

DEPARTMENT OF THE INTERIOR

Education -
Law & Order.

UNITED STATES INDIAN SERVICE

99808-1911

Leupp Indian School & Agency,

66058-1912

Leupp, Ariz, July 31. 1912

F.H.D.

Labor and

plural marriages.

The Commissioner

Of Indian Affairs,
Washington,

FILED BY C. P. F.

Sir:-

I am in receipt of Office letter of July 12th 1912, enclosing for consideration and prompt report a copy of a petition from some of the Indians with reference to my action in issuing a marriage license to a member of the tribe who has already two wives, and also as to the matter of the Indians performing labor.

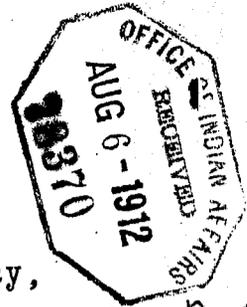
In making reply to the complaints included in this petition I have to say that your Office is right in its inference "that the facts as set forth in the first paragraph of this petition appear to be similar to those in the case of Joe Williams." The matter complained of by the three Indians whose names appear upon the petition, relates to the said Joe Williams.

I respectfully refer to my letters of Nov. 15th and Nov. 25th 1911. With the later letter I enclosed a letter from the District Attorney of the county relative to bigamy, under U. S. laws and also as to the customs of the Indians in regard to their marriages being recognized as valid marriages, etc.,

I herewith enclose a copy of a letter from the Assistant U.S. Attorney, Mr. J.C. Forrest, ^{by a} with reference to the case of Joe Williams, in which he says:-

"There has been some considerable doubt in the minds of our courts as to whether a marriage of Indians according to their

AUG - 8 1912



J. C. Forrest

Comm'r-2

tribal customs would be sufficient to sustain an indictment for Polygamy, but we are willing to try it if you still desire to prosecute."

After the receipt of this letter and giving careful consideration to all the facts in the case, so far as I could gather them thru different interpreters, I did not deem it best to take any further steps looking to the prosecution of Williams. It were simple idle-folly for me to undertake to obtain witnesses who could testify that a "marriage ceremony had actually taken place in both cases." In fact knowing now the circumstances much better than I did when I wrote to your Office (Nov. 15./11) I have felt that Joe Williams was punished enough, and I will say frankly, that if I had the matter to act upon again (ab initio) I would deal more leniently with Joe than I did. He made no complaint altho he was kept here at work for nearly or quite three months.

The leading Indians had tried in vain to effect a reconciliation and at a large gathering of Indians here it was proposed that Joe be detained here, making him work (he was never in prison) until the man and his wives could be brought together. On several occasions I had Joe brought to the Office and endeavored to persuade him that it was best for him to be reconciled with his wives; but he made, generally, but one answer, and that was, that he would die rather than live with the older woman.

Many of the Indians-some of the better class- including two of his brothers, (all three of these Williams boys being far and away the best workers upon this side of Castle Butte station) came to me and asked that Joe might be relieved, as they thought he had been punished enough.

It is proper to say here that upon Joe's separation from his wives he made a very fair division, as nearly all the Indians

Comm'r-3

admit, of all of his property, consisting of horses, cattle, sheep, and jewelry, ^{with them - leaving a share to himself} and this settlement was accepted by his wives, at the time, as a full and satisfactory settlement.

Up to the time that Joe Williams took as his second wife the daughter of his first wife no Indian on the reservation had a better reputation for truthfulness, honesty and industry. He was employed for two or three years by Mr. John G. Walker, late Trader here, and Mr. Walker says that he proved to be strictly honest. Owing to the disposition and temperament of Joe's first wife, who, as I have been informed, has had several husbands, Williams (Joe) testified that he was compelled to separate from his wives, and his testimony with reference to the temper of his first wife, was corroborated by other reliable Indians. Joe Williams expressed himself as being willing to live with the daughter (who was given to him to be his wife by the mother) of this woman but could not do so without trouble on part of his first wife.

On the 25th of last May some of the friends of Joe Williams came to the office and wanted to know if I would be willing to have Joe married to Bowish Gezy's daughter, one who has gone for several years by the name of "Princess" I asked that Joe himself would come and talk the matter over with me. He came on the following Monday, and after learning that he had separated from his wives fully eight months (Mr. Maxwell, my predecessor, established the rule that no marriage should take place between parties who had separated, within six (6) months.) I agreed to issue a license for this marriage, and did issue such license on May 28th 1912.

Summing up, Joe Williams has borne an excellent reputation for honesty, for sobriety for industry; he made a fair division of his property, which was accepted at the time by his wives as full and satisfactory; since his separation he has conducted himself

Comm'r-4.

as an upright man, tho he be an Indian, waiting full eight (8) months before he proposed marriage. I fully believe that the larger majority of the Indians under this agency fully approve the course pursued in Williams' case. I am informed that Pesh -la-kai-ettsetty tried to his utmost to prevail upon Bech asha Halone, one of the Judges, and Hostine Etsissy, Captain of Police, to unite with him on this petition, but that both of these men positively refused to sign the same.

As to the complaint about work:-

The petition says:-"Also our people go to Mr. Dickson for work. He tells us there is no work for us, but he wants us to go to the Buttes, a long ways off, and say he give us work there."

Now the fact is that I have never refused a single Indian work when there was work to be done. I have never asked any of the Indians, who were not living in the Butte district, to go there and work-not one. The Indians on this side of the Butte country, who have received wagons, have paid for them by work, and so far as I know, there has never been any complaints. The Indians outside of the Butte district have received in cash for hauling supplies during fiscal year 1912 the sum of \$940.84, beside the credits they have received (for hauling) upon their wagons. The Butte people have received none-or comparatively none-not to exceed \$50. in all. We have managed to give the Butte Indians work around the station or upon reservoirs etc. Pesh la kai etsetty's son Clyde has paid for a wagon with work, so has Sampson Pesh la kai ettsetty's nephew and so have other Indians recommended by this Indian. Pesh la kai ettsetty has been "coddled" and patted on the back so much that he began to think he can control all things. I do not believe in this, and think it is hurtful. I try to treat all kindly, but no familiarity.

Com'r-5.

Two of these Indians would have your Office believe that they are great sticklers (observers) of the law, and I respectfully ask attention to two letters, herewith enclosed from Mr. Matthew M. Murphy, ^{Ex B} Supervisor of Farming, and Mr. Smith, ^{Ex C} Forest Supervisor—the letter of Mr. Murphy relating to Dine Yazzy and Pesh lai kai ettsetty, the letter of Mr. Smith relating to Pesh lai kai ettsetty.

In all the time that I have been here Pesh lai kai ettsetty has never brought to my attention (as othes have done) a single instance or infraction of the laws, and I have reason to believe that he has known of gambling etc, but has just withheld the information. His only grievance, as I believe, is that he is not allowed to dictate in matters of agency affairs.

Very respectfully

Chas H. Dickson
Superintendent

CHD-JKD.