A long time ago.

Q. Do you remember it?—A. No.

Q. Was it before you were born?—A. My own father didn't know the time they united.

Q. Do you know of your own knowledge, or from common reputation, that Margaret Murphy was a daughter of Me-nom-o-nee-quah?—A. Yes; she was Me-nom-o-nee-quah's own daughter.

Q. Are you acquainted with the children of Margaret Murphy?—A. Yes; I know them.

Q. Name her children.—A. I can't pronounce only three of their names, but I know them all. I can pronounce Lewis, Pete, Frank.

Q. How many boys has she on the reservation?—A. Five.

Q. How long have you been chief of the Sac and Fox of Missouri Indians?—A. About twenty-one years and a half.

Q. Have you at any time as chief and member of the Sac and Fox tribe of Indians owned and acknowledged Mrs. Margaret Murphy as a member of the tribe having its blood in her veins?—A. Yes.

Q. In recognition of such relationship have you and other of the chiefs and headmen of the tribe invited Mrs. Murphy and her family to come upon the reservation of your tribe and be enrolled among its membership as a part of the tribe? And, if so, state precisely what you did in that particular.—A. I can't deny it; I did tell them to come, and if they would come here and stay with us we agreed to put them on the roll.

Q. What did Mrs. Murphy and her family do in pursuance of such invitation?—A. She came in a little while.

Q. Have the Indians at any time held any consultation or council on the matter of the enrollment of Mrs. Murphy, sons, and daughter; and if so, when and at what place?—A. We had a council in Mrs. Murphy's house last spring of all the head-men and we agreed to put them on the roll, and the second time we had a council at George Gomess' house and then the head-men agreed to put the six children on the roll this fall for fall payment of annuities.

Q. Why were they not put on the roll?—A. I don't know the reason why they were not enrolled. The boys agreed to give the head-men six ponies to be placed on the roll; then Mr. Margraves said you can do what you please, the money belongs to you and you can do what you please with it.

Q. Was that gift of ponies demanded by the Indians or offered as an inducement

to be placed on the roll?—A. We asked the boys to give us a horse a piece. The headmen did not ask for ponies, but the boys offered them the six ponies and \$250 in money.

Q. Is it not customary for the Indians to demand and receive a present of some kind from every person who is placed on the roll of the tribe?—A. It has been the custom a long time. When a Missouri Sac goes to the Mississippi Sacs and stays a while and comes back to the Missouri Sacs they always give us presents to be placed on the roll and then draw the money and go back.

Q. How much did Mr. Wm. Margraves give to be enrolled with your tribe, if anything?—A. All I know is that Mr. Margraves gave us a beef.

Q. Has any inducement been offered to you to leave the reservation and not testify in this inquiry; or, has any attempt been made to induce you to leave the reservation since Geo. W. Gordon, special agent, came upon it? And, if so, state by whom such inducement was offered, or the attempt made to get you away, if any such were made; state all the facts.—A. No, sir; no one offered me anything to go away.

Q. Did any one offer you \$100 to go to the Territory?—A. No, sir. Mr. Margraves was to pay me \$100 for rent of my land, 40 acres of ground, which will be rent for next year. I owe Margraves \$50 and the other \$50 will be paid me hereafter for me to go to the Territory. Mr. Margraves wanted me to stay until I saw Geo. W. Gordon, special agent, in regard to the selling and allotting of land.

Cross-examined by Special Agent GORDON:

Q. State whether Mr. Margraves owes you the \$50 on next year's rent yet.—A. Only \$40 now that he owes me.

Q. Has Mr. Margraves proposed to give you anything to leave here before this investigation that is now going on?—A. No; Mr. Margraves always wanted me to be present to this council.

Q. Is it not a custom when Indians leaves one tribe that they are dropped from the roll of that tribe, and if they should ever return afterward that they are again placed on the rolls by the consent of the tribe?—A. Yes; when an Indian leaves a tribe he is dropped from the roll, and that has always been the custom. To return he is re-enrolled with the consent of the tribe.

Q. Do you know when Me-nom-o nee quah was placed on the rolls of this tribe?—A. I don't recollect how long ago.

Q. Do you remember when Mrs. Murphy was put upon the roll?—A. I don't remember when.

Q. Was she put on the roll?—A. Yes, sir.

Q. Do you know how she came to be put on the roll?—A. Yes.

Q. State how.—A. The old lady made a present of a good horse to one of the chiefs, and they all agreed to put her on the roll. Because her mother had died and they took pity on her and put her on the roll. She was a poor woman.

Q. Did you state that Mrs. Murphy gave one of the chiefs a horse, and the others agreed to put her on the roll?—A. Yes, sir. The old lady gave the chief Kosh-ah-hay a horse and the chiefs put her on the roll.

Q. I think you stated that the Indians invited Mrs. Murphy to come to the reservation, and that she did so, and was put upon the rolls. Did they invite her to come or did she ask to be put upon the roll?—A. I don't know exactly. They had a council and invited me to it, and she being my relative of course I agreed to put her on the roll.

Q. Are you not mistaken about Mrs. Murphy giving a horse to be placed upon the roll?—A. I may be. Mr. Tesson gave Kosh-ah-hay a brown mare, and the Indians understood that it was given to him to have his sister put on the roll. I now learn since testifying from Mr. Tesson, who is present, that it was not given for that purpose, but was a gift of his own to the chief.

And further this deponent saith not.

QUASH-PAH-ME (his x mark).

Sworn to and subscribed before me this 14th day of September, 1889.

GEO. W. GORDON,
United States Special Indian Agent.

STATE OF NEBRASKA, County of Richardson:

Personally came before me, Geo. W. Gordon, United States special Indian agent, GEORGE GOMESS, who, being first duly sworn the truth to speak, deposes and says:

Examined by counsel for claimant:

I am sixty-six years old; my name is George Gomess and live on the Sac and Fox Reservation in Nebraska.

Q. Are you a Sac Indian?—A. No, sir.

Q. How long have you lived with the Sac and Fox tribe of Indians?—A. Since 1852.

- Q. Where was the tribe located at that time?—A. Wolf River, Kansas.
- Q. Are you acquainted with Mrs. Margaret Murphy?—A. Yes, sir.
- Q. How long have you known her?—A. About twenty years.
- Q. Are you acquainted with Joseph Tesson?—A. Yes, sir.
- Q. How long have you known him? A. Since 1856.
- Q. What relation is Joseph Tesson to Mrs. Murphy? A. They are half brother and sister. One mother and two different fathers.
- Q. Did you know their mother?—Yes, sir.
- Q. What was her name?—A. Mee-nom-o-nee-quah.
- Q. Is she living now?—A. No, sir.
- Q. When did you first know her?—A. The first time I saw her she was in Meridesine, Kansas, with the Sac and Fox of the Mississippi.
- Q. How long ago has that been?—A. In 1863.
- Q. You say an uncle of Mrs. Murphy and Joe Tesson was present at that time?—A. Yes, sir.
- Q. What was his name?—A. Nash-ah-ness.
- Q. You say that that was with the Mississippi Sacs?—Yes; I was talking to her. She talked good Fox. The Sac and Fox are different in their language.
- Q. Was she an Indian woman?—A. I couldn't tell you exactly. They said she was an Indian woman. She was not very white, just yellow.
- Q. What tribe, if any, did she belong to at that time?—A. The Fox.
- Q. What Fox?—A. I couldn't tell you. Her brother told me that she was a Fox, but I don't know whether she was a Fox of Missouri or of Mississippi.
- Q. Was she enrolled with any tribe at that time?—A. I don't know, indeed.
- Q. Was she ever enrolled with the Sac and Fox of Missouri?—A. Yes; after she came up here we put her on the roll.
- Q. How long ago has that been?—A. I do not know. The Nation pensioned her at the same time as myself.
- Q. You say you can't tell when that was?—A. Not exactly. I think about eleven and one-half years ago.
- Q. Why did they pension Me-nom-o-nee-quah?—Because she was old and nearly blind.
- Q. How old was Me-nom-o-nee-quah when she died?—A. She was over one hundred years old. I understood about one hundred and ten.
- Q. How long did she live with the Sac and Fox of the Missouri Indians before she died?—A. I hardly know. She lived quite a while, may be ten or fifteen years; I don't know.
- Q. Was she in the tribe before Me-soh-quet died?—A. Yes; she was among the Iowas with Mr. Tesson. She came here to visit Me-soh-quet and Moh-less.
- Q. What relationship did she claim with old Me-soh-quet?—A. I don't know; I never asked her.
- Q. Did you ever hear Me-soh-quet say anything about it?—A. No; I never heard him. He claimed some relation, but I never asked him whether she was aunt or sister; I don't know which.
- Q. What official position did Me-soh-quet hold while he lived with the Sac and Fox tribe?—A. He was chief; second chief.
- Q. What kind of an Indian was Me-soh-quet?—A. He was a Fox.
- Q. Are the Sac and Fox tribes two different tribes of Indians?—Yes, sir; they speak different languages.
- Q. Haven't they been together for some time?—A. They have been together a long time, so they told me in the Indian Office at Washington.
- Q. Are they distinct tribes now?—A. They are all mixed up. You can hardly tell who are Fox, and who are Sac.
- Q. Since when were these tribes distinct?—A. I have no recollection at all. I have been only living with them since 1852. They have been one tribe since I have known them.
- Q. How long has Mrs. Murphy been on the roll of the Sac and Fox tribe of Missouri?—A. About eight or nine years.
- Q. What relation, if any, is she to Quash-pah-me, the chief of the tribe?—A. I don't know; Quash-pah-me told me that Mrs. Murphy and Quash-pah-me's mother were sisters in the Indian way, but cousins in the English.
- Q. What do you know of any invitation of the chief and head-men of the Sac and Fox tribe, or any of them, to Mrs. Murphy and her family to come up on the reservation and be enrolled as a part of the tribe? State all you know about it.—A. Well, I understood that some of the Indians went to Rulo, and told them to come up here on this reserve and stay with them and they would put them on the roll.
- Q. Do you know what Indians did that?—A. Yes. Sac-cah-pee. Quash-pah-me staid with them all one winter. He cut his foot with an ax and he went to Mrs. Murphy's and she took care of him until he got well.
- Q. Were you acquainted with the older members of the Sac and Fox tribe who

were with them about 1850 and thenceforward to 1860?—A. I was acquainted with old Mes-sah-quet, No-ko-wat, and Pe-to-ka-mah. I knew all the prominent men there.

Q. Among those old people how was Me-nom-o-nee-quah regarded with reference to her relations to the tribe of the Sac and Foxes of Missouri Indians?—A. Mes-sah-quet and Mo-less and No-ko-wat regarded her as one of their people. They said she was a Fox.

Cross-examined by Special Agent GORDON:

Q. What Foxes do you refer to in your last answer?—A. Sacs and Foxes of Missouri.

Q. Was Me-nom-o-nee-quah regarded as a Fox woman by every one you have referred to?—A. That's what I learned from them.

Q. Do you know what is the meaning of Me-nom-o-nee-quah?—A. A Me-nom-o-nee woman.

Q. Have you ever heard that Me-nom-o-nee-quah was a Me-nom-o-nee woman?—A. That is what I heard. Some say she was a Fox and some a Me-nom-o-nee. I don't know anything about it. Old Mes-sah-quet told me that Tesson was his grandson.

Q. Do you know of any Indians called Me-nom-o-nee?—A. Yes; we know of Me-nom-o-nees and Chip-e-wahs.

Q. If Joseph Tesson and Margaret Murphy were grandchildren of old Mes-sah-quet, a former chief of this tribe, would they not necessarily have the blood of the Sac and Fox of Missouri Indians in their veins?—A. If that was the case, I suppose so.

Q. You don't know that to be the case—just from hearsay?—A. I don't know; only what I have heard.

Q. Have you heard persons say Me-nom-o-nee-quah was a Me-nom-o-nee Indian?—A. I have heard some say that and some say she was a Fox.

Q. How long since you say you have heard some one say she was a Me-nom-o-nee Indian?—A. About 1863.

Q. Can you mention the names of any of the parties that said she was a Me-nom-o-nee Indian?—A. No-ko-wat. He is the only one I have ever heard say it. He was a Me-nom-o-nee himself.

Q. Did you know Nash-ah-ness?—A. Yes; I have seen him.

Q. State, if you know, what relation he was to Me-nom-o-nee-quah.—A. He called her sister.

Q. Did he claim her as a blooded sister or an adopted?—A. I don't know. I never asked him or heard him say anything about it.

Q. Were you at the council that is said to have taken place last spring at your house in reference to putting the Murphy boys on the roll?—A. Yes. I was interpreter for the council.

Q. What did they do there?—A. All the principal men held a council at my house, and the boys told them if they would put six on the roll they wouldn't ask them to put any more of their relatives on. Then the chief Wa-pe-co-ni-ah got up and said they would put them on the roll if they would act and behave as they do. If the Indians make a feast the boys must come and eat with them, and when the boys make a feast they must invite all the Indians. They told the boys they couldn't put them on for the spring payment because they were too much in debt, but they would put them on the roll for this fall payment. This is all I know. They closed their council then. The boys were satisfied and the Indians were satisfied, and closed the council.

Q. Is that all that has been done about it?—A. That's all I know. Mr. Margraves told them that the money belonged to them and the land belonged to them, and if they wanted the boys on the roll they could do as they pleased, he had no objections. Then it came my time to speak. We will put the five men and one woman on the roll and no more, and the boys ought to give us a certificate to show that they would not ask any more, and they said they would.

Re-examined by counsel for claimant:

Q. Is it not customary with the Indians, and do they not always expect, that when a person is put on their roll he or she will make them a present of some kind?—A. Yes. When a man asks to be put upon the roll and not promise them anything and the Indians put him on the roll they do not expect anything; but when a man promises to give them something to be put upon the roll and afterwards does not pay it the Indians call him a rascal and never like him either.

Q. What was said at the council about the Murphy boys promising a present?—A. The boys promised the present and told me to tell them. They promised six ponies and their first annuities.

Q. There was nothing secret about it, was there?—A. No, sir; there was not.

Q. Did you tell the Indians about those promises?—A. Of course I did.

Q. Were the Indians satisfied concerning the presents?—A. Some were, and one said he did not want any. He didn't want to give the Indians' money away for ponies.

Q. Hadn't they already agreed to put these boys on the roll before anything was said about giving ponies?—A. No.

Q. Did they offer you the ponies before the council was held?—A. Yes; I told them before the council was held, and they were talking about it among themselves at my stable, that the Murphy boys were going to give each a pony, and one didn't agree; and they said they would give him a pony anyhow.

And further this deponent saith not.

GEORGE (his x mark) GOMESS.

Sworn to and subscribed before me this 14th day of September, 1889.

GEO. W. GORDON,
United States Special Indian Agent.

STATE OF NEBRASKA, *Richardson County*:

Personally came before me, Geo. W. Gordon, United States special Indian agent FRANCIS DUPUIS, who being first duly sworn the truth to speak, deposes and says:

Examined by counsel for claimant:

I am seventy-nine years old, and live on the Iowa Reservation near here.

Q. Are you acquainted with Joseph Tesson and Margaret Murphy?—A. Yes, sir.

Q. How long have you known them?—A. Since she came from below, I think since 1866; I have know Tesson about forty years.

Q. What relation are Mrs. Murphy and Joseph Tesson?—A. Half brother and sister.

Q. During the time you have known Tesson and his sister what have been their reputation among all the people who knew them as to their nationality?—A. They belong to the Sac and Fox tribe of Missouri Indians.

Q. Do you know their general reputation among the people who knew them and among whom them reside and have resided for the last twenty years in the particular of nationality?—A. Yes.

Q. How have the people regarded them; as Sac Indians?—A. Yes, sir; as Sac Indians.

And further this deponent saith not.

FRANCIS (his x mark) DUPUIS.

Sworn to and subscribed before me this 14th day of September, 1889.

GEO. W. GORDON,
United States Special Indian Agent.

EVIDENCE ADDUCED IN OPPOSITION TO CLAIMS.

STATE OF NEBRASKA, *County of Richardson*:

Personally came before me, George W. Gordon, United States special Indian agent, PE-OH-TOL-E-QUAH, who, being first duly sworn the truth to speak, deposes and and says:

Examined by Special Agent GORDON:

My name is Pe-oh-tol-a-quah; I live close by here on the reservation; I am forty years old, and maybe a little older. I am an Indian, and belong to the Sac tribe.

Q. Did you know Me-nom-o-nee-quah during her life-time, and if so, do you know of what tribe she was?—A. Yes. She belonged to the Me-nom-o-nees.

Q. How do you know that?—A. I learned it from my father, Me-soh-quet. In Indian he was my father, in English my uncle.

Q. What did your uncle say about Me-nom-o-nee-quah?—A. One time Me-nom-o-nee-quah came to my uncle's house, and my uncle said to me that Me-nom-o-nee-quah did not belong to Sacs, but to the Me-nom-o-nees.

Q. State, if you know, what the Indians generally said about Me-nom-o-nee-quah during her life-time in reference to her nationality?—A. I heard No-ko-mat say she belonged to the Me-nom-o-nees. No-ko-mat was a Sac.

Q. Are you acquainted with the Murphy men?—A. Yes. I saw them when they were young boys in Rulo.

Q. Where do they live now?—A. They are now living on this reserve.

Q. Do you know when they came here?—A. I don't know exactly how long.

Q. Had they ever been on and lived on the reserve before they came here the last time?—A. Some came lately and some came before.

Q. State, if you know, whether the Murphy men or any of them were ever put off of the reservation.—A. Yes, one time they drove them off of the reserve. That was when the young men were small.

Q. State, if you know, why they were driven off of the reserve.—A. The reason they drove them off was, they said "You don't belong here." "You are no Sac." No-ko-mat told them that they did not belong here, "You belong to the Me-nom-o-nees. Go up there."

Cross-examined by counsel of claimant:

- Q. Who told you what to say to-day?—A. Nobody.
 Q. Who have you talked to about what was to be said here to-day, if anybody?—A. Nobody.
 Q. How old were you when Me-sah-quet died?—A. I think I was about thirty years old.
 Q. When did Me-sah-quet die?—A. I don't know. I was not here when Me-sah-quet died. I was on the other reserve. I don't remember how many years since he died.
 Q. Then how do you know how old you were when Me-sah-quet died?—A. I said I was thirty years old, but I don't know that that is exactly so.
 Q. What relation, if any, was Me-nom-o-nee-quah to Me-sah-quet?—A. The old man, Me-sah-quet, said Me-nom-o-nee-quah was not of kin to him at all.
 Q. How did Me-sah-quet come to tell you that story?—A. The old man was talking to us and he told us.
 Q. Do you know Joseph Tesson?—A. Yes.
 Q. How long have you known him?—A. The first time I ever saw him was when he was at Marie desene, in Kansas.
 Q. How long ago has that been?—A. I don't know. I never counted.
 Q. Did Joseph Tesson ever live with the Sac and Fox Indians?—A. I don't know whether he has ever been among the Sac and Fox or not.
 Q. What relation was Joseph Tesson to Me-sah-quet?—A. There was no connection between them.
 Q. How do you know that?—A. My uncle, Me-sah-quet, said so.
 Q. What relation was Quash-pah-me to Me-sah-quet?—A. Me-sah-quet was Quash-pah-me's grandfather.
 Q. What relation is Quash-pah-me to Mrs. Margaret Murphy?—A. I don't think that there is any relationship between them. If there is, Quash-pah-me must be a Me-nom-o-nee.
 Q. Is Quash-pah-me a Me-nom-o-nee?—A. Quash-pah-me is not a Me-nom-o-nee, but he is a Sac.

PE-OH-TOL-E-QUAH (his x mark.)

Sworn to and subscribed before me this 16th day of September, 1889.

GEO. W. GORDON,
 United States Special Indian Agent.

STATE OF NEBRASKA, *County of Richardson* :

Personally came before me George W. Gordon, United States special Indian agent, WOH-POH-CO-NI-AH, who being first duly sworn, deposeth and says:

Examined by Special Agent GORDON :

My name is Wah-pah-co-ni-ah. I am an Indian, and live on the Sac and Fox Reservation. This is my house where we are.

- Q. Did you know Me-nom-o-nee-quah during her life-time?—A. Yes.
 Q. State, if you know, what tribe she belonged to?—A. I don't know whether she belonged to the Sacs or the Foxes.
 Q. State, if you know, what the people said about her nationality during her life-time.—A. The people I heard talk about her are all dead.
 Q. State who those people were.—A. My uncle, Pe-to-ka-mah and Tah-kah-ko.
 Q. What did they say about it?—A. They told me that Me-nom-o-nee-quah came from the north from the Me-nom-o-nees.
 Q. Was she ever put on the rolls of the Sac and Fox to your knowledge?—A. Yes; they put her on the rolls because she was a poor old lady.
 Q. State, if you know, whether the Murphy gentlemen or any of them or their mother was ever put off of this reservation; and, if so, why were they put off?—A. I don't know.

Cross-examined by counsel for claimants :

- Q. Was not Me-nom-o-nee-quah some relation of the chief, Me-sah-quet?—A. I don't know.
 Q. Did not the Indians at that time acknowledge that she was some relation of Me-sah-quet?—A. I don't know.
 Q. Is not Mrs. Margaret Murphy some relation to Quash-pah-me?—A. I don't know whether they are of any connection or not.
 Q. Don't they claim to be connected?—A. I don't know. I never heard from Quash-pah-me whether she was a relative or not.
 Q. Did not the chiefs and head-men regard Me-nom-o-nee-quah as a member of the Sac and Fox tribe when they put her on the roll?—A. I don't know.

Q. How old were you when they put Me-nom-o-nee-quah on the roll?—A. I don't know.

Q. Were you not very young when they put her on the roll?—A. I don't know. I was not here at the time.

And further this deponent saith not.

WOH-POH-CO-NI-OH (his x mark).

Sworn to and subscribed before me this 16th day of September, 1889.

GEO. W. GORDON,
United States Special Indian Agent.

STATE OF NEBRASKA, *County of Richardson* :

Personally came before me, Geo. W. Gordon, United States special Indian agent, AUGUSTUS HALL, who, being first duly sworn the truth to speak, deposes and says :

Examined by Special Agent GORDON :

My name is August Hall ; I live on the Iowa reservation, about 8 miles from here, and I am a Government employé in the capacity of blacksmith for the Iowa and Sac and Fox Indians.

Q. Are you acquainted with Mr. Joseph Tesson, and, if so, how long have you known him?—A. I am acquainted with him and have known him about twenty years.

Q. State if you have ever heard him say of what nationality he is, and, if so, what did he say he was?—A. I have frequently ; he sometimes said he was Sac and sometimes he said he was a Sioux, and sometimes he said he didn't really know where his tribe was.

Cross-examined by counsel for claimants :

Q. When you first knew Tesson with what tribe of Indians was he?—A. Sac.

Q. Has not Mr. Tesson always been regarded as a Sac by persons who knew him best?—A. Yes, sir ; he has always been regarded as a Sac.

Q. Instead of saying that he was a Sioux Indian, did you not hear him say he had been among the Sioux?—A. Yes, sir.

Q. When Mr. Tesson said to you that he didn't exactly know where his tribe was, might he not have meant that he didn't know whether he was a Sac or a Fox?—A. He might have meant that.

Recross-examined :

Q. In answer to the above question, wherein you are asked " Instead of saying that he [referring to Mr. Tesson] was a Sioux Indian, did you not hear him say he had been among the Sioux," and to which you answer " Yes, sir," do you mean to say by that he did not tell you that he was a Sioux ?

(Counsel for claimants objected to above question.)

A. I meant to say that I heard him say he had been among the Sioux.

And further this deponent saith not.

AUGUSTUS HALL.

Sworn to and subscribed before me this 16th day of September, 1889.

GEO. W. GORDON,
United States Special Indian Agent.

STATE OF NEBRASKA, *County of Richardson* :

Personally came before me, Geo. W. Gordon, United States special Indian agent, CLARA DUPUIS, who, being duly sworn, deposes and says :

My name is Clara Dupuis ; I live in Kansas, on the Iowa Reservation, about 5 miles from here.

Q. Are you acquainted with Mr. Francis Dupuis, and if so, how long have you known him?—A. Yes, sir ; I know him ; he is my father-in-law.

Q. State whether you ever heard him speak of the nationality of Mr. Joseph Tesson, and if so, what did he say about it ?

(Counsel for claimants objected to above question because it is not the best evidence.)

A. I heard Mr. Francis Dupuis say that Mr. Joseph Tesson had Menomonee blood. That is all I heard him say about it.

And further this deponent saith not.

CLARA DUPUIS.

Sworn to and subscribed before me this 16th day of September, 1888.

GEO. W. GORDON,
United States Special Indian Agent.

STATE OF NEBRASKA, *County of Richardson* :

Personally came before me, Geo. W. Gordon, United States special Indian agent, JOHN RUBIDOUX, who, being first duly sworn, deposes and says:

My name is John Rubidoux. I reside a short distance from here, on the Sac and Fox Reservation, and I am thirty-one years of age, I think.

Q. Did you know Me-nom-o-nee-quah during her life-time?—A. Yes, sir.

Q. State, if you know, what tribe she belonged to.—A. I don't know.

Q. State, if you know, what the Indians said about her nationality while she was alive.—A. I heard the people say she was named Me-nom-o-nee-quah, and belonged to the Me-nom-o-nees. I don't know what tribe she belonged to, but that is what I always heard them say.

Q. Can you state some of the persons who said that?—A. The Sacs here; all of them.

Q. How long have they been saying that?—A. Here a while back; may be ten years ago:

Q. State whether you were at a council held at the house of George Gomess last spring about admitting the Murphy family to the rolls of the Sac and Fox tribe.—A. Yes; I was there.

Q. State, if you know, what was done there that day.—A. They talked about putting the Murphys on the rolls.

Q. What did the council decide to do about it?—A. I did not hear them say what they were going to do with them.

Q. State whether you have been at any council since that time about this same thing, that is, about putting the Murphys on the roll?—A. I have not.

Cross-examined by counsel of claimants :

Q. Do you know when Me-nom-o-nee-quah was put upon the rolls?—A. I do not.

Q. State, if you know, what the chiefs and head-men of that day, that is, the time at which she was put on the roll, say about her relationship to the Sac and Fox tribe of Missouri Indians?—A. I don't know.

And further this deponent saith not.

JOHN (his x mark) RUBIDOUX.

Sworn to and subscribed before me this 16th day of November, 1889.

GEO. W. GORDON,
United States Special Indian Agent.

STATE OF NEBRASKA, *County of Richardson* :

Personally came before me, George W. Gordon, United States special Indian agent, THOMAS CONNELL, who being first duly sworn, deposes and says:

My name is Thomas Connell; I am about forty years old; I live in Kansas here on the Sac and Fox Reservation, and I am a member of the Sac and Fox tribe, and am an Indian.

Q. State whether you knew Me-nom-o-nee-quah during her life-time.—A. Yes.

Q. Do you know what tribe she belonged to?—A. All I know is what I heard.

Q. State what you heard, and from whom you heard it.—A. I heard that she belonged to the Me-nom-o-nees; I heard No-ko-wat say so.

Q. Who was No-ko-wat?—A. He was a Fox.

Q. Did he live here on this reserve?—A. Yes; he used to live on this reserve.

Q. Where is he now?—A. He is dead.

Q. State, if you know, whether any of the Murphy family were ever put off of this reservation, and if so, why they were put off.—A. Yes; they were put off, but I don't know exactly when. They were put off because they were no Sacs. I don't know how many years ago it was.

Q. Were you at a council that was said to have been held at the house of George Gomess last spring about putting the Murphys on the roll of the tribe of the Sac and Fox?—A. No; I was not there.

Q. Have you been at any council since that time about this matter?—A. I have not to put them on the roll.

Q. Have you been at any to put them off?—A. Yes.

Q. Where was it held?—A. At my house.

Q. Who were there, and what did you do about it?—A. The whole nation was there.

Q. State the names of those who were there.—A. Pe-ah-tal-i-quah, Tom Connell, John Rubidoux, Joseph Rubidoux, Willie Dervin, Henry Sa-qua-nee, William Margrave, Bill Alley, George Gomess. These were all. Quash-pah-me, Wah-pah-co-ni-ah, and Joseph Ko-sha-may were not there, and Ed Rubidoux was not there. The men signed first and then the women signed.

Q. What did they sign?—A. They did not sign anything, but took down a list of the names of the men and women who were there.

Q. Did they have any other council after that?—A. Yes, we did.

- Q. Where was that held?—A. At Mr. Margrave's.
- Q. State what was done at that council.—A. At the first council at my house some of the men were not there. At the second council at Mr. Margrave's house all the men and women were there except Quash-pah-me. All the men and women and the head-man there signed the paper that day except one, that was Quash-pah-me, who was not there. He came the next day and signed it. He heard that the others had signed it and he came the next day and signed it.
- Q. What did the paper say? What was it about?—A. It was a petition saying that the nation did not agree that they, the Murphys, should be put on the rolls of the tribe.
- Q. To whom was the petition made?—A. It was sent to the agency at Pottawatomie, and the agent sent it on to Washington to the Commissioner of Indian Affairs.
- Q. Has there been any council about this matter since then?—A. No.
- Cross-examined by counsel for the claimants:
- Q. How long after the council at George Gomess's house till the council at your house?—A. I can't tell how many weeks it was as I was not at home but in the Indian Territory.
- Q. In what month was the council held at your house?—A. I can't tell about months.
- Q. Was it last spring?—A. It was in the spring of this year.
- Q. Who called the council at your house?—A. I was the one.
- Q. Who told you to do it?—A. Nobody.
- Q. Who notified the Indians?—A. I told a young man to go 'round and tell them.
- Q. Did you not go yourself?—A. No.
- Q. Did you have any talk with Mr. Margrave about calling that council at your house?—A. No.
- Q. Who called the council at Margrave's house?—A. Nobody but ourselves.
- Q. How did you come to go to Margrave's house?—A. We went there to sign the paper.
- Q. Did Margrave give you anything to get up this council?—A. No.
- Q. Have not the Indians accused you of getting \$100 from Margraves to get up this council against the Murphy boys?—A. No, sir.
- Q. None of them have ever accused you of getting \$100?—A. No, sir.
- Q. Were you promised anything to do it?—A. No.
- Q. How many hogs have you got from Margrave this summer?—A. None.
- Q. Have you gotten any from Margrave's place?—A. Yes; but I bought them.
- Q. How did you pay for them?—A. I have not paid for them, but I am to pay for them on pay-day.
- Q. Are you not personally very much opposed to the Murphy boys?—A. Yes; I don't want them to come in.
- Q. Where were you when Me-nom-o-nee-quah was put on the rolls of the Sac and Fox tribe?—A. I was here on this reserve.
- Q. When was she first put on the roll of this tribe?—A. I don't know.
- Q. What did the old Sacs—the head-men and chiefs—twenty-five or thirty years ago, say about the relationship of Me-nom-o-nee-quah to the Sac and Fox Indian people?—A. I don't know.
- And further this deponent saith not.

THOMAS (his x mark) CONNELL.

Sworn to and subscribed before me this 16th day of September, 1889.

GEO. W. GORDON,
United States Special Indian Agent.

STATE OF NEBRASKA, *County of Richardson* :

Personally came before me, George W. Gordon, United States special Indian agent, GEORGE GOMESS, who being first duly sworn, deposes and says:

My name is George Gomess, and I am about sixty-six years old; I am on the rolls of the Sac and Fox tribe of the Missouri, and draw annuities.

Q. State whether you ever invited any of the Murphy family, when they lived off the reserve, to come upon the reservation and be one of the tribe?—A. I did not.

Q. Were you at the council held at Mr. Margrave's house?—A. Yes, sir.

Q. State what you did there?—A. The nation did not agree to put the Messrs. Murphy on the roll, and I did not agree.

Q. What did you do about it, if anything?—A. The councilors signed the petition agreeing not to put them on the roll. They don't want them on the roll.

 Cross-examined by counsel for claimants:

Q. Had not the Indians a few days before at your house on the reservation in general council agreed to put the Murphy people on the roll of the tribe?—A. Yes, they did.

Q. What changed the minds of the Indians?—A. Because the head-men had agreed to put them on the rolls, but the others did not know anything about it.

Q. Did not the Indians, or some of them, say that Margrave had given Thomas Connell \$100 to circulate a petition among the Indians protesting against putting the Murphys on the roll?—A. One said so.

Re-examined by special agent :

Q. Who was that?—A. John Rubidoux ; but he was mistaken.

GEORGE (his x mark) GOMESS.

Sworn to and subscribed before me this 16th day of September.

GEO. W. GORDON,
United States Special Indian Agent.

STATE OF NEBRASKA, *County of Richardson :*

Personally came before me, Geo. W. Gordon, United States special Indian agent, KE-KO-NA, who being first duly sworn, deposes and says :

My name is Ke-Ko-na ; I don't know, but I think I am about sixty-eight years of age ; I live on this reservation, and if not mistaken, I have lived here about twenty-six years.

Q. Did you know Me-nom-o-nee-quah during her life-time?—A. Yes ; I saw her.

Q. Do you know what tribe of Indians she belonged to?—A. Yes ; she belonged to the Me-nom-o-nees.

Q. How do you know she belonged to the Me-nom-o-nees?—A. I learned it from my mother who was a Fox woman.

Q. Did you ever hear any one else say Me-nom-o-nee-quah was a Me-nom-o-nee Indian, and if so, who was it?—A. No one else, only my mother.

Cross-examined by counsel of claimants :

Q. Did you know the chief Me-sah-quet?—A. Yes.

Q. Was Me-nom-o-nee-quah a sister or an aunt of Me-sah-quet?—A. The old lady, Me-nom-o-nee-quah, claimed to be his niece, but it is not so.

Q. How do you know that it was not so?—A. Because old man Me-sah-quet said so.

And further this deponent sayeth not.

KE-KO-NA (her x mark).

Sworn to and subscribed before me this 16th day of September, 1889.

GEO. W. GORDON,
United States Special Indian Agent.

STATE OF NEBRASKA, *County of Richardson :*

Personally came before me, George W. Gordon, United States special Indian agent, JENNIE RUBIDOUX, who, being first duly sworn, deposes and says :

My name is Jennie Rubidoux ; I am forty-two years of age, and live on the Iowa Reservation, adjoining this.

Q. Did you know Me-nom-o-nee-quah?—A. Yes, sir ; I have seen her.

Q. Do you know what tribe of Indians she belonged to by blood?—A. She told me she was a Me-nom-o-nee woman. Mr. Tesson here told me that his mother was a Me-nom-o-nee woman.

Q. Did Mr. Joseph Tesson claim Me-nom-o-nee-quah as his mother?—A. I don't know as to that, but he told me that his mother was a Me-nom-o-nee woman.

Q. Do you live near Mr. Tesson?—A. I live about 4 miles from him.

Q. How long have you known him?—A. Ever since I can remember.

Q. State whether you ever heard the Indians say, during the life-time of Me-nom-o-nee-quah, of what blood she was.—A. I never heard the Indians say anything about it. But I heard Uncle Joe Rubidoux say that she was a Me-nom-o-nee woman, and that he had known her ever since he was a little boy, and that he knew her when she lived in St. Louis.

Cross-examined by counsel for claimants :

Q. How did your uncle come to tell you so much about this old Indian woman?—A. He lived with me, and old Me-nom-o-nee-quah used to come and stay with me two or three weeks at a time, and I heard them talking about it.

Q. Did she say that she was a full-blooded Me-nom-o-nee?—A. Yes. I asked her of what tribe she was, and she said of the Me-nom-o-nee.

Q. How long ago was this?—A. In 1872.

Q. When did Joseph Tesson tell you his mother was a Me-nom-o-nee Indian?—A. Two years ago last summer.

Q. You are on bad terms with Mr. Tesson, are you not?—A. No, sir.

Q. Are your families on perfectly good terms?—A. Yes, sir.

Q. Did you know Me-soh-quet during his life-time?—A. I saw him three or four times.

Q. Was he a Sac Indian?—A. I suppose so.

Q. Do you know whether Me-nom-o-nee-quah was any relative of Me-soh-quet?—

A. She did not tell me anything.

Q. If Me-nom-o-nee-quah was the sister or aunt to Me-soh-quet could she by any possibility have been a full-blooded Me-nom-o-nee Indian?—A. I don't know anything about that.

Q. You have some feeling in this case, have you not?—A. No, sir.

Q. What tribe do you belong to?—A. Sioux.

Q. Did you ever live among the Sacs and Foxes?—A. No, sir; but I have lived on the Iowa Reservation for twenty-four or twenty-five years.

Q. Did you not tell Frank Murphy at George Gomeess' house on this reservation in March, 1879, that there was a very bad feeling between you and Joseph Tesson?—A. No, sir. I did not say there any was bad feeling between us.

And further this deponent saith not.

JENNIE (her x mark) RUBIDOUX.

Sworn to and subscribed before me this 16th day of September, 1889.

GEO. W. GORDON,

United States Special Indian Agent

TESTIMONY IN REBUTTAL BY CLAIMANTS.

STATE OF NEBRASKA, *County of Richardson* :

Personally came before me, George W. Gordon, United States special Indian agent JOSEPH TESSON, who, being first duly sworn, deposes and says :

Examined by counsel of claimants :

Q. State whether, two years ago or at any other time, you told Jennie Rubidoux that your mother, Me-nom-o-nee-quah, was a Me-nom-o-nee woman.—A. I did not.

Q. Will you state whether Me-nom-o-nee-quah was an adopted sister of Nash-oh-ness or a sister by blood relation?—A. She was a sister by blood relation, because I saw Nash-oh-ness a few moments after she was born from my grandmother.

Q. Did you ever tell any one that you were a Sioux or a Cheyenne or that you did not know what tribe you belonged to?—A. I did not.

Q. Is there at present any unpleasant feeling existing between you and Jennie Rubidoux; and, if so, for how long past?—A. There is, and we have not spoken to each other for nearly two years.

Q. Do you know the general reputation of Jennie Rubidoux for truth and veracity in the community in which she resides?—A. I do.

Q. What is that reputation? Good or bad?—A. It is bad.

Cross-examination by Special Agent GORDON :

Q. Who, if any one, did you ever hear speak of Jennie Rubidoux as not being a woman of truth and veracity?—A. I can't name any particular one, but she has that reputation throughout the whole neighborhood. I have heard Mr. M. B. Kent, a former agent on this reservation, say, when he would see her coming, "yonder comes the telegraph."

Q. What did he mean by that?—A. That she was bringing false news to him.

Re-examined by counsel for claimants :

Q. Did Me-nom-o-nee-quah ever live with the Me-nom-o-nee Indians?—A. Never to my knowledge.

Q. If such had been the fact would you not probably have known it?—A. I would have known it.

Q. Did Me-nom-o-nee-quah ever live with Jennie Rubidoux?—A. No.

Recross-examined by special agent :

Q. Might Me-nom-o-nee-quah have staid with Jennie Rubidoux for two or three weeks at a time and you not have known it? Is not that possible?—A. It was not possible without my knowing it.

By counsel of claimants :

Q. Do you know the age of Pe-oh-tol-i-quah?—A. I have known him since 1855, and he was then about two years old. He had no knowledge of his father when he

went away from here. He was about three years old when his father died. His mother took him to the Mississippi Sacs, and during the war he returned here. He was absent from here when his uncle, Me-soh-quet, died.

And further this deponent saith not.

JOSEPH (his x mark) TESSON.

Sworn to and subscribed before me this 17th day of September, 1887.

GEO. W. GORDON,
United States Special Indian Agent.

STATE OF NEBRASKA, *County of Richardson* :

Personally came before me, George W. Gordon, United States special Indian agent, FRANK MURPHY, who, being first duly sworn, deposes and says:

Examined by counsel for claimants:

Q. State whether you ever heard that Me-nom-o-nee-quah lived with Jennie Rubidoux.—A. I have not.

Q. With whom did she live during her life-time?—A. With my mother part of the time and with Joseph Tesson the remainder.

Q. State whether any of your family were ever removed from this reservation.—A. They were not.

Q. State why you left.—A. My mother thought it was the best policy to move away from the reservation as she could not make a living here. We were all too small to do heavy work and removed to Rulo to get the benefit of schools.

Q. State whether Jennie Rubidoux ever spoke to you in regard to the feeling existing between herself and Joseph Tesson.—A. She did. She told me that the troubles between them occurred about a wedding at his house between Mr. Tesson's adopted son and her daughter. She said she bore him hard feelings and always would.

Cross-examined by Special Agent GORDON :

Q. How came Jennie Rubidoux to make such statements to you?—A. She voluntarily asked me when was the last time I was at Tesson's house, and asked me if I saw her son camping by Tesson's house. I asked her what he was doing there that he should be camping. She told me he was camping there to get his share of the corn that was raised on Tesson's farm; that he had rented a part of Tesson's farm and had raised a crop. I asked her then why he did not live in the house with Tesson, as I knew that he had lived with Tesson in the house during the summer. She said that Tesson and her son had fallen out about something, and Tesson would not allow him to come into his house. And, furthermore, she said that her daughter-in-law, her son's wife, had to work too hard when she did live with Tesson's family and got nothing for it but her board.

Q. You have stated that your mother removed from the reservation because she could not make a support here; what did she do in Rulo for a support?—A. She sometimes worked for a living and sometimes did sewing.

Q. Did not the Indians, before and about that time, complain of your family being on the reservation?—A. No, sir.

Q. How long ago was this; that is, at the time your mother and family moved from the reservation?—A. I don't know exactly, but I think fifteen or sixteen years.

Q. Do you remember who was Indian agent at that time?—A. I do not, unless it was Norris or Lightfoot.

Q. Were you personally not removed or required to leave the reservation once during the time when Mr. Roberts or Mr. Kent were Indian agents?—A. No, sir.

Q. Did not the Indians complain to the agent of your family being on the reservation?—A. Not to my knowledge.

Q. You have stated that you never heard of Me-nom-o-nee-quah living with Jennie Rubidoux; is it not possible that she could have visited her for two to three weeks at a time and you not have known it?—A. I don't think it possible.

Q. Why do you think so?—A. Because, I know she made her home with my mother and my uncle and she never visited that long from either of those places, except from the one to the other.

Q. Do you know that when she was away from your mother that she was always with Mr. Tesson?—A. Most generally. When she left us she went to Mr. Tesson's unless she stopped somewhere on the way over night. If she was away longer than that, we always hunted her up.

And further this deponent saith not.

FRANK MURPHY.

Sworn to and subscribed before me, this 17th day of September, 1889.

GEO. W. GORDON,
United States Special Indian Agent.

STATE OF NEBRASKA, *County of Richardson* :

Personally came before me, George W. Gordon, United States special Indian agent, MARGARET MURPHY, who, being first duly sworn, deposes and says :

Q. State whether you were ever required by the Indians to leave this reservation ?—
A. No.

Q. Why did you leave the reservation ?—A. My children were too small, and I had to go to Rulo to make a living and send my children to school.

Q. Did Me-nom-o-nee-quah ever live with the Me-nom-o-nee Indians ?—A. No. I never saw any Me-nom-o-nees.

Q. Did she ever live with Jennie Rubidoux ?—A. No.

And further this deponent saith not.

MARGARET (her x mark) MURPHY.

Sworn to and subscribed before me this 17th day of September, 1889.

GEO. W. GORDON,
United States Special Indian Agent.

STATE OF NEBRASKA, *County of Richardson* :

Personally came before me, Geo. W. Gordon, United States special Indian agent, FRANCIS DUPUIS, who, being first duly sworn, deposes and says :

Q. Did you ever tell Clara Dupuis that Joseph Tesson was a Me-nom-o-nee Indian ?—A. No.

Q. Did you ever tell Clara Dupuis that Me-nom-o-nee-quah was a Me-nom-o-nee Indian ?—A. No, sir.

Cross-examined :

Q. Do you know of what tribe of Indians Me-nom-o-nee-quah was ?—A. I heard that she belonged to the Sacs. When she first came here, she came with the Sacs. I have no personal knowledge what tribe she belonged to.

And further this deponent saith not.

FRANCIS (his x mark) DUPUIS.

Sworn to and subscribed before me this 17th day of September, 1889.

GEO. W. GORDON,
United States Special Indian Agent.

STATE OF NEBRASKA, *County of Richardson, ss* :

Personally came before me, Geo. W. Gordon, United States special Indian agent, LOUISA BRIEN, who being first duly sworn the truth to speak, deposes and says :

Examined by counsel for claimants :

My name is Louisa Brien; I am forty-six years of age, and reside on the Iowa Reservation, 4 or 5 miles from this place.

Q. Are you acquainted with Jennie Rubidoux; and if so, how long have you known her ?—A. I am, and have known her about twenty-five years.

Q. Do you know her general reputation for truth and veracity in the community in which she lives ?—A. I do.

Q. What is that reputation, good or bad ?—A. It is bad.

Q. How near do you live to Jennie Rubidoux ?—A. About one-half of a mile.

Q. Do you know Joseph Tesson ?—A. Yes, sir.

Q. Did you know his mother ?—A. Yes, sir.

Q. Do you know to what tribe she belonged ?—A. I only knew that she was a Fox.

Q. Do you know to what tribe Joseph Tesson belongs ?—A. No, sir.

Cross examined :

Q. How do you know that Me-nom-o-nee-quah, or Mr. Tesson's mother, was of the Fox tribe ?—I. I only know it because she was always here since I have known her.

Q. Then you have no knowledge of what tribe she was ?—A. No, sir.

Q. Who, if any one, did you ever hear say that Jennie Rubidoux's reputation for truth was not good, or that she was not a truthful woman ?—A. I have heard a good many say so.

Q. Who were those persons ?—A. Clara Dupuit told me that she was nothing but a liar, and Mrs. Story told me the same thing.

Q. Who is Mrs. Story ?—A. She is a mixed-blood, half-breed, Iowa Indian, living on the Iowa Reservation.

Q. What is your nationality ?—A. I am a half-breed Iowa.

And further this deponent sayeth not.

LOUISA BRIEN.

Sworn to and subscribed before me this 17th day of September, 1889.

GEO. W. GORDON,
United States Special Indian Agent.

STATE OF KANSAS, *County of Doniphan* :

Personally came before me, George W. Gordon, United States Special Indian agent M. B. KENT, who, being first duly sworn, deposes and says :

I reside in the town of White Cloud, Kans., and my occupation is that of banker. I was United States Indian agent at the Iowa Indian Reserve, near here, from 1874 until 1881, and during that time I resided on the Iowa Reserve, and the Sac and Fox of the Missouri tribe of Indians were under my charge as such agent. The Sac and Fox Reserve was under my jurisdiction, and the old agency at that time was about 6 miles from here, and the Sac and Fox Reserve 10 to 12 miles.

By Special Agent GORDON :

Q. Are you and were you acquainted with one Jennie Rubidoux, an Indian woman, living on the Iowa Reserve when you were agent, and if so, do you know her general reputation for truth and veracity?—A. I am, and I do.

Q. What is that reputation, good or bad?—A. It is as good or better than any Indian on the reserve.

Q. State whether or not while you were agent, or at any other time, you ever said in the presence of Joseph Tesson, or any one else, when you would see Jennie Rubidoux coming, "Yonder comes the telegraph," and thereby meaning that she was bringing false news?—A. No, sir. I never at any time made such a remark or anything similar to it, or said anything that would reflect upon her veracity.

Q. Are you acquainted with Joseph Tesson, who lives on the Iowa Reserve, and who is a member of that tribe; and if so, how long have you known him?—A. I am acquainted with him and have been for nearly fifteen years.

Q. Do you know his general reputation for truth and veracity; and if so, what is it, good or bad?—A. I am acquainted with his general reputation and it is questionable. I have heard it questioned frequently.

Q. State whether you knew an Indian woman on the Sac and Fox Reserve when you were agent whose name was Me-nom-o-nee-quah, and state if you can whether she was drawing annuities or a pension with that tribe, and state if you know how she became a member of the tribe or how she came to be pensioned by the tribe?—A. I knew Me-nom-o-nee-quah, but she never resided on either the Sac and Fox or Iowa Reserve while I was agent. She drew annuities with the Sac and Fox, but she lived in Rulo, and frequently came to Joseph Tesson's on the Iowa Reserve about payment times. She was pensioned by the Sac and Fox, and because she was poor, old, and deaf, and partially blind. I paid her her pension at Rulo.

Q. Do you know to what tribe she originally belonged?—A. I do not. She was on the rolls of the Sac and Fox reserve when I became agent.

Q. From what you know of her and from her general reputation would you believe Jennie Rubidoux on oath?—A. Yes.

And further this affiant saith not.

M. B. KENT.

Sworn to and subscribed before me this 25th day of September, 1889.

GEO. W. GORDON,
United States Special Indian Agent.

STATE OF KANSAS, *County of Doniphan* :

Personally came before me, Geo. W. Gordon, United States Special Indian agent, SAMUEL M. BROSIUS, who, being first duly sworn the truth to speak, deposes and says :

My name is Samuel M. Brosius, I reside in White Cloud, Kans., and my occupation is that of hardware merchant.

Q. Are you acquainted with Jennie Rubidoux, a half-breed Indian on the Iowa Reserve, near here, and if so how long have you known her?—A. I am acquainted with her and have known her for fourteen years; I knew her when I was Indian trader on that reserve fourteen years ago and was a customer of mine then and is at the present time. I have done quite an amount of business with her, and I give her all the credit she wants. I have never lost anything by her and consider her entirely honest in her business transactions.

Q. Do you know her general reputation for truth and veracity?—A. I have never heard it questioned.

Q. From what you know of her and from her general reputation would you believe her on oath?—A. I would.

And further this affiant saith not.

SAML. M. BROSIUS.

Sworn to and subscribed before me this 25th day of September, 1889.

GEO. W. GORDON,
United States Special Indian Agent.