

Indian Conditions. 1872. (Department of Interior report.)

Indian rights.

The people of the United States can never without dishonor refuse to respect these two considerations:

1st That this continent was originally owned and occupied by the Indians who have on this account a claim somewhat larger than the privilege of one hundred and sixty acres of land and "find himself" in tools and stock, which is granted as a matter of course to any newly arrived foreigner who declares his intention to become a citizen; that something in the nature of an endowment, either capitalized or in the form of annual expenditures for a series of years for the benefit of the Indians through at the discretion of the Government as to the specific objects, should be provided for every tribe or band which is deprived of its roaming privilege and confined to a diminished reservation; such an endowment being not in the nature of a gratuity but in common honesty, the right of the Indian on account of his original interest in the soil.

2d- that inasmuch as the progress of our industrial enterprise has cut these people off from modest means of livelihood entirely sufficient for their wants, and for which they were qualified in a degree which has been the wonder of more civilized races, by inherited aptitudes and by long pursuit, and has left them utterly without resource, they have a claim on this account again to temporary support and to such assistance as may be necessary to place them in a position to obtain a livelihood by means which shall be compatible with civilization.

Had the settlements of the United States not been extended beyond the frontier of 1867, all the Indians of the continent would be to the end of time have found upon the plains an inexhaustible supply of food and clothing. Were the westward course

Of population to be stayed at the barriers of today, notwithstanding the tremendous inroads made upon their hunting grounds since 1867 the Indians would still have hope of life. But another such five years will see the Indians of Dakota and Montana as poor as the Indians of Nevada and Southern California; that is reduced to a habitual condition of suffering from want of food.

The freedom of expansion which is working these results is to us of incalculable value. To the Indian it is of incalculable cost. Every year's advance of our frontier takes in a territory as large as some of the kingdoms of Europe. We are richer by hundreds of millions; the Indian is poorer by a large part of the little that he has. His growth is bringing imperial greatness to the nation; to the Indian it brings wretchedness, destitution, beggary. Surely there is obligation found in considerations like these requiring us in some way and in the best way to make good to those original owners of the soil the loss by which we so greatly gain.

Can any principle of national morality be clearer than that, when the expansion and developments of a civilized race involve the rapid destruction of the only means of subsistence possessed by the members of a less fortunate race, the higher is bound as of simple right to provide for the lower some substitute for the means of ~~sub~~ subsistence which it has destroyed? That substitute is of course best realized, not by systematic gratuities of food and clothing continued beyond a present emergency but by directing these people to new pursuits which shall be consistent with the progress of civilization upon the continent; helping them over the first rough place on "the white man's road" and meanwhile supplying such subsistence as is absolutely necessary during the period of initiation and experiment.

The assistance ~~of the~~ due to the Indians from the government in the ~~dis~~ discharge of those obligations which have been adverted to should not much longer be irrespective of their ~~own~~

own efforts. Just so soon as these tribes cease to be formidable they should be brought distinctly to the realization of the law that if they would eat they must also work. Nor should it be left to their own choices how miserably they will live in order that they may escape work as much as possible. The government should extend over them a rigid reformatory discipline to save them from falling hopelessly into the condition of pauperism and petty crime.

...For those tribes and bands which have no reservations secured to them by treaty, from which they can hope in the course of time to realize a civilization and improvement fund, provision will still require to be made by law. Their right to endowment is none the less clear than the right of other tribes whose fortune it was to deal with the United States by treaty before Congress put an end to the treaty system, with its many abuses and absurdities.

We have received the soil from them and we have extinguished their only means of subsistence. Nothing in the history of the United States justifies the belief that either Congress or the country will be wanting in justice or generosity in dealing with the necessities of a people who have been impoverished that we might be rich.

Our national charity has sought the objects of its benefactions at the ends of the earth; Americans will never be wanting in simple justice to helpless dependents at home. I have, therefore, no fear for the future of the Indians of this continent when once the arms of their resistance are laid down and Indian outrages are no longer reported to inflame the hostility of the border states and to mingle doubt and misgivings with the philanthropic intentions of the charitable and humane. Report of the Commissioner of Indian Affairs, 1872.

..Generalizations..The Indians within the limits of the United States exclusive of those in Alaska, number approximately 300,000.

They may be divided according to their geographical location or range into five grand divisions as follows:

In Minnesota and States east of the Mississippi river, about 32,500 Nebraska, Kansas and the Indian Territory, 70,050; in the Territories of Dakota, Montana, Wyoming and Idaho, 65,000; in Nevada and the Territories of Colorado, New Mexico, Utah and Arizona, 84,000 and on the Pacific slope 48,000.

In respect to the three lines of railroads, built or projected, between the states and the Pacific ocean, viz the northern, central and southern routes, they may be divided, excluding those residing east of Minnesota and of the Missouri river, south of Dakota, as follows:

Between the proposed northern route and the British possessions, about 36,000; between the northern and central routes 92,000; between the Southern route and Mexico, 85,000, making a total of 274,000.

As regards their means of support and methods of subsistence they may be divided as follows: Those who support themselves upon their own reservations receiving nothing from the government except interest on their own moneys or annuities granted them in consideration of the cession of their lands to the United States, number about 130,000; those who are entirely subsisted by the Government, about 31,000; those in part subsisted, 84,000, together about 115,000, those who subsist by hunting and fishing, upon roots berries etc. or by begging and stealing, about 55,000.

They may be divided again with respect to their connection with the government as follows: There are about 150,000 who may be said to remain constantly upon their reservations and are under the complete control of agents appointed by the government; 95,000 who at times visit their agencies either for food or for gossip or

both but are generally roaming on or off their reservations engaged in hunting and fishing; and 55,000 who never visit an agency and over whom the government as yet exercises practically no control but most of whom are inoffensive and commit no acts of hostility against the government.

Again, it may be said that of the 300,000 Indians of the country about 180,000 have treaties with the government; 40,000 have no treaties with the United States but have reservations set apart by executive order or otherwise for their occupancy and are in charge of agents appointed by the government; 25,000 have no reservations but are more or less under the control of agents appointed for them, and receive more or less assistance from the government, the remainder consisting of the same 55,000, already twice described, over whom the government exercises practically no control and for whom there are no treaty or other provisions.

As for a race: ...civilized 97,000; semi-civilized, 125,000; wholly barbarous 78,000.

Indian Lands. (Title) Department of Interior, 1872.

The Indian title to lands within the limits of the states and Territories of the United States is well settled to be the right of occupancy alone, except in special instances where perhaps a title of a higher nature has been vested by statute or treaty provision.

In the early history of the Western World the principle was established as between European nations that discovery conferred sovereignty upon the Government under whose authority the discovery was made; and to the discoverers was accorded the exclusive right of acquiring the soil from the natives. The Indians in possession were conceded to be the rightful ~~original~~ occupants with a just and perfect claim to retain possession and enjoy the use until they should be disposed ~~to~~ to retain possession and enjoy the use until they should be disposed to part with it; but it was also well established that they could only part with the soil to those who claimed sovereignty by right of discovery. Thus far, where the rights of the natives as original owners of the soil, restricted; they could not sell or convey to any other power or to the citizens of any other power.

By the treaty of peace with Great Britain in 1783, the United States acquired all the rights in respect to the soil which had previously been in that nation.

By treaty with France in 1803, known as the treaty of Paris, by which France ceded to the United States territory previously ceded to France by Spain, it was stipulated in the sixth article thereof:

The United States promises to execute such treaties and articles as may have been agreed between Spain and the tribes and nations of Indians until by mutual consent of the United States and the said tribes or nations, other suitable articles shall have been agreed upon.

The attitude of the Mexican government toward the Indians was however, unlike that of the European powers. This government at no time recognized an Indian title to soil within its jurisdiction except where title had been specially granted but treated the Indians merely as a peculiar class of citizens. In this view of the old Mexican law, it has been decided by the United States Court for the Territory of New Mexico that the Indians within the territory acquired by the United States from Mexico are, by virtue of the provisions of the eighth article of the treaty of Guadalupe Hidalgo of 1848, citizens of the United States.

The executive and legislative departments of the government however have never recognized any distinction between the Indians living on territory ceded by Mexico and those upon territory ceded by Great Britain, France or Spain. These Indians have been provided with reservations placed under control of government agents and negotiated with in treaties like the other Indians within the limits of the United States.

Such being the right of the Indians to the soil, the United States for more than 85 years pursued a uniform course of extinguishing the Indian title only with the consent of these Indian tribes which were recognized as having claim by reason of occupancy; such consent being expressed in treaties to the formation of which both parties approached as having equal rights of initiative and equal rights in negotiation.

These treaties were made from time to time (not less than 372 being embraced in the General Statutes of the United States) as the pressure of white settlements or the fear or the experience of Indian hostilities made the demand for the removal of one tribe after another urgent or imperative. Except only in the case of the Indians in Minnesota after the outbreak of 1862, the United States government has never extinguished an Indian title as by reason of conquest; and in this latter case the government provided the Indians another reservation,

besides giving them the proceeds of the sales of the lands vacated by them in Minnesota. So scrupulously up to that time had the right of the Indians to the soil been respected at least in form. It is not to be denied that wrong was often done in fact to tribes in the negotiation of treaties of cession.

The Indians were not infrequently overborne or deceived by the agents of the government in these transactions; sometimes, too, unquestionably, powerful tribes were permitted to cede lands to which weaker tribes had a better claim but, formally at least, ~~one Indian tribe based color of title on another and were embraced in the same~~

the United States accepted the cession successively of all lands to which Indian tribes could show color of title which are embraced in the limits of any of the present states of the Union except California and Nevada.

Up to 1868 ~~had~~ moreover the greater portion of the lands embraced within the present territories of the United States to which the Indians could establish a reasonable claim on account of ~~old~~ occupancy, a ~~land~~ had also been ceded to the United States in treaties formally complete and ratified by the senate. In 1867 and 1868, however, many treaties not more exceptionable, on any account known to this office than the average of Indian treaties for the eighty five years ~~preceded~~ preceding were either rejected by the senate or allowed to stand over without action; and since the latter year no Indian treaty ~~however~~ whatever has been ratified. It was not until 1871 however that congress formally pronounced the doom of the Indian treaty system. By act of March 3 of that year it was declared "That hereafter no Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe or power, with whom the United States may contract by treaty."

It is not for an instant to be thought or spoken that Congress by such a declaration intended to pave the way for a repudiation of treaties already made and ratified. This action of congress does however present questions of considerable interest and of much difficulty, viz:

What is to become of the rights of the Indians to the soil over portions of territory which had not been covered by treaties at the time Congress put an end to the treaty system?

What substitute is to be provided for that system, with all its absurdities and abuses? What? How are Indians never yet treated with, but having every way as good and as complete rights to portions of our territory as had the Cherokees, Creeks, Choctaws and Chickasaws, for instance, to the soil of Georgia, Alabama and Mississippi, to establish their rights? How? Is the government to proceed to secure their relinquishment of their lands, or to determine the amount of compensation which should be paid therefor? Confiscation of course, would afford a very easy solution for all difficulties of title, but it may fairly be assumed that the United States government will scarcely be disposed to proceed so summarily in the face of the unbroken practice of eighty-five years, witnessed in nearly four hundred treaties solemnly ratified by the senate, not to speak of the two ~~centuries~~ centuries and a half during which the principal nations of Europe through all their wars and conquests, gave sanction to the rights of the aborigines.

The limits of the present report will not allow these questions to be discussed; but it is evident that congress must soon, if it would prevent complications and unfortunate precedents the mischiefs of which will not be easily repaired, take up the whole subject together and ~~decide~~ decide upon what principles and by

What methods the claims of Indians who have not treaty relations with the government on account of their original interest to the soil, shall be determined and adjusted; and also what initiative and according to what forms, treaties now in force, may be modified (as proposed only at the last session of Congress in respect to three important treaties, the Wahpeton and Sisseton treaty of 1867 and the Ute and the Shoshone treaties of 1868) for the advantage and with the consent of both parties.

The present number of Indians embraced in treaties made with the government by which all lands belonging to the several tribes are ceded, except such portions as by treaty were set apart for permanent reservations, is approximately 180,000. The number of reservations thus secured to these Indians is 92, ranging in size from 288 acres to 40,570 square miles and aggregating 167,619 square miles.

Of these reservations, 31, aggregating 2,693 square miles are east of the Mississippi river; 42 aggregating 144,838 square miles are between the Mississippi river and the Rocky Mountains and 19, aggregating 20,088, square miles are upon the Pacific slope.

In addition to the above 40,000 Indians having no reservation secured to them by treaty, have had reservations set apart for them by Executive order out of the public lands of the United States. The number of reservations thus set apart is 15, aggregating 59,544 square miles. The Indians thus located, however, have in the nature of the case, no assurance for their occupation of these lands beyond the pleasure of the Executive.

Indians of Oregon, Dept. of Interior Report, 1872.

The tribes residing in Oregon are the Umatillas, Cayuses, Walla Walla, Wascoes, Molalls, Chasta, Scotans, Coosas, Clatsops, Klamath, Modocs and Wal-pah-pee Snakes, besides numerous other small bands.

They are all native to the country. On account of the great number of small tribes and bands in this state the number of tribes and bands parties to the same treaty being in some cases as high as ten or fifteen, these Indians will be treated of and the remarks concerning them will be made under the heads of the agencies at which they are respectively located.

Umatilla agency--The tribes located on this agency are the Umatillas, Cayuses, and a portion of the Walla-Walla and number 837. They have a reservation of 512,000 acres situated in the northeastern part of the state set apart for them by treaty of June 9, 1855. This reservation is very fertile and as usual in such cases has attracted the authority of congress to have the Indians take land in severality or sell and remove to some other reservation.

The Indians, however, in the exercise of their treaty rights refused to accede to the proposition.

Warm Springs--The Indians at this agency known as the Confederated tribes and bands of Indians in Middle Oregon comprise seven bands of the Walla Walla and Wasco tribes numbering 626. They have a reservation of 1,024,000 acres located in the central part of the state, set apart for them by the treaty of June 25, 1855.

Grand Ronde agency--The Indians of this agency comprise the Molalla Clackama, Calapooia, Molall, Umpqua, Rogue River and other bands, 17 in all, with a total population of 870. The reservation upon which these bands are located is in the northwestern part of the state. It contains 69,120 acres and was set apart by treaty of January

22, 1855 with the Molallas, Clackamas and by Executive order of
 000 January 22, 1855 .

Siletz agency-The Indians at this agency are the Chasta, Scotons and fragments of 14 other bands called generally coast tribes, numbering altogether about 2,500. These Indians, including those at the Alsea sub agency have a reservation of ~~1,100,000~~ 1,100,800 acres set apart for them by treaty of August 11, 1855 which treaty however ~~as~~ never been ratified al hough the reservation is occupied by Indians.

Alsea sub agency-The Indians at this sub agency are the ~~000~~ Alseas, Coosas, Sinselelans and a band of Umpquas numbering in all 300 and are located within the limits of the reservation referred to under the head of the Siletz agency...

Klamath agency-The Indians belonging to this agency are the Klamaths and Modocs and the Yahooskin and Wal-pah-pee bands of Snakes numbering altogether about 4,000 of whom 1,018 are reported at the agency. they have a reservation containing 768,000 acres set apart for them by treaty of October 14, 1864 and by Executive Order of March 14, 1871.

Malheur reservation-This reservation set apart by executive order of September 12, 1872 is situated in the southeastern part of the state .Upon this it is the intention of the department to

eventually locate all the roving and straggling bands in Eastern and Southeastern Oregon which can be induced to settle there. .

Indians not on reservations-There are a number of Indians probably not less than 3,000 "renegades" and others or roving bands habits who have no treaty relations with the government and are not in charge of any agent. The tribal names of some of these are the Clatsops, Nestucals, Tillamooks, Nehalims, Snakes and Nez Perce. The renegades such in fact and so called, roam on the Columbia river and are of considerable annoyance to the agents at Warm Springs

and Umatilla; others, the Snakes, 200 in number, are upon the edge of Grande Ronde reservation.

They live by hunting and fishing and profess to desire to have lands allotted to them and a school provided for their children.

The Nez Percés belonging in Idaho to the estimated number of 200 are found in Wallowa valley in the eastern part of the state.

They claim they were not parties to the treaty with the Nez Percés tribe years ago; that the valley in which they live has always belonged to them, and they strenuously oppose its settlement by whites...

The tribes residing in Washington Territory are the Nisqually, Payallup, and other confederate tribes; the D'Wamish and other allied bands; the Makahs; the S'Klallams; the Qui-Nai-Elts and Qui-leh-Utes; the Yakimas; the Chehalis and other allied tribes; and the Colville, Spokanes, Coeur d'Alenes, Okanagans and others.

Nisqually, Payallup and others--Number about 1,200, have three reservations containing as per treaty of 1854 26,776 acres, situated on the Nisqually and Puyallup rivers and on an island in Puget Sound.

D'Wamish and others--number 3,600 ~~and~~ and have five reservations containing in all 41,716 acres set apart by treaty made with them in 1855 and located at as many points on Puget Sound.

Many of these Indians, particularly those residing on the Lummi reservation, are industrious farmers..

Makahs--These Indians number 604 and have a reservation of 12,860 acres set apart by treaty made with them in 1855 and located at the extreme northwest corner of the Territory.

S'Kallams--These Indians numbering 919 have a reservation of 4,000 acres set apart by treaty made with them in 1855 and located on what is known as Hood's Canal...

Qui-Nai-elts, Qui-leh-utes, Hohs and Quits--These Indians number 520 and have a reservation of 25,600 acres in the extreme eastern part of the territory (Copy) and almost wholly isolated from white settlements set apart under a treaty made with them July 1, 1855. But one of the four tribes mentioned, the Qui-nai-elts, live upon the reservation; the others reside at different points along the coast, northward from the reservation. These declare that they never agreed to sell their country and that they never knowingly signed any treaty disposing of their right to it.

Yakimas--The Yakimas number 3,000 and have a reservation in the southern part of the territory containing 783,360 acres set apart for them by treaty of June 9, 1855. These Indians belong to numerous bands, confederated under the title of Yakimas.

Many of them, under ~~advised~~ the able management of their present agent, have noticeably advanced in civilization and are good farmers or skilled mechanics. The manual labor school at the Yakima agency has been a complete success and of incalculable benefit in imparting to the children a practical knowledge of farming and of the different mechanical arts. Their principal wealth is in horses of which they own 12,000. The fact that the reservation for these Indians is located east of the Cascade Mountains away from all contact with the whites has doubtless tended in a great measure to make this what it is --the model agency on the Pacific slope, though to this result the energy and devotion of Agent Wilbur have greatly contributed.

Churches have been built on the reservation which are well attended, the services being conducted by native preachers.

There are at present two schools with an attendance of 44 scholars. Under the provisions of the treaty made with these Indians in 1855 appropriations to continue for a limited number of years are made annually for their benefit as follows:

For beneficial objects \$6,000 (two installments due after which they are to receive \$4,000 annually for five years) for the support of schools, pay of teachers, purchase of books etc, \$4,700; for employes of different kinds, \$12,600; for keeping in repair shops, mills, hospitals and agency-buildings etc \$1,600 and for salary of head chief \$500. These appropriations with the exception of the first item are to continue twenty years from the date of the treaty.

Chehalis and other , remanants of tribes and parties to no treaty with the government--^hese Indians number about 600 and have a reservation of 4,322 acres in the ea tern part of the territory set apart for them by executive order of July 8, 1864.

A considerable portion of the land in this reservation is excellent for agricultural purposes and quite extensive crops are being raised by the I_ndians of the Chehalis tribe. Non of the other tribes for whom the reservation was intended reside upon it, declining to do so for the reason that they do not recognize it as their own, and fear to prejudice their claims to other lands by so doing. ...The I_ndians herein referred to as not living upon the reservation are of the C_owlitz, Chinook, Shoalwater Bay and Humboldt tribes. They profess to desire a home at the mouth of the Humboldt and Chinoose rivers where they originated.

Colville and other trives--^hese Indians numbering 3,349 occupy the northeastern portion of the territory. ^hey have no treaty relations with the Government and until the present year have had no reservation set apart for them. ^hey are now, however, to be established under an order of the Pre ident of July 2, 1872, in the general section of the Territory where they now are upon a tract which is bounded on the south and east by the Columbia River on the west by the Okin~~ak~~ane river and on the north by British Columbia. The tribes for whom this reservation is designated are known as Colville, Okinakanes, San Poels, & Lake S_pokanes, Coeur d'Alenes, Calispells and Methows. Some of these Indians, however, have settled upon valuable tracts of land and have made extensive improvements while others, to a considerable numbers have begun farming in a small way at various points within the district from which it is proposed to remove their respective tribes.

It is doubtful whether these individuals will voluntarily remove to the reservation referred to, which is some distance west of their

present location . It is proposed therefore to allow such as are engaged in farming to remain where they are, if they so desire. Owing to the influx of whites into the country thus claimed or occupied by these Indians, many of them have been crowded out and some of them have had their own unquestionable improvements wrested from them. This for a time during the past summer caused considerable trouble and serious difficulties were apprehended; but thus far peace has been preserved by a liberal distribution among them of agricultural implements, seeds, blankets, etc. No funds are appropriated specially for these Indians, such supplies and presents are given them being furnished from the general incidental fund of the territory.

The Americans are an impatient people. They are not willing to await the length of time necessary to elevate a morally debased and savage race. They forget that their ancestors were once a race of idolators and that it took a thousand years to transform pagan Britain into Christian England.

Progress which seems slow when considered from year to year is seen to be considerable when viewed by decades. Twenty years from ago the Klamath Nation was in utter darkness. Their best men were controlled by the basest superstitions. The masses were very low and very degraded.

An eclipse was regarded with the greatest horror. At an eclipse of the moon they set up the most hideous howlings in order to frighten away what they regarded as a monstrous fish endeavoring to eat up that luminary. They regarded their medicine men with superstitious dread supposing that they had the power to kill or cure by unseen means even when at a great distance. They also believed that their doctors could so control the elements that by their incantations they could cause it to rain or not to rain.

They had very vague ideas of a Supreme Being of a future state and of moral responsibility. They were cruel in war, sometimes making slaves of their captives and sometimes torturing and scalping their victims. Their women were the most abject slaves and their infirm or old people were often left to die of neglect or starvation and were frequently killed to get them out of the way.

Polygamy was quite common, especially among those who had the means to buy more than one wife. They were very tyrannical in their treatment of their women. No regard was had for the rights of unmarried women, especially of young girls. They were at the mercy of every

licentious savage.

Ten years ago the work of civilization had just begun. The light was breaking through the darkness. A few minds began to have a preception of the degradation and began to struggle to rise above it. Among those were Blow, now the head chief of the nation and David Hill, a chief and interpreter. These men are today really Christian men and sincere lovers of peace.

...prostitution is practiced by a few only who visit the fort.

....The belief in the supernatural power of their doctors is cause and cure sickness to influence the weather and all natural phenomena is one of the last superstitions which they give up., if indeed an Indian ever did completely relinquish the idea. It is completely interwoven in their nature and it takes something more than the mere

dictum of the white man or a disposition on the Indian's part to be like the white man to overcome what is inbred in his being.

A great many prefer the white doctors, not because they have no faith in the Indian doctors but because they think that he makes them sick for the purpose of extorting a fee from them for the cure. There is also a general belief among the Indians that their doctors are not as powerful as these degenerate modern days as they were anciently, when they communed face to face with the Great Spirit.

J.H. Roork, Indian agent,
Klamath Agency, Lake county Ore.,
August 20, 1878