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Keams Canon Apache Co
Arizona

Moqui Indian Reservation

147

Dated June 22nd 1892

John S. Mayhugh
U.S. Special Allotment Agt

Report relating to allotment work at Moqui Reservation and other matters appertaining thereto.

Ans'd Aug. 30/92
HB 243/375

26/5 L Allen

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Department of the Interior,

INDIAN SCHOOL SERVICE,

OFFICE OF SUPERINTENDENT,

Keams Cañon Apache Co. Arizona
June 22, 1892

Hon. T. J. Morgan
Comr Indian Affairs
Washington D.C.

Sir:

I have the honor to report that pending the enumeration of the Moqui Indians as ordered for allotment of land that at intervals I performed other services I regarded as part of the work ordered with the view that when the work of allotment had been commenced its progress would not be interrupted by incidental matters relating thereto.

One of which has been to ~~examine the surveys and~~ I could find a stake or monument to ascertain how much or how many of the orchards had been surveyed but the result of my examination so far was not as satisfactory as desired from the fact that I have been unable to find but few evidences of the surveyors presence in the vicinity of these trees.

I feel confident however from my examination to say that not more than one fourth of the Peach Orchards have

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been brought within the lines of the survey

It is an exceedingly rare occurance that one orchard of any size belongs to one Indian family - usually from two to five persons own an average sized Orchard - A large Orchard often belongs to as many as six to ten familes and in some cases families only own from three to five trees each

However nearly all of the orchards (excepting those belonging to the Orabi village) are in close proximity to the base of the Mesa's. Nevertheless in view of the peculiar ownership of these orchards I respectfully suggest that none of the Peach Orchards be allotted but that they be permitted to hold these Orchards in common as a Community interest as their fathers have heretofore. And that your Hon. Office cause such action to be taken by the Government as will secure to these people and their heirs the uninterupted enjoy-

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ment of the same until other circumstances or their altered condition may require another adjustment of the ownership of these properties. Except where there has been surveyed a piece of land that embrace a single orchard that belongs to one family in which case it should be allotted to said family, or where a portion of an orchard that is within the limits of a surveyed tract which land is claimed and selected for allotment by the owners of the orchard then in that case I would recommend that such tract be allotted to some member of such family as may be satisfactory to the family

There is another matter in relation to the adjustment and allotment of the land to these people that will require a great deal of care and thoughtful judgment to make the work of allotment satisfactory to them

I have examined all of the land lying on the East and south east side of the first Mesa on both sides of the main wash that passes through the Vill.

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in company with the Interpreter to ascertain how and where they claimed their lands. I was surprised to find the number of persons that claimed the same tract of land within a given legal sub-division of 40 or 80 acres.

I found but few that claimed as much as a 40 in any one place. In my examination I found as many as seven persons claiming the same tract of land working the same harmonously. The tract or piece of land did not exceed 20 or 30 acres (estimated) Each individual claimant did not claim to own a certain piece or portion of the whole tract as one seventh but each person claimed one undivided one seventh of the entire tract and claimed a right to one seventh of all its production - They all planted cared for and gathered their crop as the property of the company at which time a division of the crop was made.

All seven were at work when I visited their piece of land, they told me this was the way they

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always owned and cultivated this land and they did not wish to have it divided as they and their fathers had always cultivated the land in that way These small peices or parcels produce all their families need. In fact I learned from all those I talked with that they were strongly attached to these small peices of land and if the survey lines were enforced in the allotment so as to give to one individual as much as 40 or 80 acres thereby destroying their present method or division of land it would lead to general dissatisfaction. Each one wants the tract his ancestors planted which is usually a small sand field as a crop of corn beans and melons can be always secured from this kind of soil without much labor. These sand fields do not need any preparation for planting and very little cultivation during the crop season and this is another reason why they are so tenacious to hold on to these sand fields and further a majority of these sand fields are in close

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proximity to the Mesa's in the Vallies that intervene and on each side of the washes that run in the middle of the Vallies which seem to be the division line between the several Mesa's. they have told me that one Mesa will not intrude upon another by crossing the wash in fact they never have heretofore and it is a law among themselves not to do so but where a portion of a 40 or an 80 lies on both sides of the wash the land should be given an allottee that lives at the Mesa where a greater portion of the land lies, as the washes meanders to nearly every point of the compass.

I found many of the old men and widows to be satisfied with the patches of 6 to 8 acres that they now held and seemed unwilling to trouble themselves about any more land but as a matter of course to fulfill the law they should be allotted their complement of land, I request to be authorized to complete such allotments if they are indifferent

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enough not to make a selection themselves also to be authorized to make allotments for all Indians who are incapable by reason of old age or infirmities or from the want of knowledge in the matter of allotment or from indifference who after first being requested by the allotting Agent to make his or her selection of land and be shown the lines or corners of their tract provided the friends or relatives fail to select for them.

After consulting freely with Supt Collins upon this subject he like myself feels that the allotment work at this Reservation is beset and surrounded with a good many embarrassments arising more from the peculiar manners and customs of the Indians and from the general scarcity of water and to adjust them to the full satisfaction of all the Indians will be a fortunate circumstance hardly to be hoped for and I might add improbable but the best that can be done at present to satisfy a majority

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of the Indians is to do equal and exact justice to all in pursuance to your general instructions and the policy of your office. At first it was thought it would be a good idea to call a general council of all the Mesa's for the purpose of talking over the whole allotment work again, and at such meeting recommend the Indians to trade or sell their present small holdings to one of their number owning the largest peice and the best prepared to buy or trade thereby becoming the owner of all the several fractional peices to the end that a full allotment could be made to him in one legal subdivision but after careful consideration this plan was rejected as being impracticable for the reason that not more than 70 or 75 Indians could be induced to assemble to discuss that or any other question out of a total of 580 men and further it would be questionable whether they would agree to anything of the kind and another obstruction to the plan would be that it would lead to a great deal

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of confusion and dissatisfaction in the end unless Bills of sale or agreements were made duly acknowledged and recorded for the benifit of their heirs in the future as well as being destructive to their present system of community [illegible] of these few acres that they and their forfathers have held in common for centuries.

Therefore in view of all the facts herein stated Supt Collins and myself as a conclusion would recommend that I should be directed to proceed to allot the land and give to each individual Indian 80 acres and if any Indian who is duly qualified to select for himself and family neglects or refuses to [illegible] the Allotting Agent proceed and make such selection of 80 acres to each person - but in doing so allow the Indians to continue their present method of farming their small tracts and hold the same as community interest

Knowing full well that time in its onward course will, through the educational and civilizing process now upheld

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and enforced by your Office with continued inter-course with surrounding civilization they will soon cease to hold property in common and will recognise their rights and adapt themselves to the white ~~manner method of acquiring property~~ holding and using the same, and as they become more intelligent they will develope more water and hence each one will be more desirous of owning and improving his individual tract but until that condition does arrive I think it the best policy to permit them to pursue their present mode of cultivation There will be but little or no difficulty in giving to each Indian about the same ~~grade or quality of land~~ as all the Vallies surrounding the several Mesa's possess the same quality of land and for this reason there can be no injustice done them by the allotting Agent selecting the land for them when they neglect or refuse to do it for themselves.

In connection with the water question your Hon. Office

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instructs me (under date of May 7th 1892 Letter number 13680 marked Land) not to give no individual or allot him two forty acre tracts with a Spring of any value for domestic purposes in each providing he can get two other forty acre tracts with one Spring on one of the tracts.

Permit me to respectfully suggest and reccomend that where a forty acre tract has a good spring on it and it is necessary for the life and comfort of several families and where 20 acres of said forty is good for agricultural purposes that I leave only twenty acres of the said forty having the Spring ——— unallotted

If I find it absolutely necessary to divide a forty acre tract for the purpose of completing and making satisfactory an allotment that I be permitted to do so — At the suggestion of Superintendent Collins I have thought it advisable to visit Tuba City and vicinity where a number of Moqui Indians belonging to the Oraibi Village have [illegible]

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cultivating the same.
The land around the Orabi Village has never been sufficient for the maintenance of the village people for the reason they have not sufficient water for domestic purposes or the cultivation of small gardens and hence a large number have cultivated land at Luba City and vicinity where there is an abundance of water. The Orabi's claims that their fathers once owned all of the land at Luba City and used all of the water and the Mormons came there about 20 years ago and commenced driving them gradually from the best land and have taken the water until they have little or none - they further state that one Lot Smith a leading Mormon plowed up this Spring the planted crop of corn, beans and, melons of one family. I have been informed there are quite a number of Indian families in that vicinity - Super^dt Collins believes a great

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injustice has been perpetrated upon the Oraibi village of the Moqui Tribe in this particular by the Mormon settlers in which opinion I concur. It is believed that if the western boundary line of this ~~Reservation was est~~ bished that the most of the land would be within the limits of the Moqui Reservation Supt Collins joins me in recommending the early establishment of this boundary line. If it is found upon the establishment of this line that Tuba City with the land and water in the vicinity thereof is outside ~~the~~ Reservation then in ~~that event their~~ ~~in~~ at Tuba City and those driven away or forced to sell would be entitled to land under the Homestead law. Tuba City is a small Mormon settlement of a few houses and cabins - contains no business houses and consequently is of no importance as a Village and would not be known as a place of abode

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if it were not for a weekly mail.

All of which is submitted.

Yours Very Respectfully
John S Mayhugh
U S Special Allotment Agent
Roger P. Collins
Asst.