

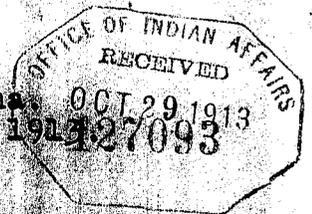
DEPARTMENT OF THE INTERIOR

UNITED STATES INDIAN SERVICE

Moqui Agency.

Keams Canon, Arizona.

September 25, 1913

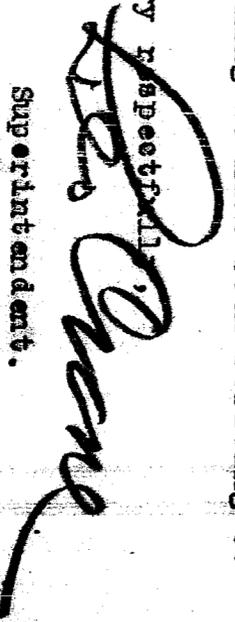


Dear Mr. Dickson:

I have your letter dated September 22, 1913, enclosing one received from Rev. Mr. Mitchell, of Tolchace, of the same date. I have read both carefully. My letter of recent date, explaining the action taken by me with reference to the case of Hedes-cha-thli, would not seem to need to undergo any change in the light of Mr. Mitchell's letter. The inheritance regulation, referred to by Mr. Mitchell as having been put into effect by Mr. Maxwell, was simply the placing of Indians on the same just basis as white people with regard to the inheriting of property. It was no special idea of Mr. Maxwell's, and the fact that this man Hedes-cha-thli does not get along well with his neighbors and therefore has seen fit to reject your advice and mine, does not affect the basic principle of a proper inheritance of property. There is no law justifying me in seizing property from one who holds it as the father and guardian (ethically) of his children in order to turn such property over to a grandmother as a punishment to the guardian. Inheritance and the laws controlling it are not affected by the actions of the one inheriting. One does not inherit on conditions. He is either rightfully entitled to property and holds it, or he is not entitled to it and does not hold it--whatever his moral character. Nor am I aware of any law authorizing the deportation of any Navajo Indian from so-called Navajo land to another part of Navajo land, in order to compel him to agree with a Superintendent's advice, whether yours or mine. You will understand, I am sure, that I tried to get

this man to see the wisdom of your words, and to have him respect your advice and directions. I would most certainly punish him severely if it be discovered later that he has not cared properly for his childrens' flocks; but I cannot see that I have any authority to seize property that, according to white man's law, would be entrusted to him for safekeeping--that the property might be handed over to relatives who have no right to it.

Experience has shown me here that Navajo Indians have very little respect for the rights of widows or orphans if they see a chance to seize the property of a dead parent. I have seen uncles, aunts and grandmothers who would cheerfully watch an orphaned child starve to death if they could only appropriate all the property of the deceased parent. Mr. Maxwell tried to enforce the white man's method of inheritance; but he could make no conditions affecting inheritance. The property of a dead wife goes to a father for the benefit of the children--unless he be proven such a person who would dissipate it, when a guardian would be appointed by court. It would take a ruling from the Indian Office to convince me that I had any right to dispossess a parent of his children's property for the benefit of a grandmother, however obstinate a neighbor he might be--because this is simply reverting to the old Indian method, a thing we have been striving to knock out.

Very Respectfully,

Superintendent.