47th Cong 2d Sess

REPORT

OF

THE SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, November 1, 1882.

SIR: I have the honor to submit the following summary of the operations of the Department of the Interior during the past year, together with such recommendations and suggestions as in my judgment will promote the public interests.

INDIAN AFFAIRS.

The report of the Commissioner of Indian Affairs shows no disturbance among the Indians at this time, although during the past year here has been much dissatisfaction, and in some sections open outbreaks.

In April last, a large number of Indians left the San Carlos Agency, in Arizona, committed many outrages on the people of that Territory, killing the settlers and destroying their property, and finally made their way into Mexico, where they were attacked by Mexican troops and large numbers killed. These raids, occurring as they have for many years annually or oftener, have greatly retarded the settlement and development of what promises to be one of the richest mineral regions of the country.

These raids find the people unprepared for war, and the settler at his daily work is not prepared to cope with his wily foe, who is better armed than he. Since the late outbreak, much dissatisfaction has been expressed by the people, and threats have been freely made that the people will take means to guard against the repetition of the occurrences of last spring, and there is danger, unless the Indian can be restrained that the people will attempt to redress their wrongs by the destruction of the Indians; and, if this should occur, the innocent and guilty will alike suffer for the crimes of a few. Justice to the Indian and settler alike demands that vigorous means should be taken to prevent these frequent outbreaks by Indians supported by the government, and the marauding and murdering parties should be severely dealt with when taken prisoners, disarmed, dismounted, and punished for their crimes.

A comparatively small number of the San Carlos Indians have been guilty of crime, yet the few criminals not only keep the other Indians in a state of turmoil and confusion, but actually endanger their existence. If these evil-disposed persons cannot be kept on the reservations

of a tomahawk, and impress on his mind that he is now with them, in part at least, to earn his own support, and an important step has been taken towards his civilization; for labor has been, and ever will be, the great agent of civilization of the human race. Without labor we cannot hope to civilize the Indian, and we can do no greater kindness to the race than to induce them to labor. This we shall find it difficult to do by persuasion, or even compulsion, while they have arms in their hands.

I therefore suggest that the Commissioner of Indian Affairs be authorized to adopt some system of disarming the Indians, and to that end to purchase the arms of the Indians on fair terms, and that suitable appropriation be made, out of which payment shall be made, and that the sale of arms or ammunition to Indians holding tribal relations be prohibited under severe penalties.

INDIAN TITLES.

Much has been said of late concerning the title to Indian lands. It has proved the subject of elaborate discussions in Congress, and is apparently no nearer a determination than it was years ago.

It is said that the Indians are demanding land in severalty; that is, that each individual Indian is desirous that his due share of the whole land of his tribe shall be set apart for him and he receive a patent therefor.

This claim was made for the Indians in the year 1646, and Elliott, the apostle of the Indians, procured the allotment of land and the settlement of the Indians on such allotments; but they did not remain on them, and the system was for a time abandoned. It has been renewed at various times, and very large numbers of treaties made with the Indians have contained provisions for such allotment on the request of the Indians. Very few Indians have availed themselves of this privilege, and those who have done so have in most cases disposed of their lands as soon as they could.

The right of property, as recognized by an Indian, is the right in his clan. All right to the soil and the productions thereof inhere in the clan, and he who takes land in severalty, or cultivates the common soil to the exclusion of others, is guilty of a crime against Indian society.

The savage Indian objects to land in severalty, because he has been taught, both as a question of political economy and Indian morals, that it is a crime to divide the land and allow one man to own it to the exclusion of another. The more enlightened Indians object to it because they know that when the limitation against alienation has expired the great mass of Indians will part with their title and become landless vagabonds. For this reason the New York Indians and the civilized tribes of the Indian Territory refuse to receive land in severalty. No greater misfortune can befall the Indian race than when their lands are allotted and patents issue therefor, even though the period of alienation should be fixed at twenty-five years, as has frequently been proposed.

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Notwithstanding the Indian polity demands that the land be held in common, the fields are not tilled in common, but each laborer selects his piece of land and tills it with as much safety from intrusion from his neighbor as if he had a patent.

That the Indians are dissatisfied with the titles given cannot be denied, and that they are demanding a title from the government there is abundant proof. A title to the tribe, such as was given to the five civilized tribes of the Indian Territory, is consistent with Indian polity and insures to the Indian exemption from the invasion of aggressive whites as well as from interference by the government, which is more to be feared by the Indians than even the invasion of the "whites."

To this end, that the Indians may be secure in their titles and have the assurance that they will not be removed, except by their free consent, I recommend the passage of a law to give each tribe a patent for the land the government has guaranteed to it, leaving the Indians to determine the question of allotment for themselves. This system has given entire satisfaction to the civilized Indians of the Indian Territory, and is consonant with Indian law and religion.

TRIBAL RELATIONS.

Much has been said of late of the evils of the tribal relation, and efforts have been made to destroy this system and to treat the Indian as we treat the individual white man. The tribal relation is not without its objections, yet it is the best and only system adapted to the wants of the savage, or even partially civilized Indian, and its maintenance, for a time at least, is essential to success in attempting his civilization.

The jurisdiction of the United States over the Indian is limited to the Indians remaining members of a tribe. When the tribal relation is once destroyed they will be beyond the protecting care of the United States, and the intercourse laws will be without force. (See Kansas Indians, 5 Wallace, page 737.)

While it is necessary that the tribal relations be continued to enable the government to afford to the Indians the protection they need, until by education they are enabled to compete with their aggressive and avaricious white competitors, it is not necessary that the government in its dealings with them should treat them, as it has done, as independent nations, or even as dependencies. The treaties heretofore made that are found to be injurious to the Indians should be modified by the legislative authority of the government, having due regard to the necessities of the Indians, and what is needful legislation for the Indians ought to be determined by Congress and not by the Indians themselves.

The government should assume the control of Indian affairs, legislating for them as it legislates for whites under its exclusive control. In all questions touching property rights the same rule should be applied to the Indians that is applied to the white man, and the obligation of

the government with relation to stipulated payments or gratuities to the Indians should be treated in the same spirit that we treat the obligation that we denominate the public debt.

All legislation should look to the ultimate dissolution of the tribal relation, but not until by education and discipline we have trained the Indians to dispense with that relation.

RESERVATIONS.

The reservation system like the tribal relation is not without objection, and yet in the present condition of the great mass of the Indians, cannot be dispensed with. It will not do to treat the uncivilized Indian as capable of taking care of himself, even if he has a patent for 160 acres or more of land. These reservations ought to be sufficient for the support of the Indians who reside on them, with a reasonable allowance for increase of the Indian population, but they should not be disproportionate to the wants of the Indians. Very many of these reservations contain large areas of valuable land that cannot be cultivated by the Indians, even though they were as energetic and laborious as the best class of white agriculturists. All such reservations ought to be reduced in size, and the surplus not needed ought to be bought by the government and opened to the operation of the homestead law, and it would then soon be settled by industrious whites, who, as neighbors, would become valuable auxiliaries in the work of civilizing the Indians residing on the remainder of the reservation. When thus reduced, the government should issue to the tribe its patent, vesting in the tribe the title in fee simple as fully as it does the title to the 160 acres given to the settler.

CRIMES.

My predecessor called attention to the necessity for legislation for the detection and punishment of crime on reservations, whether committed by white men on Indians, or Indians on white men, or by Indians on each other. I fully concur with him in his views therein expressed, and I trust that some legislation on this subject may be had at the approaching session of Congress. There should also be further legislation to punish the invasion of the Indian Territory by unauthorized persons. The penalty consists of a fine only, and the imposition of a fine on people who are without visible means of support is, in effect, no punishment at all. To the fine now imposed by law, there should be added imprisonment.

TIMBER AND MINES ON RESERVATIONS.

The Commissioner of Indian Affairs has called attention to the law concerning the rights of the Indians to cut and remove timber from the reservations. In the case of Cook *vs.* the United States (19 Wallace), the Supreme Court of the United States held that Indians could not legally cut for sale timber growing on their reservations. Under this decision the

cutting of growing timber, the mining of coal, as well as the precious metals, is waste. The Indians ought to be allowed to do whatever a good business man would if the reservation was his under like circumstances. If the Indians will mine coal, cut timber and manufacture it into lumber, they ought to be allowed to do so. Whenever and wherever an Indian shows a disposition to work he ought to be encouraged. The Secretary of the Interior should have authority to grant to the Indians permits to cut timber and mine coal, and to dispose of the same.

STOCK-RAISING.

At least one-half of the Indian reservations are better adapted to stock-raising than agriculture, and it is less difficult to induce an Indian to engage in herding than in agricultural pursuits. If ten years ago suitable provision had been made for furnishing herds at such agencies as are especially adapted to stock-raising, the Indians at such agencies would now be largely independent of government aid. At most agencies the Indians will, under the direction of the agent, take care of the stock. In a few instances it may be necessary to provide a white foreman to teach the Indians how to take care of the herd. In some cases the herd should be the common property of the tribe; in others the stock should be parceled out to the Indians who are willing and able to take care of the same. When herds are provided for the tribe it should be with the ultimate purpose of distributing the same among the Indians as soon as they furnish proof of their willingness and ability to take care of the stock. The possession of herds and flocks will not only benefit the Indians by providing subsistence, but will compel them to abandon their nomadic habits.

In 1869 the Navajo Indians of New Mexico had about 1,000 sheep and goats. In November of that year the government furnished them with 14,000 sheep and 1,000 goats, at a cost of $30,000. The report of their agent shows that this number has increased to 900,000 sheep and 200,000 goats. In 1881 the agent reported the wool-clip at 1,000,000 pounds, and that 200,000 pounds had been manufactured into blankets. These Indians, numbering 16,000, by means of this small outlay, in thirteen years have become self-supporting, the total appropriation for their subsistence for the fiscal year 1883 being only $5,000. From 1870 to 1882, inclusive, the total appropriation for their support was $1,279,445, or an annual appropriation of over $98,000. During the years 1870, 1871, and 1872 the appropriations for their subsistence amounted to a total of $582,375. During the years 1881, 1882, and 1883 the appropriations for like purposes amounted to a total of $58,000; and hereafter there will be no necessity for an appropriation for their subsistence. No better illustration can be had of the wisdom of that policy which looks toward aiding the Indian to support himself instead of supporting him at government expense.

The Commissioner reports that there is due these Indians under the

agency of schools, unless a large number of children, certainly not less than one-half the total number, can have the benefit of such schools, and even then it is not wise to depend wholly on that agency. The children on returning to their homes should have some encouragement and support.

Farmers and herders should be sent to the reservation to instruct the adults in agriculture and stock-raising. The government should furnish stock cattle to herders, and farm stock and implements to the farmer, not in such number and quantities that the Indian will feel that he is dependent on the government, but as aids to his own efforts. On some reservations stock-raising ought to be the principal industry, while on others, less suitable for that purpose, the Indian should be taught to turn his attention towards agricultural pursuits. Care should be taken to impress the Indian with the necessity of supporting himself, and he should be assured that the government will not aid him unless he shows a disposition to aid himself; and the gratuities of the government ought to be given only to those who show a proper disposition to take care of themselves.

With 20,000 or more Indian children properly selected in our schools, there will be no danger of Indian wars. Some care should be had in the selection of the children, to include the children of those individuals and tribes most likely to make trouble.

It is not desirable to abandon the agency schools, but an effort should be made to render them more effective than they have been. With proper attention they may be useful for the education of such of the children as cannot be sent away, especially those too young to put in the manual labor schools.

The Mission Indians of California, the Moquis, and Pueblos, and a few other tribes, who are accustomed to labor, need nothing more than good agency schools and titles to their lands to support themselves without further tax on the government.

It is believed that with an annual expenditure of between five and six millions of dollars during the next fifteen years for educational purposes, of the character herein indicated, the danger of Indian outbreaks may be avoided, and the great mass of Indian youths at least made self supporting; and that the Indian may become, if not a valuable citizen, at least one from whom danger need not be apprehended, and cease to be a tax on the government.

GENERAL LAND OFFICE.

The Commissioner of the General Land Office shows a large increase in the disposal of the public land for 1882 over that for 1881, as follows:

The disposal of public lands under all acts of Congress embraced 13,998,780.27 acres, and of Indian lands 310,386.13 acres, making the total disposals 14,309,166.40 acres, an increase over disposals during the year 1881 of 3,415,769.35 acres.

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REPORT

OF

THE SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, November 1, 1883.

SIR: I have the honor to submit my second annual report of the operations of the Department of the Interior, and in so doing to renew many of the suggestions and recommendations of my former report, together with such others as in my judgment will promote the public interest.

INDIAN AFFAIRS.

The report of the Commissioner of Indian Affairs shows that there has been a very considerable improvement among the various Indian tribes, with but little dissatisfaction and but one outbreak, and that among the Apaches of Arizona. It is believed that it is quite possible, with a wise and judicious treatment of the Indian question, to prevent the recurrence of hostilities between the Indian and his white neighbors that have marked nearly every year of our history. The Indian can no longer hide himself in the fastness of the mountains or in the solitude of the wilderness. Contact has come between the settler and the Indian in all parts of the country. Civilization and savagery cannot dwell together; the Indian cannot maintain himself in a savage or semi-civilized state in competition with his white neighbor, and he must adopt the "white man's ways" or be swept away by the vices of savage life, inteusified by contact with civilization. Humanity revolts at the idea of his destruction, yet it is far better that he should disappear from the face of the earth than that he should remain in his savage state to contaminate and curse those with whom he must necessarily come in contact in the future.

It has been demonstrated that the Indian is capable of advancement, although he has not reached a high state of civilization, except in a few individual cases. The progress of the Indians of the Indian Territory and New York, as well as some other sections, not only demonstrates his capability but also affords convincing proof that the race is not to die out, but has the inherent strength to maintain itself, even under

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NAVAJOES.

The Navajoes are located in Northeastern Arizona and Northwestern New Mexico, and number about 15,000. They have large herds of sheep and goats, and are not dependent on the Government except for the maintenance of their agency and the support of schools. I have called attention, in another part of my report, to the amount due these Indians under the provisions for the maintenance of schools. There is also due these Indians, from an appropriation made to carry out the seventh article of the treaty of June, 1868, the sum of $96,651.74, which is available for the purchase of seeds and agricultural implements for their use. It is not desirable to use all of this fund for the purposes for which it was appropriated, but it is very desirable to use a portion of it for the purpose of improving the breed of sheep and horses now owned by these Indians. I therefore recommend that the authority be given to use the balance in the purchase of stock, payment of employés, and general expenses in procuring better grades of stock and in policing said reservation. It is found very difficult to keep these Indians on their reservation, for as the grass becomes scarce they leave their reservation and go on to the adjoining lands, and there come in contact with the stockmen and farmers of the adjacent regions. It is very desirable that an efficient police should be provided for, either out of the fund before mentioned or by a general appropriation.

CHEROKEE OUTLET ON LAND WEST OF 96°.

The last Congress, in an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and eighty-four, and for other purposes," provided as follows:

That the sum of three hundred thousand dollars is hereby appropriated, to be paid into the treasury of the Cherokee Nation out of the funds due under appraisement for Cherokee lands west of the Arkansas River, which sum shall be expended as the acts of the Cherokee legislature direct, this amount to be immediately available: *Provided*, That the Cherokee Nation, through its proper authorities, shall execute conveyances, satisfactory to the Secretary of the Interior, to the United States in trust only for the benefit of the Pawnees, Poncas, Nez Percés, Otoes and Missourias, and Osages now occupying said tract, as they respectively occupy the same before the payment of said sum of money.

On the 14th of June last, under the provision of said act, deeds were duly executed by the Cherokee Nation to the United States in trust for the several tribes as hereafter stated.

Tribe.	Area in acres.	When settled.	Statute under which settlement was made.
Osage	1,470,058.98	Apr., 1872	Act of Congress June 5, 1872, 17 Stat., p. 228.
Kansas	100,137.32	June 21, 1873	Act of Congress June 5, 1872, 17 Stat. p., 228.
Pawnee	230,014.04	June, 1875	Act of Congress April 10, 1876, 19 Stat., p. 29.
Ponca	101,894.31	July 28, 1878	Act of Congress May 27, 1878, 20 Stat., p. 76.
Nez Percé	90,710.89	Feb., 1879	Act of Congress May 27, 1878, 20 Stat., p. 74.
Otoe and Missouria	129,113.20	Oct. 23, 1881	Act of Congress March 3, 1881, 21 Stat., p. 318.

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