

March 3, 1893

March 5, 1893.

John L. Layman, Esq.,

U.S. Special Agent.

Keams Canon, Arizona.

Sir:

I am in receipt of your letter dated February 14, 1893, reporting that the allotment work has progressed thus far very satisfactorily, and that if the surveys called for by your letter of October 14, 1892, could be made soon, you see no reason why the Indians of the east and middle mesas comprising six villages out of the seven and numbering over 1150 persons, could not be fully completed by the 30th of June next; that at present there is not sufficient first and second rate corn, bean and melon land unallotted; that the Oraibis still refuse to take their land in severalty; that you have had several talks with them - including representatives of both factions - for the purpose of inducing them to take allotments, but so far without avail, they declining for various frivolous reasons; that on October 1st, one of the chiefs said he would take his land and influence his people to do the same; that you hastened to the place with your surveyor and interpreter to commence the work of allotment, but upon your arrival he wanted to talk and kill time; that you remained over three days wait-

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ing on him when he finally said he was afraid of Hab-be-mer's people, some 300 of the 800 Oraibis commonly called the hostiles; that after Hab-be-mer and other head men, leaders of the 300 hostiles, had returned from Fort Wingate, where they had been imprisoned, you saw Hab-be-mer in person and he stated, in substance, that all the land belonged to the Moquis and that they wished to be let alone, - they being satisfied with their land as they now hold it in common; that he and his people would, however, talk the matter over and they might take their land next summer, when they would be all at work watching their crops; that you are of the opinion that these people will take their allotments during the coming summer, but before beginning the work of allotment additional survey must be made, as you find in making the allotments for the adjoining mesa and consulting the township plats, that there are not over 28,000 or 29,000 acres, available for allotment for the Oraibis;

that the Oraibi villages contain 853 persons, which will require about 68000 acres, and that it will consequently be necessary to survey about 40,000 acres more; that in view of this fact you recommend that sufficient surveys be made where the Indians want their land, and that you be directed to examine the land on the north and west of the Oraibi village with a view to selecting lands for additional surveys; that most of the land above referred to as being unsurveyed is

now being cultivated and claimed by the Oraibis; that if all the lands which have been surveyed had been first and second class land and not too far from water and in the vicinity of their homes and villages, there would be but little additional surveys required to complete the allotments.

In reply, you are advised that by letter dated February 21 1893, this office set out the matters and facts stated in your letters of October 14, 1892 and January 17, 1893, and recommended that the Commissioner of the General Land Office be directed, if deemed advisable, to take the necessary steps to have Mr. George Kentner, your surveyor, appointed a deputy surveyor, to act under the instructions of the Surveyor General of Arizona, to complete the surveys of such partially surveyed townships in the Moqui reservation as may be found necessary by the extension of the necessary sectional and sub-divisional lines, it being estimated that the cost of these surveys would not exceed \$300.

About \$6,328. have been paid to Contractor Smith for surveys on this reservation in addition to which you have been authorized to expend about \$450. for re-surveys, and I do not consider it wise to spend much more money on Indians who seem to accept the benefits of it so reluctantly, while there are other Indians ready and anxious to receive allotments.

You will therefore proceed as rapidly as possible to complete the allotments as far as the present surveys will permit, to the Indians who most desire them; and should the surveys be extended as recommended in my said letter of February 21, you will then make allotments of the lands covered by such extended surveys as expeditiously as practicable.

The government cannot afford to spend much more time in persuading the hostile Oraibis to accept the benefits and advantages that it offers. You will therefore notify them of the following provision of Section 2 of the General Allotment Act; "That if any one entitled to an allotment shall fail to make a selection within four years after the President shall direct that allotments may be made on a particular reservation the Secretary of the Interior may direct the Agent of such tribe or band, if such there be, and if there be no Agent, then a Special Agent appointed for that purpose, to make a selection for such Indian, which selection shall be allotted as in cases where selections are made by the Indians, and patents issued in like manner."

The government does not wish to be forced to this measure and it is therefore hoped that they will promptly and without further opposition, make their selections of lands.

After finishing up the allotments to the several other bands or villages of Indians, you will report the disposition of the Oraibis as to taking their allotments, and if you receive any positive assurance that they will take them, submit sketch showing what further surveys will be required for them.

Very respectfully,


Acting Commissioner.

(Holland)

L.