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## DOCUMENTS

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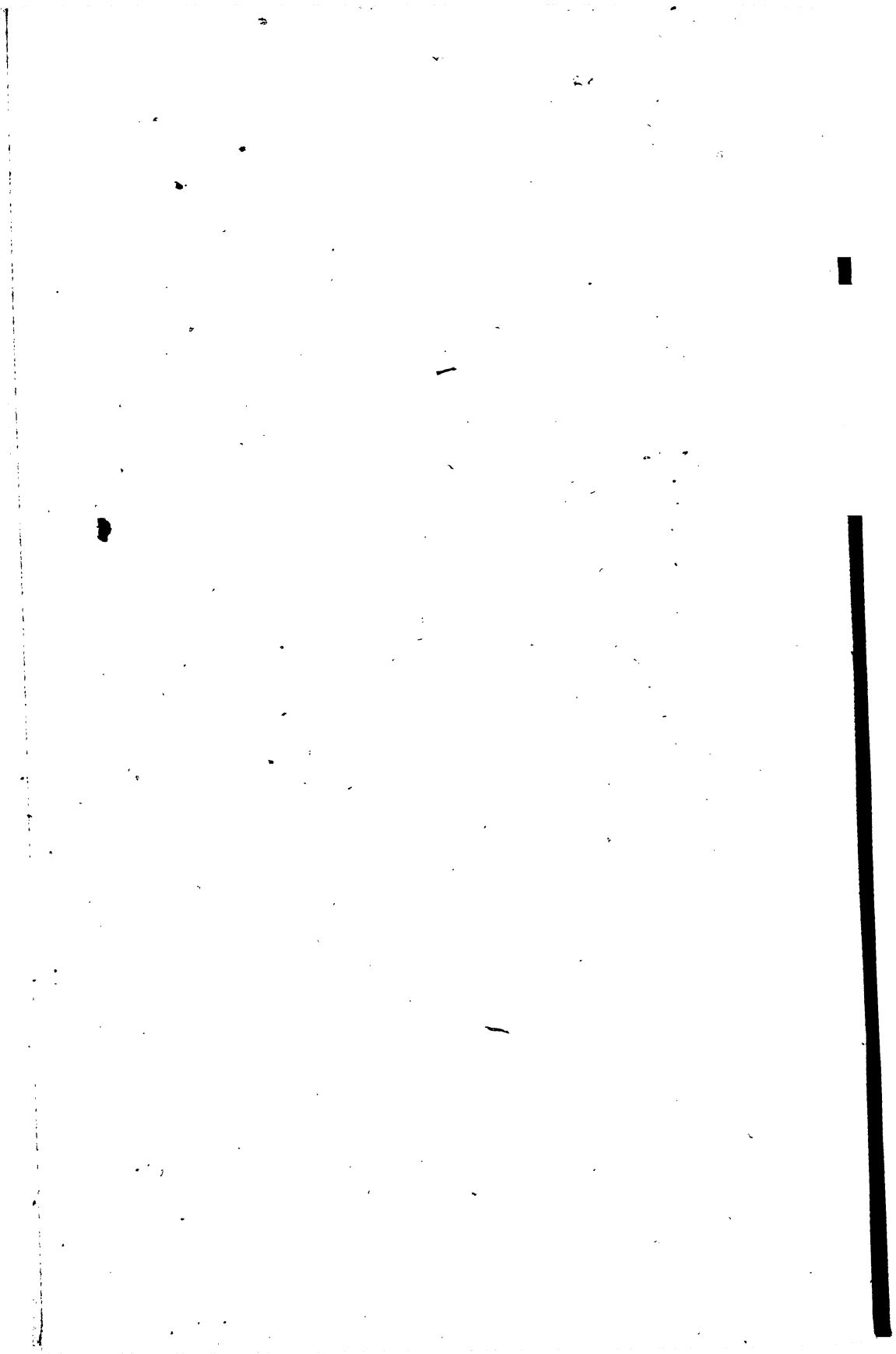
# THE CHARGES OF PROFESSOR O. C. MARSH

OF

FRAUD AND MISMANAGEMENT AT THE RED CLOUD AGENCY.

[PRINTED FOR THE USE OF THE INVESTIGATING COMMITTEE.]

- I. PROFESSOR MARSH'S CHARGES.
- II. GENERAL EATON'S LETTER.
- III. LETTER OF SECRETARY OF INTERIOR TO COMMISSIONERS TO INVESTIGATE AFFAIRS AT RED CLOUD AGENCY, WITH INCLOSURES A AND B, DATED JULY 27, 1875.
- IV. LETTER OF SECRETARY OF INTERIOR TO COMMISSIONERS TO INVESTIGATE AFFAIRS AT RED CLOUD AGENCY, WITH INCLOSURES A, B, C, D, E, AND F, DATED AUGUST 2, 1875.



## I.

### DOCUMENTS RELATING TO THE CHARGES OF PROF. O. C. MARSH, OF FRAUD AND MISMANAGEMENT AT THE RED CLOUD AGENCY.

[Printed for the use of the investigating commission.]

#### PROFESSOR MARSH'S CHARGES.

The extraordinary efforts of the New York Tribune to give publicity to the charges of Professor Marsh, and thereby, if possible, injure the administration of President Grant by striking at Secretary Delano and Commissioner Smith; have led to the following statement for the better information of the public. It is proposed to make a bare statement of facts, in order that the reader may draw correct inferences in regard to those charges.

Of Professor Marsh the writer knows but little, and that consists mainly of information gained since he became the ostensible author of certain charges against the Red Cloud Indian agent. He is a professor at Yale College, which institution received some endowment from the late Mr. George Peabody, who was a relation of the professor, and which endowment was probably intended to advance his interests. His specialty is paleontology.

Last summer or fall Professor Marsh visited some of the Western Territories in search of fossil remains; and, desiring to explore the territory ceded to the Sioux Indians, it was necessary that he should obtain their friendship and protection. Before entering this region he had an interview with Red Cloud, a chief of the Ogallalla Sioux. Red Cloud exhibited the usual grumbling and complaining propensity of his race in regard to the assistance he received from the Great Father. Having heard these complaints, Professor Marsh seized the occasion to put himself on friendly terms with Red Cloud, in order to secure his confidence and assistance, and promised him to make known to the President on his return the nature of his grievances. This secured Red Cloud's friendship, and the professor entered the territory under his auspices and such protection as the chief could afford.

Fort Laramie is not far from the Red Cloud agency, and Professor Marsh needed also the favor and protection of the military. He was kindly treated by the Army officers, receiving both courtesy and assistance.

It is a fact well known that the younger officers of the Army are generally unfriendly to the civil management of the Indians. The latter furnish the Army its only hope of activity in time of peace, and therefore the active and ambitious young officers are generally desirous of having charge of Indian affairs. As a result of this feeling, the errors of the Indian agents are magnified and published in an aggravated form, and misrepresentations and erroneous statements are frequently made in order to damage the Indian service, to create, if possible, a public sentiment that will result in turning over the management of Indian affairs to the Army. An effort to this end was made with great

vigor at the first session of the last Congress and renewed with less force at the second session.

Professor Marsh received many unfavorable impressions from this source in reference to Indian management, which fact will be clearly established before the present investigation is closed.

There is also a large body of ex-Indian agents, who served under the former *régime*, and before the religious denominations had authority to designate agents, who are dissatisfied with the present system, and who omit no opportunity to disparage, misrepresent, and embarrass it.

These influences were all brought to bear upon Professor Marsh, to which may also be added the misrepresentations of traders, disappointed contractors, dishonest half-breeds, and whites of bad character intermarried with Indian women.

It will readily be seen that a man of limited general business experience, whose specialty is scientific research, such as Professor Marsh was engaged in, might be easily misled by the influences surrounding him, and which he failed fully to comprehend.

About six months after his return from the Indian country, Professor Marsh came to Washington to fulfill his promise to Red Cloud, and being from New Haven, Conn., and acquainted with the Postmaster-General, from the same State, he saw him and presented in a general manner the impressions obtained under the influence of the circumstances already mentioned.

The Postmaster-General took the professor to the President, after announcing to the Secretary of the Interior his purpose to do so, and promising that the professor would call upon him and give him all the information that he possessed in regard to affairs at the Red Cloud agency. Professor Marsh afterwards saw the Commissioner of Indian Affairs, and the complaints which he made to him as coming from Red Cloud were simply to the effect that the supplies of coffee, sugar, tobacco, flour, and beef were not as good as they ought to be. The result of his interview with the Commissioner satisfied him that Red Cloud's statements were exaggerations, and up to that time no charges of fraud, such as are contained in his pamphlet, were alluded to.

It must be borne in mind that Professor Marsh returned from the Indian country in the fall of 1874 and waited some six months before bringing Red Cloud's complaints to the notice of either the Department, the President, or the public. He had promised Red Cloud, in consideration of protection, to lay his grievances before the President on his return. Had he then supposed that the mismanagement at Red Cloud's agency was as serious as he now represents it to be, was he not guilty of great neglect in not sooner laying the facts before the President or the Department, and was he not guilty of breach of contract with Red Cloud in so long delaying the presentation of those complaints?

Professor Marsh slept on these grave charges until the last of April or the first of May, 1875, and when he concluded to make them known he went before the public through the New York Tribune, a newspaper known to be pronounced in its hostility to the Administration, and in various forms of exaggeration and misstatement what he said appeared and was reiterated with unjust and abusive comments and criticisms.

During these assaults of the Tribune the Sioux chiefs came to Washington to treat in reference to the relinquishment of their privileges in the State of Nebraska, and their hunting rights on the Smoky Hill Fork of the Republican River, as well as such portions of the Black Hills country as might be found to contain minerals sufficient to justify mining.

During these conferences Professor Marsh voluntarily presented himself. He must himself explain his object in so doing. He was not invited, nor was his presence necessary. At the same time, the attacks upon the Administration, inspired by him, were vigorously continued by the Tribune with the usual venom and acrimony. The Professor had been here nearly two weeks, under these circumstances, without calling on the Secretary of the Interior, between whom and himself there was then no personal acquaintance, but who naturally felt that, as the head of the Department, he was entitled to such information relative to the Red Cloud agency as Professor Marsh was in possession of.

The Secretary at length resolved to have his charges investigated, and wishing to select an able and impartial commission, and desiring to have the persons so appointed as to prevent the charge of partiality or incompetency, he requested the Board of Indian Commissioners to name for appointment three persons qualified to make the investigation. The Board of Indian Commissioners consists of ten eminent citizens selected by the President under an act of Congress to advise with the Secretary in reference to Indian affairs, to supervise the lettings for goods and supplies, and all the accounts and contracts growing out of the Indian service. How the Secretary could have proceeded with greater evidence of candor and fairness it is difficult to see; but in doing this he seems to have given offense to Professor Marsh and his friends.

Not knowing Professor Marsh personally, and he having entirely ignored the head of the Department, and omitted to present to him his complaints, the Secretary saw fit to assume that a professor of Yale College and a gentleman of culture and high character could hardly be guilty of treating a public officer with such discourtesy, and on the assumption that it must be some other person than Professor Marsh, he spoke of the charges as coming from "a Mr. Marsh." This was a grave and serious error, and the New York Tribune, so exalted in its tone and methods, so courteous and dignified in its treatment of public men, will hardly be able to forgive this great indecorum.

This request to the Board of Indian Commissioners was on the 10th of May last. Some time after this, while Professor Marsh remained in the city, the Secretary was informed of his presence in the room where one of the councils with the Sioux was to be held, and, the professor being pointed out to him before the council began, the Secretary went to him, introduced himself, and politely asked if he would do him the favor to call at his office. The professor assented, and some time after did call, and it so happened that when he came Gen. John Eaton, Commissioner of Education, was present and heard the entire conversation. The Secretary then urged the professor to furnish him with the charges against the Red Cloud agent, assuring him of his sincere desire to investigate them, and referred to his request to the Board of Indian Commissioners to appoint a commission for that purpose; but the professor refused to furnish the charges and has never seen the Secretary since.

Thus matters stood until the Board of Indian Commissioners designated the persons to be appointed. The delay in this designation rests entirely with the board, and was on account of the difficulty met with in obtaining acceptable persons who would consent to serve. Indeed, some of the persons first reported to the Secretary finally declined to act on the commission.

As soon as persons were selected by the board willing to serve, the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, prepared their instructions, and wrote to Professor Marsh, requesting him to furnish the Indian Office or the commission all the

information he had touching the abuses in the service at the Red Cloud agency, together with all the proofs in his possession, or to which he could refer, bearing on the subject.

It would seem that a distinguished scientist of Yale College faculty, and an honorable gentleman, desirous only to promote the welfare of the public service, would have accepted this invitation, and have laid before the commission such facts as it was in his power to produce. Overlooking his discourteous treatment of the Secretary of the Interior from the beginning, and excusing him for presenting the subject to the President and the public through the columns of an unfriendly paper, it is still amazing that he should fail to present his case to the persons selected to make the investigation. Let us see what he did: He prepared, or caused to be prepared, probably in the office of the Tribune—certainly under its auspices, advice, and inspiration—an entirely new set of charges from those originally made; charges which he seems to have been gathering from all accessible sources, whether such sources were friendly or hostile, reputable or disreputable, many of which were but repetitions of thrice-refuted statements made by dishonorable men for sinister purposes. He embodies these charges in two letters to the President, so long as to cover one entire page of the New York Tribune. They appeared in that paper before the President had seen them. Mark, that up to the time of their publication in the Tribune they had never been sent to the Indian Office, to the Secretary, to the President, or to the commission appointed to make the investigation; but they first appear in a public print whose constant aim is to create a public sentiment hostile to the Administration, and they were thus disseminated to the country without explanation and without an opportunity to explain.

The insinuations that the commissioners appointed are not the right sort of men are characteristic of the journal that has manufactured, fomented, and circulated all the attacks of Professor Marsh. It is not the place here to inquire whether this last card of the Tribune was played in order to secure an object it has long sought to obtain, namely, the injury of the Secretary of the Interior. There will be a time hereafter to inquire into this matter, but justice to Professor Marsh, to the Commissioner of Indian Affairs, and to the Interior Department requires that the public should know substantially the history of these charges, in order, at least, that no erroneous inferences may be drawn before the real facts are presented by the gentlemen appointed to make the investigation.

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## II.

DEPARTMENT OF THE INTERIOR, BUREAU OF EDUCATION,  
Washington, D. C., July 22, 1875.

DEAR SIR: Yours of the 19th instant is received. I have only seen the telegraphic report of Professor Marsh's charges, and was very much surprised at them, especially in view of what I witnessed during the conversation which occurred in my presence in your room as I happened there on business. You called his attention to the fact that he did not give you his statement when he first saw the Commissioner and the President, and that he had been in town again so long at the time of this talk, and passed you by without giving them to you or putting them before you in form for investigation. He replied that he only intended to



keep his promise to Red Cloud, that he was not familiar with the forms of Government business, and that if he had committed an error in this respect he begged your pardon; in reply to your reminder that he had not furnished them to you during the days he had been in town immediately preceding this interview, he stated that he had been over-pressed with scientific work.

You assured him that, so far as you were personally concerned, you only wished to be treated as he would wish to be himself under similar circumstances, and earnestly desired him to make full and explicit statements of his charges to you, and to cite all the proof of which he was informed, that they might be laid before the commission to investigate the Red Cloud agency. He said he had not put them in shape, but would do it, and should want full opportunity to present them before the commission, and to be present as the testimony was taken. He referred to some of the particulars connected with his observations, and said that the evidence was abundant to substantiate all that he had said. You still urged that he should furnish his statements to you in form for use before the commission of investigation. He hesitated, and you assured him that every opportunity should be afforded him to testify or to call witnesses or examine them; that you wanted to know the truth, and that only as you knew the truth could you administer the difficult service justly and honestly as you desired; that you were the one especially charged with this responsibility; and that if information went everywhere else and not to you, you could not discharge your duty as you sought to do. To enforce your idea, I recollect that you supposed a case of irregularity in college, and called his attention to the fact that the information upon which correction should be based must be made known to the responsible officer or head; so in Indian affairs, information of irregularities should be brought to you.

You stated to him emphatically that no one could be more interested than you were in enforcing honesty and justice in the Indian service, and urged him to assist you, and see if this was not done. He in no way intimated, as he now does in these charges, that you were disinclined to punish frauds when they became known to you.

Very respectfully, your obedient servant,

JOHN EATON.

Hon. C. DELANO,  
*Secretary of Interior, Washington, D. C.*

### III.

DEPARTMENT OF THE INTERIOR,  
*Washington, D. C., July 20, 1875.*

GENTLEMEN: I have just received a pamphlet, indorsed "A statement of affairs at the Red Cloud agency, made to the President of the United States by Prof. O. C. Marsh;" on the outside of which is an indorsement in writing as follows: "To the Hon. Columbus Delano, *with kind regards of the author.*" I inclose this communication for your use and consideration during the discharge of your duties, with the following observations:

My attention having been directed to some newspaper articles reflecting upon the management of affairs at the Red Cloud agency, and basing such reflections upon reports from Professor Marsh, I addressed a communication to the Board of Indian Commissioners, a copy of which

is herewith inclosed, marked A, on the 10th day of May last, requesting them to select suitable persons to investigate charges and complaints.

As soon as I received information from the Board of Indian Commissioners that they had selected the persons to make such examination I caused the persons so selected to be appointed, and directed the Commissioner of Indian Affairs to make out instructions for their guidance, and to inform Professor Marsh of their appointment, and request from him such information and facts within his knowledge as it might be desirable or necessary that the commission should possess, together with such detailed statements of complaints as he felt authorized to make against the agent at the Red Cloud agency, and such proofs as it might be in his power to furnish in support of such complaints.

On the 1st day of July the Commissioner of Indian Affairs addressed Professor Marsh a letter, of which I inclose a copy, marked B. Professor Marsh has made no communication to the Commissioner of Indian Affairs in reply to this letter. He has never made any communication to me, and I have never received anything from him, to my knowledge, except the statement which I now inclose, and which I received this morning.

You will observe that there are two letters in the pamphlet, both addressed to the President of the United States, and both dated Yale College, July 10, 1875. Both of these appeared in the columns of the New York Tribune, as I am informed, before they were received by the President.

The first time that I met Professor Marsh was during the council of the Sioux Indians in this city, in May last, and after much had been said in the public prints in reference to his complaints regarding the Red Cloud agency, when, being informed that he was in the room at one of these meetings, and being desirous to learn from him what he knew on the subject referred to, I made myself known to him and requested him to call upon me. Subsequently he came to my office, and during that interview *I earnestly requested him* to furnish me with such information as he had, and with all the proofs that he could refer to against the agent at Red Cloud, which he declined to do. General Eaton, Commissioner of Education, was present during this interview, and I shall endeavor to obtain from him a letter referring to it. I have now stated. I think correctly, my entire intercourse with Professor Marsh, and have referred to all that has ever transpired between us, either orally or in writing.

I need not express to your commission my desire for a full and candid examination and report in regard to affairs at Red Cloud agency; but as Professor Marsh has seen fit to make insinuations, if not charges, against me, and certainly against my sincerity in reference to my desire to have this investigation made, and as he has also seen fit to prefer charges against the Commissioner of Indian Affairs, may I not beg of your commission, while in the discharge of its other duties, a careful examination of these charges and insinuations, so far as they affect the Commissioner or myself, and may I express my desire that your report will be clear and explicit on these subjects, and such as the evidence and the facts, after full investigation, may require.

I have the honor to be, very respectfully, your obedient servant,

C. DELANO,

*Secretary.*

Hons. TH. C. FLETCHER, BENJ. W. HARRIS, and CHARLES J. FAULKNER,

*Commissioners to examine affairs at Red Cloud Agency.*

A.

DEPARTMENT OF THE INTERIOR,  
Washington, D. C., May 10, 1875.

SIR: I am desirous of appointing a commission from the members of your board to investigate certain reports put in circulation by a Mr. Marsh, relative to the Indian service at the Red Cloud agency, and I write to you to request that you will consult with your board and name to me such members of it as may be designated to make the investigation.

It would be well to have the commission consist of three members. Should you be unable to designate them from your board, will you do me the favor to recommend some other suitable persons as commissioners? I desire to have the commission named by yourself, or the board of which you are president.

Very respectfully, your obedient servant,

C. DELANO,  
Secretary.

Hon. CLINTON B. FISKE,  
President Board Indian Commissioners, Saint Louis, Mo.

B.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,  
Washington, D. C., July 1, 1875.

SIR: At the request of the honorable Secretary of the Interior, the Board of Indian Commissioners have nominated as a committee to investigate affairs at Red Cloud agency Hon. A. H. Bullock, of Worcester, Mass., Hon. Thomas C. Fletcher, of Saint Louis, Mo., and Hon. G. W. Lane, of the Chamber of Commerce in New York City, and it is understood that these gentlemen have accepted the service to which they have been invited.

In preparing instructions for their guidance I have not been able to furnish them your complaints against the Red Cloud agency administration except in a general way as detailed to me by yourself at several interviews, but I have informed them of the request of the Secretary that you will reduce these complaints to a written statement, to be accompanied with such proofs and suggestions as to reliable sources of evidence as will aid in securing a thorough investigation.

I have also informed them of the appointment and purpose of this commission and of my intention to renew the request heretofore made by the honorable Secretary that you will now furnish the said written statement making the charges as specific and furnishing evidence as much in detail as possible, or, if you are not prepared to do this, that you will, in any way most agreeable to yourself, make known in a definite form your impressions and views respecting Indian affairs as resulting from your personal observation while in the Indian country. I make this request of you in the belief that you can have no other desire in this matter than that the interests and rights both of the Indians and of the Government may be protected, and I desire to renew the assurance heretofore given you that it is the sincere wish and purpose of the Department to prevent frauds as far as possible and to omit no effort to discover them when perpetrated, and in all respects to bring the Indian service to the highest possible standard of humanity and strict integrity.

Very respectfully,

EDWD. P. SMITH,  
Commissioner

Prof. O. C. MARSH,  
Yale Scientific School, New Haven, Conn.

IV.

DEPARTMENT OF THE INTERIOR,  
August 2, 1875.

SIR: Following closely after the publication of the Marsh charges in the New York papers, appeared the report of Samuel Walker, in regard to affairs at the Red Cloud and Spotted Tail agencies, dated December

6, 1873, and in the same connection it is charged that inasmuch as the statements in the Walker report never received the attention of the Interior Department, therefore the Secretary of the Interior was not desirous of correcting the evils complained of by Mr. Walker.

Inasmuch as the Walker report contained very grave charges against the agents at the Red Cloud and Spotted Tail agencies, the allegation that those charges were disregarded or ignored by this Department is a very serious one, and the following statement of the action of the Department, in regard to said report, is respectfully submitted for your information.

On the 4th of February, 1874, I learned, for the first time, through an outside or unofficial source, that Mr. Samuel Walker, a clerk in the office of the Board of Indian Commissioners, had made a report to the board of an investigation made by him into affairs at the Red Cloud and Spotted Tail agencies. On receipt of this information I at once wrote the chairman of the board, (Mr. Brunot,) informing him of the fact that it had been communicated to me through an unofficial channel that Samuel Walker had made such a report, and requesting him to inform me whether my information was correct, and by what authority Walker had been sent out, and also requesting to be furnished with a copy of the report, if one had been made. A copy of my letter is transmitted herewith, marked A.

February 6, 1874, a reply was received from Mr. Brunot, apologizing for the omission to send the report, and stating that it was his neglect, but that he had now directed that a copy of the Walker report be sent to the Department. Copy of Mr. Brunot's letter is sent herewith, marked B.

February 11, 1874, a copy of Walker's report was received at the Department from the secretary of the board, Mr. Cree. A copy of Mr. Cree's letter is herewith, marked C, and a copy of Walker's report is also submitted, marked D.

It will be observed that Mr. Walker was appointed to make the investigation at the Red Cloud and Spotted Tail agencies October 28, 1873; that his report to the board is dated December 6, 1873, and that the Department was without any information in regard to the appointment, the investigation, and the report until the 4th of February, 1874, two months after the report was made, and more than three months after Walker was appointed to make the investigation, and a copy of the report was not furnished until a week later; and furthermore, that the information, even at that late day, was not voluntarily furnished by the board, but elicited only after a request had been made for it.

Owing to the extraordinary nature of the proceedings detailed above and the character of the statements contained in the report, immediate steps were taken to cause a thorough and complete investigation of the matters complained of in the Walker report. For this purpose, on the 23d of February, 1874, I appointed a commission, consisting of Bishop Hare, Rev. S. D. Hinman, of the Protestant Episcopal Church. F. H. Smith, and Inspector Bevier, with instructions to make a thorough investigation of affairs at the Red Cloud and Spotted Tail agencies, and especially of those matters complained of in Walker's report. The selection of Messrs. Hare and Hinman was made because of the fact that the agents in charge of the two agencies were appointed on the recommendation of the missionary authorities of that church, and they were in a measure responsible for their good conduct. Copy of the instructions to the commissioners is herewith, marked E.

Said commission made a full report, April 22, 1874, which was pub-

lished in the official reports for that year, and a copy is submitted herewith, marked F.

That investigation was evidently made in a thorough and impartial manner. The report is full and frank in all its conclusions, and was regarded by the Department as conclusive of the matters complained of. That any of the charges in the Walker report were ignored or sought to be covered up by the Indian Office is clearly shown to be an error by the foregoing statement.

Your attention is respectfully invited to the report of the commission of Bishop Hare, especially to the reference therein made to Mr. Walker's method of investigation, to the character of his principal witness, and the disproof of his most serious charges.

I will thank you to acknowledge the receipt of this communication by telegraph.

Very respectfully, your obedient servant,

C. DELANO, *Secretary.*

Hon. T. C. FLETCHER,

*Chairman Red Cloud Commission, Red Cloud Agency.*

A.

DEPARTMENT OF THE INTERIOR,  
*Washington, D. C., February 4, 1874.*

SIR: I am informed, unofficially, that Mr. Samuel Walker, of your office, has recently made some examination into the conduct of the agents and general condition of affairs at Red Cloud and Spotted Tail agencies, by direction of the Board of Indian Commissioners, and that he has reported to the board upon the subject.

If what I have heard is correct, I have the honor respectfully to request information as to the time of Mr. Walker's appointment, and by what authority he was appointed, and also to ask for a copy of his report.

I have the honor to be, very respectfully, your obedient servant.

C. DELANO,  
*Secretary.*

Hon. F. R. BRUNOT,

*President Board Indian Commissioners, Pittsburgh, Pa.*

B.

BOARD OF INDIAN COMMISSIONERS,  
*Pittsburgh, February 6, 1874.*

DEAR SIR: Your letter of 4th instant, stating that you are "informed unofficially" that Mr. Samuel Walker, clerk in the office of the board, had recently made some examinations at Red Cloud and Spotted Tail agencies by direction of the board, requesting to know "by what authority" he was appointed, and asking a copy of his report, came to hand yesterday, and I have the honor to reply.

I have to regret that through my own inadvertence a copy of Mr. Walker's report was not sent to you at the proper time. I laid it before the board at the January meeting, and, at my own suggestion, was instructed by resolution to transmit it to you. Mr. Cree subsequently asked if he should take it over, but was told that I wished to write a letter to accompany it. I will immediately direct the secretary of the board to send you a copy of the report, if he has not done so already.

As to the time when Mr. Walker was sent, I have not at hand the precise date, but I think it was about the 1st of December.

The authority was that of the board, through its chairman, under the acts of Congress appointing and continuing the board from time to time.

In regard to the report of Mr. Walker, I may say further, that a few days before the meeting of the board I was solicited to furnish a copy for the information of the committee of the missionary society which had nominated and was responsible for the proper conduct of the agents at the two agencies concerned, at their meeting to be held in New York about the time of the board meeting.

Deeming it important and proper that this committee should have all the information in possession of the board at its meeting which would give them light as to the conduct of their nominees, I directed a copy to be furnished to them on condition that it was to be used solely for the information of the committee in this connection. I am not yet aware that any other use was made of the information it contained than to guide the committee in the duty of securing honesty in the administration of the agencies.

Very respectfully, your obedient servant,

FELIX R. BRUNOT,  
*Chairman.*

Hon. C. DELANO,  
*Secretary of the Interior.*

C.

BOARD OF INDIAN COMMISSIONERS,  
*Washington, D. C., February 11, 1874.*

SIR: I have the honor to transmit herewith a true copy of the report made to Hon. Felix R. Brunot, chairman of the Board of Indian Commissioners, by Mr. Samuel Walker, of a visit to Red Cloud and Whetstone agencies.

Also copy of affidavit prepared by Mr. Appleton as to beeves lost October 8, referred to in the report; and affidavit of Mr. J. Ecoffe as to Dr. Saville having whisky on the reservation.

Very respectfully, your obedient servant,

THOMAS K. CREE,  
*Secretary.*

The Hon. SECRETARY OF THE INTERIOR.

D.

#### THE RED CLOUD AGENCY.

WASHINGTON, December 6, 1873.

SIR: In compliance with your directions, transmitted to me in an official letter of October 28, 1873, I have the honor to respectfully inform you that I visited the Red Cloud and Whetstone Indian agencies in Dakota Territory, and have to report as follows:

On my arrival at Cheyenne, Wyoming, I went to the store-house of the Indian Department in company with Mr. W. H. Moore, store-keeper, and examined the supplies there awaiting transportation to the Red Cloud agency. The bacon was very good, but some of the coffee and sugar looked inferior. There were five brands of flour delivered under the contract for this year, as follows: 1st, Astor, Saint Louis; 2d, Occidental Mills, Council Bluffs; 3d, Papillion Mills, Nebraska; 4th, State Mills, Omaha; 5th, Anchor Mills. None of the sacks of the first four brands were marked, as required by contract, "Indian Department Flour." Some of the flour was in single sacks, but I could not ascertain how much. I secured samples of each brand of flour selected by Mr. Moore and myself, and respectfully submit them herewith; also Mr. Moore's affidavit as to the samples selected and his estimate of the quantity of flour in single sacks, &c. The flour appeared to be very inferior, and is said to be delivered by Mr. J. T. Baldwin for G. M. Dodge.

#### HIGH PRICES PAID FOR CORN.

Some of the corn substituted for flour at Red Cloud agency, as per letter of Commissioner of Indian Affairs, dated September 16, 1873, was in the store, and looked like good grain, although I saw some of the same delivery at the agency very dirty and inferior. The price paid for it, as stated in the letter of the Commissioner of Indian Affairs, is \$2.26½ per 100 pounds. This price is far above the market rates. Corn is being delivered in gunnies, in Cheyenne, at \$1.70 per 100 pounds, in small quantities. A large quantity can be obtained in burlap sacks, such as Mr. Dodge, the corn contractor, delivered in, for \$1.50 per 100 pounds. Clark, Parsons & Co., of Omaha, one of the most reliable firms in that city, offered to furnish 400,000 pounds at Cheyenne at that rate. So also did Mr. Colett, a grain-dealer in Cheyenne.

I ascertained while in Cheyenne that the distance to the old Red Cloud agency by the road usually traveled by heavy trains is about ninety miles, while D. J. McCann

charged the Government for one hundred and thirty-two miles; and that the distance from Cheyenne to the new Red Cloud agency is variously estimated at one hundred and eighty-six and one hundred and eighty-eight miles, as per affidavits of John Compton, train-master of D. J. McCann, signed also by G. W. Perkins, subcontractor, and of Charles Hecht, subcontractor, while D. J. McCann charged for two hundred and twelve miles. I also submit a copy of the contract between D. J. McCann and Charles Hecht, which shows that Mr. McCann only paid \$1 per 100 pounds for the whole distance to the old agency, and that the transportation is now furnished for \$1.20 per 100 pounds per one hundred miles to the new agency from the old.

#### AFFAIRS AT NEW RED CLOUD AGENCY.

I arrived at new Red Cloud agency November 9. The affairs of this agency are conducted very loosely. I was informed by the clerk who receives the stores that nothing is weighed on receipt from the freight-contractor, who gets receipts for all his bills of lading, and that the agent, Dr. Saville, said he need not weigh. To any one at all acquainted with the character of the class of men engaged in freighting on the remote frontier, it is obvious that the Government loses largely by this practice, and it is inconceivable how any person possessed of the least desire to care for the interests of the Government and the Indians could tolerate such a practice. Neither is there any record of the amount of beef received at the agency, other than copies of the receipts issued to the contractor, which Mr. Bosler, who is really the beef-contractor, informed me he made out himself. The beeves had been received by an average weight, ascertained by weighing, as is alleged, some of the largest cattle, until November 7, when the cattle-scale was put up, with a cattle-corral, for weighing.

In examining the papers of the agency up to the date of my arrival I found no statement of the beef account with the contractor, and on asking Mr. Appletorff, the acting agent, for an estimate of the amount for which receipts were due the contractor to that date, he informed me that he could not tell until he sent to Mr. George M. Bosler, at his camp, some thirty-five miles distant, and I was compelled to accept his promise to obtain the figures for me on my return from Whetstone agency. But even then Mr. Bosler did not bring his account, and I waited two days longer than was otherwise necessary at Red Cloud agency, while Mr. Bosler went to his camp ostensibly to examine his accounts and the orders of the agent in his possession, and to let me know the result. He again returned to the agency the day before I left, and said the Government owed him for seven hundred and ninety-eight beeves, or maybe more, but he was not sure, as he said one of his herders had two of the orders which he had not seen. Thus the account of beef received at the agency was kept by Mr. Bosler. The issues of supplies are made to chiefs of bands for their bands, or to some chief or head-man designated by the band.

Flour, coffee, sugar, &c., are issued in quantities according to the amount on hand, and no record is kept of the amount issued, the returns being made out to balance with the amount on hand. The Indians are by this plan charged with the amounts stolen by freight-contractors and others, and fed to employes, all of whom are fed from Indian supplies. The beef is issued by beeves on the 1st, 8th, 15th, and 23d of each month—so many beeves being allowed to each band. For instance, Little Wound's band, said to number two hundred lodges, receives forty beeves for seven days' rations. When the average of the beef is greatly overestimated, the Indians are charged with and cheated out of the amount of the overestimate. If this band received their cattle at the actual value, they would only be entitled to forty beeves, each weighing seven hundred and thirty-five pounds, and all over that weight is an unjustifiable issue, which is covered by misrepresenting the actual number of lodges in accounting to the Department. Little Wound's band received one beef to five lodges, by a special arrangement of Dr. Saville, who promised to allow them that number if they permitted him to count their lodges. Little Wolf's band received a like proportion. On the other hand, Red Cloud's and other bands received less than this ration. I endeavored to get a statement of the number of beeves issued since Dr. Saville took charge, but found that no regular record of the number of beeves issued was kept, beyond the rough issue-lists of the commissary clerk; and those of the third quarter having been destroyed, after the return of provisions for that quarter was rendered, I had to limit inquiries into the beef transactions to the months of October and November.

#### INDIANS CHEATED OUT OF WHOLE ISSUES.

The papers of the agency show that on the 1st of October there were on hand 14,948 pounds of beef, and that during the month there were received, as per receipts of J. J. Saville, on the 1st day of October, 647 head, averaging 1,063 pounds each, and on the 15th day of October 633 head, averaging 1,043 pounds each, making a total of 1,362,928 pounds.

From a statement of Mr. B. F. Walters, it is seen that 1,163 head were charged as issued to Indians during the month. The chief herder stated to me that he had on the 1st day of October 60 head of beeves, which, added to the 1,280 beeves for which receipts were given, would amount to 1,340 beeves, of which 1,163 were issued, leaving 177 head which should have been on hand October 31, less 52 head said by Mr. Appleton to have been lost by stampede, and 10 head said to have been given by Dr. Saville to Nic Jamis on account of rations for his half-breed children, living eighty-eight miles from the agency. It will be seen hereafter that there was not a pound of beef on hand at this date.

#### FALSE AND FRAUDULENT RECEIPTS FOR BEEF.

The receipts of Dr. Saville were, however, false and fraudulent. He did not receive 647 head on the 1st of October, nor 633 head on the 15th of October. On the 1st day of October no issue was made at the agency, because the herd of the contractor stampeded the night before delivery, and J. Bissinette, interpreter, swears that two issues were omitted in October, one on the 1st and one on the 15th. This testimony appears to be corroborated by a draught of an affidavit prepared by Mr. A. R. Appleton for the signature and attestation of the chief herder, in which he says that a herd of about 600 beeves stamped on the 8th of October, which could not have been the case, as to the number stamped, had the herd been received on the 1st, and an issue made of 252 head, as alleged.

On the 8th of October, 297 head were issued, a number, which I could not ascertain, having been received on the day before, and after issue the herd stampeded, and Dr. Saville then decided not to keep an agency herd, and directed the chief herder to turn over to Mr. Bosler's herd all the cattle recovered, which he did, to the number of 217. Of this number Mr. Bosler only acknowledged the receipt of 177 head.

Thus, after the 8th day of October there were no cattle left at the Red Cloud agency, and no herd was received except 185 head, issued on the 18th, (or more probably on the 21st,) and subsequently 399 head, said to have been issued on the 23d, (or more probably on the 25th.) The latter issue was made on the solicitation of Mr. Appleton by Dr. Saville, before the departure of the latter for Washington, for the 1st of November, no issue being made from October 25 until November 8.

On the 8th day of November, 390 beeves, said to average 993 pounds each, were received and issued; and on the 18th of November 410 beeves, averaging 967 pounds, were received and issued. I was present, and assisted in the weighing of the herd received November 18, and it was said by the whites and Indians to have been the finest herd received during the year.

#### RECEIPTS GIVEN FOR CATTLE NOT RECEIVED.

On the 21st of November Mr. George M. Bosler informed me that the Government owed him receipts for 798 head of cattle received during November. Dr. Saville, therefore, gave a receipt on the 1st of October for 647 head of cattle, and certified that he weighed twenty head, and that their average weight was 1,063 pounds, and for 633 head on the 15th, averaging 1,043 pounds each, when, in fact, no such number of beeves was received, and receipts were given for cattle which the agent never saw. There is no record to show that any of the lot received October 18 (or 21) were weighed at all. It will be seen, then, that the Government is charged with receiving 1,280 beeves during October, and that there were on hand, October 1, 60 beeves, making in all 1,340 beeves belonging to the agency. From these there were issued, October 8, 297 head, October 21, 185 head, and October 23, 399 head, leaving 439 head unaccounted for for that month, as Mr. Bosler claims receipts for 798 head for November.

I think it clear that fraud was intended. Mr. J. H. Bosler told me in Cheyenne that he made out the receipts for the agent's signature, and as those receipts purported to represent deliveries of cattle on dates on which both he and the agent, Dr. Saville, knew that no such deliveries were made, and that weights were certified to, especially on the receipt of October 15, when no cattle were weighed, there was clearly collusion between Dr. Saville and Mr. J. H. Bosler to obtain payment from the Government for beef not delivered, either as to quantity or weight of beeves. In confirmation of this, I invite attention to the affidavits of J. Bissinette, who swears that Dr. Saville told him that the cattle, about the beginning of October, averaged about 1,000 pounds, not 1,063, as certified to. The affidavit of Thomas W. Reed, subagent, shows that the cattle actually received from Mr. Bosler were not of the weights represented by the certificates, as does also that of J. Bissinette, interpreter, who swears that he called the attention of Dr. Saville to the fact that only large cattle were brought up to be weighed. I was also informed by a herder at the agency, who had been raised among cattle, and was a herder on the Kansas cattle-trail, that 920 pounds would be a good average for all the cattle received since August 1 at the Red Cloud agency. Mr. Appleton weighed the lot of 390 cattle received November 8, and allowed an average of



993 pounds, although the actual weight was 958 pounds each, he having allowed the contractor, Mr. Bosler, 35 pounds per head for overdriving. The following is a statement of the number of lodges of Indians said to be at Red Cloud agency since October 1, 1873:

Lodges.		Indians.			
October 1.....	2, 131	14, 917	November 1.....	2, 351	16, 457
October 8.....	2, 158	15, 106	November 8.....	2, 419	16, 933
October 15.....	2, 213	15, 491	November 18.....	2, 386	16, 702
October 23.....	2, 273	15, 911			

From the best information to be had on the subject, I am satisfied that there are no more than 1,100 lodges, or 7,700 Indians, at the agency. It is claimed that the agent cannot obtain an accurate estimate of the number of lodges, because the Indians are averse to being counted, and will not allow a census to be taken, and that he cannot lessen the issue of beef without risk to his life and the lives of the agency employes. On these points I would respectfully refer to the affidavits of J. Bissinette and Y. W. Reed herewith.

#### UNAUTHORIZED EXPENDITURES BY AGENTS.

I respectfully invite attention to the variableness of the issues in October, as to the number of beeves issued and the dates of issue. If the Indians were so violent, as represented, the agent would have been afraid to deprive them of two issues in one month. There is no authority for receiving or issuing so much beef, if I may except a statement made by J. H. Bosler, that the Commissioner of Indian Affairs had told Mr. Wilder "to go ahead and furnish what beef was wanted." By the terms of the advertisement for supplies for the Indian service for the fiscal year 1873-74, "the right to increase or diminish the quantity of each or any of the articles" is reserved by the Commissioner of Indian Affairs, and as I could find no authority from him authorizing the agent at Red Cloud agency to receive more than 416,666 $\frac{2}{3}$  per month, I infer that the agent's action in receiving more than that quantity has been illegal and not binding upon the Government, especially as this advertisement forms part of the terms of the contract with Mr. Wilder, and must be well known to him and the agent. Dr. Saville purchased ten horses after his arrival at the agency, which he certifies were absolutely necessary for herding purposes. I found four of them used for an ambulance team. He paid \$700 for the ten. They were of the kind known as "Broncos," which are usually purchased for \$50 apiece when sound and serviceable. Of the ten purchased, only two might have been worth \$70 each. All the others could be bought at any time for from \$40 to \$45 each. None of the ten were fit for herding.

On the report of employes for the third quarter of 1873, Frank D. Appleton, son of A. R. Appleton, superintendent of buildings at Red Cloud agency, and, I believe, a brother-in-law of Dr. Saville, appeared on the roll as clerk from August 19, 1873, at \$125 per month. He only came to the agency November 9, 1873, and I was informed that A. R. Appleton, his father, received the check drawn for his services to September 31, 1873, and signed his (Frank D. Appleton's) name to the proper voucher therefor. During my stay at the agency a number of blankets of the annuity goods of 1873-74 were shown to me. They are undoubtedly inferior to the samples upon which the contracts were made; also some knives, of which the Indians complained very much. I brought samples of the white, dark-blue, and scarlet 2 $\frac{1}{2}$ -point blankets to Washington with me, and have turned them over to the secretary of the board; also one of the knives.

#### UNJUSTIFIABLE TRANSACTIONS.

I respectfully call your attention to the turning over of beeves by Dr. Saville to Mr. Bosler's herd, after giving receipts for them, at an average of 1,063 pounds each, and the subsequent receipt of the 18th, without weighing; also to the receipt of the 15th, given without at that time receiving cattle; also to the affidavit of Subagent Reed, which shows at least one instance in which beef justly due was kept back from the Indians while there was enough to their credit; to the allowance of 35 pounds per head extra on the herd received November 8; to the delivery of ten beeves to Nick Jamis for his half-breed family; to the gift of two bolts of Indian cloth to Joseph Bissineth, as per his affidavit; and to the fact of Dr. Saville having had liquor on the Indian reservation, as sworn to by Mr. Ecoffee. There can be no justification for any one of the transactions referred to. I also respectfully invite attention to the accompanying statement of Mr. H. W. Moore. Todd Randall, the man referred to, now an Indian trader at Red Cloud agency, was recently at Whetstone agency, and does not bear a good character. I was informed that Mr. A. R. Appleton purchased the goods for Randall's trader's store at the Red Cloud agency. I was also informed that Mr. A. R. Appleton was discounting the checks of the agent paid to employes for services at the rate of 5 per cent.

## THE WHETSTONE AGENCY.

I left Red Cloud agency on the morning of November 12, and arrived at Whetstone agency the same evening, after a drive of about forty miles. I was able to get but very little information at this agency as to the manner of doing business, the clerk, who was acting agent in the absence of Agent Howard, being unacquainted with the routine duties.

I examined the supplies delivered under the contract for 1873-'74, and found that the flour was a better article than that delivered at Red Cloud agency. There were only three brands, as follows: 1. St. James Mills, Neb.; 2. Exchange Mills, Sioux City; 3. City Mills, Sioux City; all of which appeared to be nearly, if not quite, as good as the samples of flour contracted for received from the Indian Office. Samples are respectfully submitted herewith.

## A SPECIMEN OF POOR FLOUR.

I also examined the old flour which had been delivered by G. M. Dodge under the contract of 1872-'73, and respectfully transmit herewith a sample selected in the presence of the agent's clerk, Mr. Willard D. Bray, and S. F. Estes, who pronounced it to be a fair specimen of the whole delivery. It is a nondescript article, neither flour nor meal, and totally unfit for issue as flour. In receiving the supplies at this agency parts only are weighed. The clerk informed me that he thought nearly all the bacon was weighed, and sometimes the sugar and coffee. The flour and corn were not weighed. Several sacks of corn were taken and weighed, and their average allowed for the train-load from which they were taken. The issues were calculated by the number of lodges said to be present, not by the amounts actually issued, of which no record is kept. Tickets are issued to chiefs, headmen, or other persons representing bands or lodges, for the amounts which they are to receive. These tickets are orders on the issue-clerk from the agent's office for supplies for a stated number of lodges, which, as the clerk told me, never equal the number claimed by the Indians, as they usually overstated their numbers. I observed, however, that credit was taken on the returns for the full number claimed by the Indians, and, as an instance of this mode of dealing, I submit the following as coming under my own observation:

## INDIANS CHEATED IN THEIR SUPPLIES.

A party of Minneconjous and Uncpapas, numbering 23 lodges, came to the agency while I was there and got rations for seven or eight days. The clerk issued some supplies, and when they insisted on having beef, too, he gave them an order for one beef. This was to supply 3,969 pounds of beef, and there was not one animal in the herd of beeves then at the agency which would weigh 1,000 pounds. If they happened to get one of the smallest ones which I saw there, they could not have had more than 250 pounds, net weight, of beef.

The beef here, as at Red Cloud agency, is issued by beeves, with the same general results in case of overestimated averages. The return of provisions for the third quarter of 1873 showed that the agent had on hand, September 30, 1873, 955,039 pounds of beef, calculated at 950 beeves, and the receipt of the agent was given in October for 1,056 head, making a total of 2,006.

Of this number, there was said to have been issued as follows: October 1, 233 head to 730 lodges; October 10, 269 head to 1,075 lodges; October 20, 307 head to 1,146 lodges; during the month, about 70 head to 100 of whites; making a total of 879 head issued in October. There was issued November 1, 315 head to 1,197 lodges; November 10, 373 head to 1,553 lodges; November 10, 47 head to 100 of whites; making in all 735 head issued in November. During the quarter there was said to have been six head stolen by Indians and one head lost by disease, leaving a total of 385 head to be accounted for at the date of my visit. Of that number, the chief herder and clerk (acting agent) reported to me, when I visited the herd, some ten miles distant from the agency, that there were 130 head on hand. I subsequently learned that 38 of the cattle shown to me as beeves were work-cattle, belonging to the agency and freighters in the neighborhood. There were, therefore, only 92 head of beeves at the agency, leaving 293 head unaccounted for. Subsequently the acting agent said that the round return of provisions for the third quarter of 1873, which he showed me was not correct, and that he had not deducted from it 55 head said to have been taken by Indians. If this statement is correct, there yet remains 232 head to be accounted for, and the only inference is that receipts were given for a larger number of beeves than were actually received, unless the chief herder failed to give an accurate statement of his losses.

## HOW THE BEEF-CONTRACTOR MAKES MONEY.

Having no means of weighing in gross provided as yet, the average of cattle at this agency was ascertained by weighing a few head selected by the chief herder and weighed by the butcher, who, I was informed, at one time weighed the end-gate of a

wagon with each of the four quarters of a beef, and counted the whole as the net weight of the animal; and at another time cut the beef in two parts, leaving all the neck, backbone, &c., on one side, which he weighed and multiplied by two, to represent the net weight of the animal. This man and the chief herder are relied on by the agent, who never attends to the weights personally, to give the average weights for which the Government pays, and with which the Indians are charged.

I have no hesitation in saying that the average of the October lot must have been largely overestimated; for, of the 92 head on hand, there was not one which would weigh 1,000 pounds; while, on the other hand, there were two very small animals, between 2 and 3 years old, in the herd, not weighing 600 pounds each, and a large proportion of the balance would not weigh over 800 pounds each. It was said by the chief herder that this was the last lot of the herds of September and October, and did not represent fairly the size of the cattle in those herds. But if this were true, they, having been so long on hand, should have been in good condition, which they were not. I am convinced, after weighing the splendid lot of cattle delivered at Red Cloud agency November 17, and which averaged only 967 pounds, that no common herd of Texan cattle, which had in it any number of such animals as I saw in this herd, could weigh more than 900 pounds average. It appeared to me that the introduction of the work-cattle in the herd was an attempt to cover up an overaverage. When I spoke to the acting agent on the subject, he said it was not done by his orders.

#### INSUFFICIENT ISSUES OF BEEF.

I also examined a lot of 150 hides which were spread out to dry by the trader, and found the greater part to be small hides, such as might be taken from cattle weighing from 750 to 800 pounds. It became evident to me that the 92 head on hand were intended for the issue of November 20. It was my intention to be present at the receipt and weighing of one lot of the cattle received at the Red Cloud and Whetstone agencies, and I endeavored to make arrangements to that end. Mr. Willard, the clerk in charge at Whetstone, informed me that he expected a herd by the 20th or 21st, and I left Whetstone on the 17th to be present at the receipt and issue at Red Cloud agency on the 18th, intending to return on the 19th, and be present at the receipt and issue of cattle, October 20, at Whetstone, but Mr. George M. Bosler told me at Red Cloud agency that Mr. Willard had said that when he wanted beef he would send word to his camp, and that he had at that date, November 18, received no notice from Mr. Willard, and that he understood, when visiting the agency the day before my arrival, that enough beef was on hand for an issue. This lot of 92 was then clearly intended for the issue of November 20, no provision having been made for an additional supply. I respectfully invite attention to the issues of October 1 and 10. According to the number of cattle issued October 1 to 730 lodges, the 1,085 lodges, issued to October 10, would be entitled to 345 beeves, while they received only 269. I also invite attention to a similar disparity in the issues of November 1 and 15. The issues charged to the Government are undoubtedly excessive, as are also the receipts, for which, under the terms of the advertisement for supplies for 1873 and 1874, the Government cannot be held responsible.

#### ISSUES CHARGED TO INDIANS NOT PRESENT.

The number of Indians to which issues are charged is far in excess of the number actually present. The clerk at the agency told me that he calculates the number present to be about as many more as properly belonged to the agency. Messrs. Kemble and Alvord ascertained that from 2,300 to 2,500 Indians properly belong to the Whetstone agency, and 5,000 persons would, therefore, be a fair estimate of the number of Indians fed. Or, estimated by lodges, there should be no more than 720 lodges to be issued to; and this I believe to be a liberal estimate of the number fed up to the present. Just before I left I heard that a large number of Minneconjous were expected to arrive—perhaps 200 lodges. This would increase the number at the agency to 900 lodges, more or less, and I am satisfied that that is the highest number of lodges that received rations at Whetstone agency this year.

The corn delivered at this agency was complained of by Spotted Tail as being very old and dry. It is to be delivered as per the letter of the Commissioner of Indian Affairs of September 16, for \$3.60 per 100 pounds. This cannot be done without loss to the contractor. He can furnish corn, delivered at the agency, for \$4.62 per 100 pounds, at a fair profit, but not for less. On examining the agency records, I found that C. Ferris, jr., member of the trading firm of Pratt & Ferris, at Fort Randall, was on the roll of employés as subagent, at \$100 per month. The senior member of the firm of Pratt & Ferris, J. H. Pratt, is the trader at Whetstone agency. I respectfully invite your special attention to this arrangement, which appears to me to be entirely in conflict with the best interests of the Government. I found a voucher in favor of J. H. Pratt for 38,400 pounds of oats, at 7 cents per pound, delivered at the agency. This is a very high price. Oats were delivered to a private individual at Whetstone agency, on a small retail purchase, at 5.20 cents per pound. There was also a voucher for 6,400 pounds of seed-oats, at 7½ cents per pound. This is also proportionately high.

## UNNECESSARY EXPENDITURES FOR LABOR.

I observed that one chief herder and seven herdsmen were employed at this agency, while Red Cloud agency only needed one chief herder and four herdsmen. The latter number is amply sufficient for all the needs of either agency. The number of laborers also appears to be excessive. There are eleven who receive \$50 per month, while the laborers at Red Cloud agency receive only \$40 per month, with the exception of four, who are skilled laborers. I think seven would be sufficient. There does not appear to be a necessity for more than one person to butcher. C. Bernard's services might be dispensed with. The herd farmer, Raymond, is a freighter, and attends particularly to that branch of the business. There were three Texan horses on the papers of the agency, of which I could learn nothing of the acting agent.

There were no papers left at the agency by late Agent Risley from which I could form any estimate of the transaction of business during his incumbency. From the best information I could get, he had not been at the agency in all more than thirty-seven days. The beef received under the contract of 1872-73 was very much over-averaged, and was not of the kind contracted for, a large portion being two and three year olds, which could not have weighed more than 600 to 700 pounds each. The testimony on this point at the agency is almost unanimous.

I endeavored to obtain an accurate list of the persons who freighted under the contract to remove the public property at the old Whetstone agency to the present location; but, owing to the absence of most of the freighters, was unable to get the personal testimony of each as to the amount he carried. I ascertained, however, that Dr. Graves took no part in the removal, either personally or by deputy; all the goods, supplies, &c., were delivered and received by Government employes, and all accounts of weights, &c., were turned into the agent's office, from which due-bills were issued to the freighters for the amounts due them at \$1 per 100 pounds for the whole distance. I traveled over the roads which led from the old to the new Whetstone agency, and believe the distance does not exceed thirty-three miles.

I returned to Washington on the 1st instant, and reported for duty at the office of the board.

Very respectfully, your obedient servant,

SAMUEL WALKER,  
Clerk of the Board.

The HON. FELIX R. BRUNOT,  
Chairman Board of Indian Commissioners.

E.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,  
Washington, D. C., July 1, 1875.

GENTLEMEN: On the nomination of the chairman of the Board of Indian Commissioners, at the request of the Secretary of the Interior, you have been appointed by him a commission to investigate the affairs of the Red Cloud agency. The occasion for such investigation has mainly originated in statements made by Mr. O. C. Marsh, professor in Sheffield Scientific School, Yale College, concerning matters which he observed while at the agency during November last. As yet, these statements have no definite form known to the Office, other than as they have appeared in the public press, and as made verbally by Mr. Marsh to myself.

In the latter part of March last, Professor Marsh brought to me certain samples of tobacco and flour and sugar, which he said he did in accordance with a promise made to Red Cloud, in consideration of a promise by Red Cloud to procure an entrance for him into the Black Hills country for scientific purposes. He stated that, in a private interview with Red Cloud, that Indian chief complained very bitterly of his agent in many respects, and earnestly desired a change, and that he had given him these as samples of the supplies which he was receiving from the Government. He also stated that the beef-cattle issued to the Indians were small in size, and otherwise of inferior character, and that there was much confusion in agency matters, especially in the issuing of a large amount of goods in a single day.

Professor Marsh expressed his belief that there might have been an exchange of articles purchased for the Indians for others of inferior quality while en route between Cheyenne and the agency. He also stated that his views as to agency affairs were confirmed by conversations with other persons around the agency.

Professor Marsh stated that he had not taken any measures to satisfy himself that

the samples given to him by Red Cloud were fair samples of the supplies which were then being issued, and could not say from his own observation that they were fair samples; but that on one occasion, when a sack of flour had fallen from an Indian woman's arms and broken open, he saw the color of the flour as it lay upon the ground, and thought it not much different from the sample furnished by Red Cloud; but, not being a judge of flour, he could not make the comparison with any degree of accuracy. The samples referred to, Professor Marsh did not leave with me, and it is presumed that he has them still in his possession. His other statements in regard to agency affairs are of a still more indefinite character.

In an interview subsequently held with the Hon. Secretary of the Interior, Professor Marsh was invited by him to reduce his statements of frauds or irregularities in the Indian service to writing, in such form as would best aid in their investigation. To this request Professor Marsh has not yet responded, nor has he declined it. I have this day notified him of your appointment, and again requested him to furnish such statements or suggestions as may aid in finding the facts as to the administration of Red Cloud agency.

If, however, Professor Marsh should still decline to furnish such assistance, it is the desire of the Hon. Secretary of the Interior that you proceed in the investigation, and avail yourselves of all the means that can be found after arriving upon the ground, or before, to learn the true state of affairs; and that you still, without fear or favor, investigate all matters pertaining to that agency, so thoroughly, as to satisfy yourselves beyond a doubt as to facts, upon which you will make a clear report relative to its past and present condition and management, with such recommendations as will enable the Department to take proper action in the premises.

You will undoubtedly meet with persons of strong partisan feelings enlisted both for and against the administration of the present agent, and as you proceed you will become fully aware of the misrepresentation which such partisanship naturally produces, and the extreme difficulty of discovering the truth amid the conflicting statements and allegations.

While guarding against giving undue weight to accusations which originate in malice and suspicion only, you will not hesitate to probe all questions to the bottom, and bring to the light any official neglect or fraudulent or unfair transaction of any kind or degree, by whomsoever committed.

A copy of Agent Saville's letter, requesting such investigation, is herewith furnished for your information; also a full report of the councils held with Red Cloud and a delegation of the chiefs of the Red Cloud agency, at the Department of the Interior, May 22 and June 25.

At Cheyenne, you will find C. H. Bostwick, the storekeeper of the Government warehouse; also Major Long, the inspector of the flour and the supplies which have been shipped from Cheyenne to Red Cloud agency during the year.

You are also requested, while in the Indian country, to make such observations pertaining to Indian affairs generally at Red Cloud agency as will be of assistance to the administration of the Indian Bureau.

Of this commission, Hon. Thomas C. Fletcher, of Saint Louis, Mo., is the chairman, from whom you will receive notice of the time of proceeding to Cheyenne.

Your compensation, while actually engaged in this service, will be at the rate of eight dollars per day, in addition to your necessary and actual traveling expenses.

One of the inclosed requisitions for transportation will be honored by the ticket agent of the Union Pacific Railroad at Omaha, and the other on your return at Cheyenne.

The weekly stage at Laramie, en route to Red Cloud, leaves Cheyenne on Monday, early in the day.

Your attention is called to circular letter of the Hon. Second Comptroller, of February 26, 1875, and to Department circular of July 1, 1874, for information as to requirements in settling your accounts for your expenses.

Very respectfully, your obedient servant,

EDW. P. SMITH,  
Commissioner.

Hon. THOMAS C. FLETCHER, *Saint Louis, Mo.*  
Hon. C. J. FAULKNER, *Martinaburgh, W. Va.*  
Hon. B. W. HARRIS, *East Bridgewater, Mass.*

P. S.—Since the date of the above instructions prepared for the commission and approved by the Hon. Secretary of the Interior, Professor Marsh has published a detailed statement of his case against the Red Cloud agency in the Indian service, in the New York Tribune, in the form of an open letter, addressed to the President.

## ADMINISTRATION OF RED CLOUD AND WHETSTONE AGENCIES.

## SPECIAL REPORT.

To the Hon. C. DELANO,  
Secretary of the Interior :

SIR : The commission appointed to investigate into the administration of the Red Cloud and Whetstone (Spotted Tail) agencies, and to inquire into the temper and condition of the Indians connected with these agencies, and to make such recommendations as upon examination should seem to them judicious as to the line of policy to be pursued toward them, beg leave respectfully to report, that they met at the Red Cloud agency, Dakota, March 16, 1874, all the commissioners being present, as follows : F. H. Smith, one of the Board of Indian Commissioners ; J. D. Bevier, United States Indian inspector ; Rev. S. D. Hinman, for fifteen years missionary among the Santee Sioux ; and W. H. Hare, missionary bishop to the Indians.

On motion, it was resolved that the commissioners organize and conduct their proceedings as a single body. Thereupon William H. Hare was chosen chairman of the commission, and F. H. Smith secretary.

## CONDITION OF THE INDIANS.

Before reporting the results of their mission, it may be well to state that the Indians properly connected with the Red Cloud and the Whetstone agencies are the Ogallallas and the Upper Brulés, respectively. They are among the most distant of the Sioux from civilizing influences, and the last who have accepted a position of dependence upon the Government, and their agencies are the resort during the winter of multitudes of northern Indians, (Minneconjous, Sans Arcs, Uncpapas, &c.), variously estimated at from 10,000 to 15,000 in number, who range over districts still farther removed from civilization and the power of the Government, and who, when driven in from their roving life upon the plains farther north by the rigors of the winter, come to the Red Cloud and Spotted Tail agencies, attracted by the rations which the Government dispenses there.

The wilder spirits among the Ogallallas and Upper Brulés find in these sojourners congenial company. Combined, they constitute a turbulent party, which for the time rules the agencies with a high hand. The better-disposed Indians have not yet reached strength enough, either in number or character, to resist these impetuous hordes from the north and their abettors. Those who sincerely desire to learn a better way *dare not* raise their heads ; and those who favor progress in quiet times, because it seems the winning side, are politic enough to float with the tide when its tumultuous waters run the other way. From the time of the arrival of these outside bands, white men living on the reservation are careful not to expose themselves after night-fall, and those who for months have been accustomed to travel through the country alone, without fear of molestation, seek an escort of friendly Indians. The agents are subjected to intimidation and to the most violent and unreasonable demands, while now and then small war-parties dash off into the adjacent country in the hope of happening upon a stray soldier or finding an opportunity of running off stock.

This turbulence usually continues and increases until it reaches its climax about the time when the severity of the winter is relaxing, and the visitors from the north are beginning to make their preparations for a return to their wild northern retreats.

Your commissioners found that the past winter had been no exception to the general rule. Comparative quiet prevailed at both agencies during all last summer and early fall, but upon the incoming of the northern Indians trouble at once began. The most extravagant demands were made for rations, and enforced by intimidation. The efforts of the agents to make a census of the people (which was essential to the proper regulation of the issue of rations) were thwarted and defied. When registration was, notwithstanding, attempted, the agents were forcibly restrained and their lives were threatened, and they were informed that, should they dare pass beyond certain limits which were marked out for them, they would do it at their peril.

Early in February a war-party, one or two hundred strong, was organized—perhaps there were several of them—and started on a marauding expedition for the settlement farther south.

Your commissioners have no exact information as to the amount of stock which was run off by these parties ; but within ten days a man named King, a hunter, was shot on Laramie Fork ; Edgar Gray, a teamster, was killed on the Running Water ; Lieutenant Robinson and Corporal Coleman, while absent from their train, were pursued and killed near Laramie Peak ; and Frank D. Appleton, clerk, was shot dead (as is supposed,

by one of the above-mentioned war-party on its return) within the stockade at the Red Cloud agency.

There is sufficient evidence to satisfy the commission that the better spirits discountenanced these lawless proceedings; that the murder of Appleton moved one of the chiefs to tears; that the agents were able to form a number of the Indians into a guard to protect themselves and their agencies; that one Indian, and he a northern man, demanded the return of stolen horses from a war-party of which his nephew was a leader, and when it was refused, shot him and rescued the stolen property by force; and that another defended his agent at the peril of his own life. But, notwithstanding, turbulence seems to have reigned for some time almost supreme.

#### IS WAR THE NEEDED REMEDY?

Lamentable as has been the condition of affairs, your commissioners have not discovered any proof that the Indians have been preparing for, or intending to provoke a, war with the United States. While it cannot be affirmed that these Indians are generally friendly in their feelings to the whites, their loyalty to the Great Father is evidently both general and deep-seated. It is, moreover, plain that there have been no common councils against the whites, and that there has been no concentrated action. Confirmatory of this opinion is the fact, that when the troops appeared at the agencies the great body of Indians who belonged there remained, leaving their visitors to go their way. The exhibitions of violence in which the turbulence has culminated have been, the commissioners are convinced, simply those of Indian rowdyism.

Whether the northern Indians intend war the commissioners cannot say. They have not been able to find any indications of it, other than those which have caused uneasiness in former years. If these northern tribes can be brought under the influence of the present feeding policy of the Government, a few years will witness the entire removal of all fears on this score.

The advance which has been made toward the solution of the Sioux problem, in the case of all these tribes which have been brought under the operation of the present policy, is manifest. It was but six years ago that the Indians now gathered about the Red Cloud and Spotted Tail agencies were constantly upon the war-path, and were among the most dangerous foes of the Government. Under the present policy their wild, fierce spirit has been taming down, and their proud sense of power and the defiant temper which resulted from it have been decreasing, while their dependence upon the Government has been increasing every month, so that a general war movement on their part, except under extraordinary provocation, is almost out of the question. Your commissioners have failed to discover any symptoms calculated to weaken their faith in the practical wisdom of the present policy of the Government and of its desire to avoid a war with the Sioux if it be possible. The history of our past Indian wars is humiliating. It is folly to drive to desperation, except under the pressure of absolute duty, a wild and ferocious people, who could bring into the field from six thousand to seven thousand warriors, with whom war is a passion, who range over a wild country of vast extent which is a *terra incognita* to the white man, but every inch of which is familiar to the Indian, and whose warfare would be characterized by all the peculiar difficulties with which guerrilla war confronts the army of a civilized people.

Only two methods of carrying on such a war can be conceived of, it is believed, which would give any assurance of success.

The first is to descend to the level of the Indian, and fight him with wild frontiersmen, after his own savage mode; a course which civilized people cannot adopt without self-degradation.

The other method is to inaugurate war on a scale gigantic enough to surround or occupy the whole Indian country; a plan which would call for an expenditure of money and the raising of an army which our people are not likely to authorize and sustain unless under a sense of duty or of wounded national honor, which there is no likelihood the present or future attitude of the Indians will create.

War, then, the commissioners consider out of the question, but not support of the agents by the employment of military force.

The Government owes it to its agents to save them from the necessity of being the toys or tools of lawless savages, and thus becoming a hinderance rather than a help to their real progress, and to put at their command sufficient power to enable them to discharge their duties and to make their reasonable demands respected.

It owes it to the better-disposed Indians to secure them another resource than falling in with the proceedings of the wild and riotous, or else becoming their victims, and to see that brute violence shall no longer keep at a distance those missionary and educational instrumentalities which the better Indians desire and their friends are ready to provide.

The commissioners know of no way in which this protection can be secured but by the posting of a military force in the neighborhood of all agencies among the wilder Sioux. They believe that the mere presence of troops would ordinarily accomplish all

that is desired; that the use of a military force for proper purposes would command the approval of the better-disposed Indians; that familiarity with the presence of troops would tend greatly toward taming the wilder Sioux, by accustoming them to the sight and tolerance of white men; that the support of troops would enable the agents to be a power "for the punishment of evil-doers and for the praise of those that do well," and to drive away from among the Indians the white desperadoes and fugitives from justice who have hitherto frequently been able not only to make the agencies their refuge, but to exert a very sensible influence there. The corrupting influence of private soldiers, which will at once occur to many minds as an objection to this plan, is not to be feared among the wilder Sioux as much as elsewhere, as the women are generally virtuous, and these bad influences might be reduced to a minimum by the placing of the post at a short distance from the agencies and by the exclusion of Indians from their precincts.

In confirmation of some of the points just made it may be well to state the interesting fact that your commissioners found on arriving at the agencies that; although there had been the greatest opposition on the part of the Indians to the coming of the troops, they did not attack them, and became reconciled to their presence when the commission assured them that the soldiers were not sent to make war, but to protect good men and their agency, and that during their whole stay of some weeks and their many conferences with the Indians but few urgent words of dislike to the presence of the troops were uttered, however much the Indian young men may have bantered the soldiers with alarming stories and threats.

Should the continued occupation of these agencies by troops be determined on, your commissioners recommend that the relations of the agents and the military commanders should receive careful consideration and be definitely determined.

#### NORTHERN TRIBES

From the above narrative it is apparent, your commissioners think, that the agents at Red Cloud and Spotted Tail agencies have as many Indians in those, now properly connected with their agencies, (say about 5,000 or 6,000 each,) as they can possibly manage; that the northern tribes, who make it a habit to come into their agencies in the fall, are a disturbing element, strengthening the evil-disposed and enfeebling the good; and that they are a part of the Sioux Nation numerous enough and important enough to call for a distinct effort of the Government for their conciliation and eventual civilization. To this end, your commissioners respectfully recommend that a delegation be induced to visit Washington the coming summer—a mode of treatment of tested efficacy; that they be informed that no Indians will hereafter be fed at either Red Cloud or Spotted Tail agency without being first enrolled; that they be discouraged from going to those agencies; and that they be offered an agency of their own. The question at once arises, where should the agency be located? The hive of the hostile Sioux, their retreat in times of danger, their place of council when marauding parties are being organized, is the Black Hills. All agencies, all military forts yet established by the Government, being upon the fringe only of an immense country have left the vast power which circles about this spot, the pride of the nation, untouched.

An agency and a garrison planted somewhere near these hills would put the whole Sioux country and people under the control of the Government as they have never been before, and open up this at present impenetrable heart of the nation to the rays of civilizing influences; and if the bottom-lands of the forks of the Cheyenne and of the streams which flow into them from the Black Hills should prove, upon examination, good for agricultural purposes, as many represent that they are, the commission believe the planting of an agency in the Black Hills country worth all the expense which its establishment would involve.

#### COUNCILS WITH THE INDIANS.

The commission held a number of councils with the Indians at both the agencies. The northern Indians had gone off upon hearing of the approach of the troops, and the efforts of the commission to secure a hearing from them were not successful. The attendance of chiefs and head-men of the Ogallallas, however, at their agency, and of the Upper Brule at theirs, was very general. The following points were urged upon them at both agencies in an address delivered on behalf of the commission by their chairman, a copy of which accompanies this report:

1st. That they should submit immediately to the registration of their people.

2d. That they should deliver up Indians who murdered white men or committed depredations upon their property; or that if, for any reason, they were unable to do this, they should countenance their agent in calling in the military force to arrest the offender.

3d. That, as the occasion of most murders and depredations was the absence of Indi-



ans from their reservation, in the exercise of the privilege accorded them by the treaty of 1868, to hunt buffalo on the Republican Fork, and to roam in the country south of their reservation as far as the North Platte, they had better consent, for a proper consideration, to surrender this right.

4th. That the Government proposed to send a party of surveyors to run the northern line of Nebraska, and that the Indians should put no obstacles in their way.

5th. That the Indians should consent to the removal of their agencies to such localities as might be fixed upon by the commission, after a careful exploration by the commissioners, accompanied by a large representation of Indians.

The people were evidently much disappointed that the commission had no attractive promises to make nor presents to distribute, and the state of mind was exhibited on all sides which is to be expected when the Government, having pursued with some success the commendable policy of drawing savages in from their native defiance by conciliation and presents, arrives at the point when it must teach them their duties. Discussions with them revealed most unreasonable expectations, pitiable want of appreciation of the benefits already conferred, and gross misconception of the requirements of the treaty of 1868. Indeed, it became more and more apparent every day that neither the people, nor their chiefs who signed the treaty, now understand, nor indeed ever understood, its terms. This opinion was confirmed by conversation held afterward with persons familiar with the Indians. He who would have looked for anything else has not learned human nature well, nor his first lesson in dealing with the wild children of the plain. It was delightful, however, to notice the universal reverence and love which exist for their Great Father, as they term the President, and the self-control with which, with some exceptions, their speeches and their conduct were distinguished. The only violations of this moderation were on two occasions, when, to cut off remarks on either side, the Indians, were on a sudden dispersed by a signal given by their chiefs, and the commission were left, the first time a little to their consternation, without an audience.

The registration, which was the first point urged by the commission, was assented to at the Red Cloud agency, without much opposition, and was made (for a first essay, somewhat satisfactorily) by the agent within a week after our first council. At the Whetstone agency it met with more opposition.

The second point urged by the commission would have confronted them with a much less difficult task had the Indians not been able to array before them a counterbalancing record of deprivations upon the persons and property of Indians committed by white men.

The reply to this second point was the same in substance at both agencies. The Indians said that a chief, Whistler, well known as a friendly Indian, and two of his men, had been murdered in the summer of 1872, and that within a few weeks a large number of horses had been run off by white men from the neighborhood of the Red Cloud agency.

They represented that these murderers and deplorators had never yet been punished, and that if the Government of the United States could not succeed in capturing white men who murdered Indians, it was hardly fair that it should expect Indians to capture Indians who murdered white men. They urged, further, that the Indians had no instrumentalities for arresting criminals, and that the attempt to do it would only involve them in criminations and recriminations and broils among the selves. They said, however, that if their agents called upon the military to aid them in arresting evil-doers, the Indians would not object. This reply is not unreasonable.

The commissioners are glad to be able to report as the result of their councils with the Indians of Red Cloud agency on this point, that they resolved to make up a list of all deprivations which they know to have been made by their people upon the whites, which list they propose to forward to their Great Father, with the request that damages be paid out of the money belonging to them. The commission advise that their agents be instructed to follow up all cases of murder and other deprivations by the Indians, but that in the use of the troops they should be governed by the greatest possible caution, and that they shall carry out the provisions of Article I of the treaty of 1868. This reads as follows:

*Treaty with Sioux Indians, 20th April, 1868.*

#### ARTICLE I.

From this date forward all war between the parties to this agreement shall forever cease. The Government of the United States desires peace, and its honor is hereby pledged to keep it. The Indians desire peace, and they now pledge their honor to maintain it.

If bad men among the whites, or among other people subject to the authority of the

Upon further consideration the last point was given up so far as Red Cloud agency was concerned because no reasons that appear further.

United States, shall commit any wrong upon the person or property of the Indians, the United States will, upon proof made to the agent and forwarded to the Commissioner of Indian Affairs, at Washington City, proceed at once to cause the offender to be arrested and punished according to the laws of the United States, and also re-imburse the injured person for the loss sustained.

"If bad men among the Indians shall commit a wrong or depredations upon the person or property of any one, white, black, or Indian, subject to the authority of the United States, and at peace therewith, the Indians herein named solemnly agree that they will, upon proof made to their agent and notice by him, deliver up the wrong-doer to the United States, to be tried and punished according to its laws; and in case they willfully refuse so to do, the person injured shall be re-imbursed for his loss from the annuities or other moneys due or to become due to them under this or other treaties made with the United States.

"And the President, on advising with the Commissioner of Indian Affairs, shall prescribe such rules and regulations for ascertaining damages under the provisions of this article as, in his judgment, may be proper.

"But no one sustaining loss while violating the provisions of this treaty or the laws of the United States shall be re-imbursed therefor."

It became apparent in our councils and informal conversations with the Indians that they considered that their liberty to kill is restrained only so far as white men are concerned, and that they have no adequate conception of the fact that marauding expeditions against Pawnees, Poncas, &c., are displeasing to the Great Father. They affected great surprise when told that the massacre of the Pawnees last summer horrified their friends at the East.

Your commissioners suggest that their agents be specially instructed to inform them that these and all other Indians are the Great Father's children.

The third proposal of the commission touches a right which the Indians hold very dear, and it was hardly expected that it would meet with a favorable reply, and it did not.

But the privilege of hunting upon the Republican Fork and of roaming in the unceded land north of the Platte, is fraught with evil. It keeps active in the Indians their wild and roving habits. It removes them for a considerable time from the good influences with which the Government is seeking to surround them on their reservation. It is the only just pretext which they have for crossing their boundary-line into the territory of the whites, and is every year the occasion of murders perpetrated either by Indians upon white men or by white men upon Indians. The shocking massacre of Pawnees about nine months ago would never have occurred but from the fact that the perpetrators were off for a hunt on the Republican Fork. The commission believe the right in question to be the source of a large proportion of the alarms from Indians, which periodically run over parts of our western country, and of a great part of the irritation which exists to so lamentable an extent between the Indians and the border whites. The United States, as the guardian of these Indians, should deny them hereafter this harmful right, and could afford to make its surrender less unpalatable by making them a handsome present of blankets, Indian cloth, ticking, and blue drilling.

The fourth proposition of the commission, viz, that the Indians should assent to the running of the Nebraska line, was not very acceptable to them, but no warm opposition was offered to it. The commission are of the opinion that, if the Indians are informed through their agents, before the appearance of the surveyors, of their object, the survey may be undertaken this summer without increasing the danger of hostilities. The party should be accompanied either by an escort of soldiers, or better, by a paid escort of friendly Indians. A survey will probably make it apparent, however, that the Nebraska line runs far north of what the Indians suppose to be the southern boundary of their reservation. It is unfortunate that the treaty of 1868 determined the southern limits of the reservation by an imaginary line. An Indian cannot understand what this is. Extravagant claims, or, at the best, misconception, are the natural and certain result.

The fifth point brought up by the commission, the location of agencies, is perhaps the most important and far-reaching in its influences of them all. It seems to your commission that the time has come when a general plan for the location of agencies should be adopted, which shall embrace the whole Sioux Nation, and that the location of agencies shall no longer be governed as it has been, of necessity, often in the past by merely special, temporary, or local considerations. The commission were in hopes that the Indians at both agencies could be induced to consent to the removal of their agencies to any points which your commissioners should desire, and that thus they would be at liberty not only to map out, but to put into effect a general plan for the location of the agencies for all the Indians who are not now upon the Missouri, or cannot be advantageously located there. There seemed sufficient reason for removal in the fact that the Whetstone agency is situated in a region of country where agriculture, to which it is the policy of the Government to turn the attention of the people,

is simply out of the question; and that the Red Cloud agency is located very near to, and perhaps even south of, the southern line of the Sioux reservation. The commission, however, found the Indians very much opposed to removal, and this opposition in the case of Red Cloud's people seemed so reasonable that the commission did not feel that they were justified in insisting on their removal. It is only eight months since these people were removed, much against their will, from a locality still farther south. The present site of their agency was chosen by an authorized commission who judged, upon the best information then to be had, that the selected location was north of the southern line of the reservation. This site is a beautiful one, and offers more advantages in the way of timber, water, and arable land than any which can be found within fifty miles. And, finally, considerable expense has been incurred in erecting a large stockade and a number of agency-buildings.

The case is far different, however, with the Whetstone agency, forty miles northeast of Red Cloud agency, on the White Earth River. It is situated in the midst of an utterly barren and repulsive region. It was placed there without authority. Wood is scarce. The water is inferior. The land is either covered by a very shallow soil or utterly denuded of it. The bottom-lands of the White Earth River, and the bottom-lands of all the creeks in the neighborhood of the agency, are so contracted that their practical value amounts to nothing. And, finally, the agency is at a great distance (from 25 to 20 miles) from any point of supply, existing or possible, on any route of river or railroad transportation. The site is thus as devoid of any practical advantages as it is of any feature that can attract the eye.

If it were the policy of the Government to let Indian life drift along as it may, until it accomplishes by its own blindness and folly its final extinction, or if the policy were based upon the principle that all efforts to turn the energies of the Indian toward self-support are futile, and that, therefore, one place is as good for them as another, the agency might well remain where it is. But if it is desired to place these Indians where agricultural effort may reasonably be required of them, where the large number of whites and half-breeds, who are incorporated with them, (numbering, perhaps, five hundred souls,) will have an opportunity to improve their condition, and where respectable men, with respectable families, will be willing to come as employes and teachers, change is essential. It should be made with expedition, too. A large population of half-breeds is growing up among them in utter ignorance of the simplest elements of education—intellectual, moral, and religious. Educational and missionary efforts, which they earnestly desire and for which they have subscribed some hundreds of dollars, have been delayed year after year, and are practically impossible as long as the present unsatisfactory condition of affairs continues. Moreover, the Government can hardly erect suitable winter-quarters for the military force stationed for the protection of this agency until a permanent location has been selected. The commission found little difficulty in persuading two of the three bands of which the Lower Brulés are composed to take their view of the case, and to consent to accompany them in search of a suitable location. Indeed, many of them were quite ardent in representing that those of the Indians who were desirous of beginning to plant were held in a part of their country where this course was an impossibility, and where they were removed some four or five miles from wood by the selfish opposition of one of the chiefs (Spotted Tail) and his band. The claims and conceit of this chief know no bounds, and being himself settled, with his band, upon Bordeaux Creek, where, having wood and water and receiving rations from the Government, he lives at ease, he persistently opposed all the efforts of your commissioners toward the selection of a site for the agency. As his influence towers above that of all others, the commission did not dare travel through the country against his will, and there was no course left to them, and those who were ready to accompanying them in seeking a site for the agency, but to succumb.

He pursued a similar course in reference to several of the other propositions of the commission. It was in vain that they urged upon him, day after day, that the Great Father was resolved that the people should be counted. The Corn band and the Loafer band, constituting about half the people, consented immediately; but Spotted Tail first refused and then prevaricated, and the commission were obliged to leave without accomplishing this object of their errand. They are of the opinion that the time has come for decisive measures, and that one man and his band should no longer be permitted to breed a spirit of resistance among the people and retard their progress. They recommend that the agent be instructed to desist immediately from issuing rations to any band which has not permitted itself to be registered, and to refuse them rations until they submit, and that measures be taken to insure that the military force at the agency is sufficient to support him in carrying out these instructions.

They also recommend that this same commission be sent out again, and be provided with sufficient cavalry force to protect them in searching for a suitable site for an agency. They have reason to think that such a course would exert a most wholesome influence, by showing these people that they must acquiesce in the demands of the Government, and that it would not lead to war.

The commission have reason to believe that a suitable site for an agency may be found farther down the White Earth River, either at the mouth of Big White Clay, about two hundred miles from the Missouri, at the mouth of Wounded Knee Creek, one hundred and eighty-five miles from that river, or near the South Fork of the White Earth, about one hundred and twenty miles from the Missouri.

The commission are not prepared, with their present information, to recommend the removal of the agency to the banks of the Missouri. Such a site would be desirable were economy in furnishing supplies and ease of military occupation the only desiderata; but the good of the Indians the commission holds to be a matter of supreme concern. So far as the commission could learn, the only land on the Missouri available for the occupancy of the Brulés is that formerly occupied by them at the mouth of Whetstone Creek. Its extent is represented as very limited and entirely unequal to the wants of a large body of Indians whose energies are to be directed to farming. The supply of timber is very insufficient. The land lies opposite to a strip occupied by ranchmen, who live largely by traffic in whisky, and who, when the Indians were located at the mouth of Whetstone Creek, some years ago, flooded their camp with whisky, and made it such a scene of riot and bloodshed that the people even yet speak of it with horror. Even the presence of the military failed, it is represented, to suppress this traffic. It is an evil, it is to be feared, which no precautions could prevent at that spot among a body of Indians in which the white and half-breed element is as largely represented as it is among these Brulés.

#### PERMANENT HOME FOR THE SIOUX.

A great part of the Sioux reservation is an utterly barren district. The arable land embraced within it will not be sufficient for the wants of half the population when they have given themselves to agriculture. Even where the soil is good, a crop cannot be raised more than one year out of three, on account of ravages of grasshoppers and hail-storms, and the extreme dryness of the climate. Their reservation is thus a discouraging place for beginners in agriculture. Some of those of the Sioux who are making efforts in farming (for example, some of the Santees) are anxious to move to the Indian Territory. If good land is at the disposal of the Government in that Territory, the commission recommend that measures be taken for the gradual removal thither of all Sioux Indians who may be willing to emigrate. The Great Sioux reservation should be used as a place for taming the Sioux and training them for the occupation of the Indian Territory as their home.

#### PROMISE OF GUNS.

The commission found that the Indians of Red Cloud agency had been laboring under the impression that Commissioners Brunot and Kemble had, last year, made them, on behalf of the Government, a definite promise of guns. Indians base firm hopes on any semblance of a foundation. The evidence shows that those commissioners made no such promise, but merely expressed themselves in favor of giving the Indians a certain number of guns and promised to use their influence in favor of it. Your commissioners are led to this conclusion by the testimony of military officers who were present, as well as by that of one at least of the interpreters.

#### HOARDING OF AMMUNITION.

It appears from the statements of the traders at Red Cloud and Whetstone agencies, herewith sent, that the whole amount of trade during the three months beginning December 1, a time when the largest number of Indians was present at these agencies, was \$37,224.59. The amount of ammunition sold to whites and Indians during the same time was \$1,416.00, or less than one-thirteenth of the entire trade.

During these months the number of Indians present was variously estimated from 20,000 to 25,000. If we take the less number as most likely to be correct, there would have been less than five thousand men, old enough to bear arms, present at both agencies. Deducting the old and the sick and those not owning arms, three thousand is probably the number actually buying ammunition. The amount purchased by each individual, therefore, was less than one-half dollar in value. The small quantity the purchasers would receive for that sum, owing to the high rates charged by the traders, would seem to show conclusively that no large quantity could have been hoarded. And if any individual belonging to hostile bands has purchased more largely, it has been probably for distribution when he should arrive at his own camp. This would make the quantity so small, that another use than the killing of game could hardly have been intended. It does not appear that the demands made by Indians for permission to purchase ammunition have been larger than in previous years or than is usual.

#### ADMINISTRATION OF RED CLOUD AND WHETSTONE AGENCIES.

The commissioners arrived at Red Cloud agency Sunday morning, March 15, and on Monday began their investigations into the condition of affairs there, and continued them daily until March 18, when they drove to Whetstone agency, and began a simi-

lar examination there. They returned to Red Cloud agency Friday, March 27, and resumed their investigations, concluding them the following Tuesday, when they resumed their examination at the Whetstone agency. They judged that the best basis for conducting their inquiry into the administration of the agents was the allegations made against them in a report presented to the Board of Indian Commissioners by Mr. Samuel Walker, who visited the agencies last November, which report was referred by the Department to this commission. Copies of this report were placed in the hands of J. J. Saville and E. A. Howard, agents, and they were severally called upon to respond to its statements and the charges against their administration of their offices to be inferred therefrom. Their responses were subjected to a searching examination by the commission, and the truth of their statements ascertained. Wherever witnesses were referred to in proof of their assertions, they all (or a sufficient number of them) were summoned, and their testimony taken under oath. Wherever books or papers were quoted or appealed to, they were examined by the commissioners personally. The responses of the agents are submitted as part of this report. Testimony taken in this connection is filed herewith. It became apparent to the commission, in the course of their inquiries, that some of the affidavits which seemed to reflect most upon the character of the agents were such partial statements, that they amounted to a culpable *suppressio veri*; and that some of the testimony, on which were based the most damaging attacks upon their administration, was the testimony of a well-known deserter and thief.

Facts cited to the discredit of the agents, which were gleaned at the agencies during their absence, and which they then had no opportunity to account for, were, when brought to their notice, satisfactorily explained; practices which were irregular, were shown to have been unavoidable in the peculiar circumstances in which these agents were placed; and transactions which at first sight seemed suspicious, and to which a criminal intent has been imputed, were shown to have been characterized by entire good faith, to have been carried on in broad daylight, and, where not justifiable, to have been not wrong-doing, but the mistakes of men new in an office where, peculiarly, the incumbent can learn only from experience.

In regard to one transaction, which is not, perhaps, sufficiently explained in the reply of Agent Saville, viz, the enrollment and pay of F. D. Appleton, clerk, during a period when he was not actually discharging the duties of his office, the conclusion reached by the commission is as follows:

The appointment of F. D. Appleton was made in good faith, and from the date on which his name appears on the pay-roll. The same was in good faith accepted by him by telegraph. He was to have started immediately for the agency to assume the duties of his office, and was only detained by an accident. (broken leg.) The agent, daily expecting his arrival, retained his name on the pay-roll. The duties of his position were discharged by the agent and employes of the agency, and no other person received compensation as clerk up to the time of his assuming the duties of his office in person. The transaction involved irregularities, but the commission do not find that any fraud was intended by the agent.

The commission indorse the replies of the agents in all their material points, and give as the result of their prolonged investigation into the points touched upon in Mr. Walker's report, and the result also of their intercourse with the agents, and their personal observations of men and things at the agencies, the entire relief of Agents Saville and Howard from the suspicions cast upon their characters and their administrations, and the earnest conviction that these gentlemen have performed their duties during a time of great trial and in the midst of great embarrassments with energy, honesty, and entire fidelity to the interests of the Government and the Indians, and that they deserve the confidence and commendation of the Department.

The commission are of opinion that the service of the Department would be improved if the following instructions were issued, viz:

That all beef and other provisions shall be issued by orders upon an issue-clerk, and that these orders should pass through the agent's office in order to their appearance upon the books of the agency.

That agents shall keep all their original orders upon their issue-clerks, in order that they may have at hand the means of satisfying the inquiries of inspectors and other authorized inquirers.

That the present custom, by which departing agents carry all the papers of the agency away with them, and thus leave their offices without a history, and their successors destitute of any guides in their new duties, shall be henceforth forbidden, and that these papers shall be the property of the Department.

#### OVERISSUE OF BEEF.

In regard to one matter, which has come before the commission in several papers and which has been the occasion of a good deal of public animadversion, viz, the overissue of beef, the commission reports that it is unquestionable that there has been overissue. It is freely admitted by both the agents: they have reported it to the

Department from time to time. The commission believes it to have been unavoidable. In the first place, the Red Cloud and Spotted Tail agencies are but forty miles apart, and there is no doubt that the same Indians frequently drew rations at both agencies, an evil which was remediless, as long as registration was impossible. In the second place, it appears that at Red Cloud agency the supply of other provisions was short, and extra beef was consequently issued, as reported in Agent Saville's letter to the Department, of December 29, 1873. In the third place, the testimony is abundant and unanimous to the point that these agencies, always the refuge in winter of northern Indians who have connected themselves with no agency in particular, were last winter the resort of a larger number than usual; that they united with the Indians belonging to the agencies in making the grossest misrepresentations as to their numbers, and basing on them extravagant demands for rations; that they thwarted all attempts of the agents to arrive at a true estimate of the amount of food they were entitled to; that a census could not have been made except at the peril of the agents' lives; and that the agents, failing in their efforts to number the people, always strove to cut down the issue to the lowest amount possible, and that their issues were generally far less than the Indians would have received had their exorbitant demands been fully complied with.

There is, however, no evidence whatsoever that more beef was issued than was actually used, either by immediate consumption, or by being dried and laid by in store; and rumors to the effect that the issue of beef was so excessive last winter that large quantities were left to rot, the Indians taking only the hides, are, the commissioners believe, entirely without foundation in fact.

#### WASTE OF FLOUR.

The commission saw many evidences that there has been more or less waste of flour. This has not arisen, so far as the commission was able to discover, from an issue exceeding that authorized by the Department, but partly from the fact that wild Indians are not fond of flour, and are apt to neglect its use, especially when the supply of beef is as abundant as it has necessarily been at these agencies; partly from the fact that some of the flour issued had been long on hand and had become musty, and partly from the fact that large quantities of flour, which the present agent found on hand when he entered upon his office last June, being utterly unfit for use, were dealt out to the Indians to be fed to their ponies. The substitution of corn for a part of the flour supply is very acceptable to the Indians, and meets with the approval of the commission.

#### VISIT OF SPOTTED TAIL TO CHEYENNE.

Such a visit is likely to be suggested and to be made under the influence of designing white men, and is always more or less to be suspected.

As appears from the report of the commission, under the head of "supplies," their quality is not such as to justify the complaints of Spotted Tail. Those familiar with wild Indians know that complaint is always the burden of their talk in an interview with those who are supposed to be in communication with the Great Father.

As to which of the two routes should be used in transporting freight overland to Whetstone agency, whether that from Cheyenne or that from Fort Randall, the commission gained no information which enables it to express a decided preference for one route over the other. If the cost via Fort Randall is less than via Cheyenne, the commission knows of no disadvantages under which the former labors which should give the preference to the other.

They think that the proposition that Spotted Tail's people, or those legally incorporated with them, should have the privilege of doing their own freighting, worthy of attention. If their agent is prepared to superintend it, and to make proper arrangements for the faithful discharge of the service, the plan has manifest advantages, and the commission recommend that it be tried.

#### SUPPLIES, THEIR INSPECTION, QUALITY, ETC.

Your commission are of opinion that a due regard to the interests of the Government and the Indians demands that all packages consigned to agents for the Indians in fulfillment of contracts should, without exception, bear the brand which marks them as the property of the Indian Department, and also the brand of the inspector, indicating that they have passed his inspection.

Their examination of flour in an unloaded car at the Cheyenne store-house, and of supplies in that store-house and at the agencies, revealed the fact that this branding is frequently omitted. Many packages bore neither brand.

They noticed that barreled pork is supplied, to a degree, at Whetstone agency instead of bacon. The supply of the latter article at both Red Cloud and Whetstone agencies was exhausted, so that the commission was unable to judge of its quality. They examined the pork, however, and found it sweet and good.

The commission was not furnished with samples, and, therefore, could not determine whether the supplies were up to the standard required by the contract. They exam-

ined, however, the flour, sugar, coffee, and other supplies on hand at both agencies and in the store-house at Cheyenne. They were all of fair quality. Both the agents agreed that it would be better to provide baking-powders instead of saleratus, as the Indians do not know how to use the latter properly.

The commission took particular pains to inquire into the quality and weight of the beef furnished by the contractor during the current fiscal year. The testimony of many witnesses, and the personal observation of the members of the commission, convinced them that the cattle have been remarkably excellent in quality, size, and condition, and that their average weight has been, on the whole, considerably above that required by the contract. The average weight required by the terms of the contract for the six months beginning July 1, 1873, was eight hundred pounds, while the cattle actually delivered at Red Cloud agency during the time regarding which the incumbency of the present agent enabled him to testify, weighed on an average as follows:

*First six months.*

Date.	No. of head.	Average weight.	Total.
August 8 .....	20	1,050	21,000
August 15 .....	383	1,010	386,830
September 1 .....	483	1,040	502,320
September 15 .....	561	1,056	590,056
October 1 .....	647	1,063	687,761
October 15 .....	633	1,043	660,219
November 1 .....	290	993	287,970
November 15 .....	410	963	396,470
December 1 .....	507	975	494,497
December 15 .....	508	946	480,568

The average weight required by contract during the six months beginning January 1, 1874, was one thousand and fifty pounds, while the average weight delivered was as follows, viz:

*Second six months, up to date.*

Date.	No. of head.	Average weight.	Total.
January 1 .....	312	904	282,310
January 11 .....	330	881	290,856
January 21 .....	340	1,002	340,908
February 2 .....	356	993	352,508
February 15 .....	300	1,016	305,064
March 7 .....	350	1,063	372,050
March 23 .....	271	1,053	285,425

These latter figures are below those required by the contract, but not as much below as those for the first six months are above. The whole average has been in advance of that which the contract demanded.

The terms of the contract for the Whetstone agency are the same as those for the Red Cloud, viz, an average of eight hundred pounds for the six months beginning July 1, and an average of one thousand and fifty pounds for the succeeding six months. The average weights actually delivered have been as follows:

*First six months.*

Date.	No. of head.	Average weight.	Total.
July 12 .....	332	942	303,324
July 23 .....	725	1,048	759,800
August 15 .....	444	1,052	467,088
September 1 .....	460	1,059	483,000
September 15 .....	530	1,005	532,650
October 15 .....	1,056	1,047	1,105,632
November 25 .....	655	950	622,250
December 12 .....	355	915	324,825

Second six months, up to date.

January 20 .....	401	940.36	377,092
February 4 .....	198	959	189,878
February 13 .....	251	1,012.80	254,207
March 19 .....	270	1,028.70	277,749

The letter of the contract has not, as thus appears, been complied with at either agency, and the commission supposes that the contractor is liable for damages for non-compliance.

The mind of the commission, under these circumstances, is expressed in a letter of Agent Howard of March 26, and their indorsement of it given herewith, as follows.

Whether the contractor will accept this compromise, the commission are not informed

" WHETSTONE AGENCY, DAKOTA TERRITORY,

" March 26, 1874.

"SIR: I had the honor in my letter of the 16th instant to refer to the question of the future supply of beef for this agency.

"I desire herein further to state that in consequence of the unsettled state of the country hereabout, it is difficult to get beef cattle here of the proper description to accord with the original terms of the contract for this season.

"Since receiving Department letter of February 13, I have received one lot for issue which does not weigh up to the requirements of that letter.

"The contractor states that they were driven here from a distance of 80 miles with only one night's rest, thereby losing much of their weight, and that his herds having of late been frequently disturbed they have materially fallen off in weight.

"He has delivered at this agency, from July 1, 1873, to February 13, 1874, inclusive, 5,397 head, weighing 5,419,746 pounds, averaging 1,004.21 pounds, and therefore he has exceeded the average weight actually required by the contract.

"I respectfully ask permission to receive and receipt for cattle weighing a less average than 1,050 pounds, which I think he should be allowed to deliver.

"On 19th March, he delivered here 270 head, weighing 277,749 pounds, averaging 1,029 pounds, which I request permission to receipt for at that weight.

"Very respectfully, your obedient servant,

" E. A. HOWARD,

" United States Indian Agent.

" Hon. COMMISSIONER OF INDIAN AFFAIRS,

" Washington, D. C."

" WHETSTONE AGENCY, DAKOTA TERRITORY,

" March 26, 1874.

"SIR: By the contract the average weight of cattle, during the first six months of the fiscal year, was to be at least 800 pounds. Evidence is abundant that the average was far in excess of this, say 1,000.

"We think this fact a justification of leniency to the contractor if he is not able to furnish cattle quite up to the average required during the last six months of the fiscal year.

"The evidence is sufficient that during the disturbances the contractor, by advice of General Ord, removed his cattle to the Platte, and in consequence had to drive his cattle, at the time of the last issue, 80 miles without sufficient food and water. Their loss in weight under these circumstances must have been very considerable. We believe that, but for the late disturbance, the cattle furnished March 19 would have averaged 1,050 pounds.

"We indorse the statement of the foregoing letter of Agent Howard, and recommend that the shortness of average weight during January, February, and March be overlooked, provided the contractor will furnish beef required for Whetstone and Red Cloud agencies over and above amount required by contract, at contract prices. We also recommend that the average weight of cattle to be furnished after this date shall be not less than 900 pounds.

"Very respectfully,

" WILLIAM H. HARE.

" FRANCIS H. SMITH.

" J. D. BEVIER.

" SAMUEL D. HINMAN.

" Hon. COMMISSIONER INDIAN AFFAIRS."



Your commissioners beg respectfully to close their report with the following digest of their recommendations and conclusions:

## RECOMMENDATIONS.

That the agents at the Red Cloud and Spotted Tail agencies, and at any agencies hereafter established among the wilder Sioux, be supported by a military force, which should, however, except under extraordinary circumstances, be at a short distance from the agency and not immediately adjoining. The relation of the agent and the commanding military officer should be definitely determined. (See page 21.) That an agency be provided for the Northern Sioux, and that, to this end, they be refused rations at the existing agencies, and a delegation of them be induced to visit Washington, and that the location of the agency be in the neighborhood of the Black Hills. (See page 22.)

That agents be instructed to carry out the provisions of Article I of the treaty of 1868. (See page 23.)

That the northern line of Nebraska be run this summer. (See page 24.)

That a liberal present of blankets, Indian cloth, ticking, and blue drilling be made the Upper Brulés and Ogallallas for the surrender of their right to hunt on the Republican, and to roam over the neutral ground south of the reservation, and that they be informed that this right is withdrawn. (See page 24.)

That the agent at Whetstone agency be instructed not to issue rations to any band which refuses to be counted, and that your commissioners be requested to find a suitable place for the agency, and that both have military protection. (See page 25.)

That all beef and other provisions be issued by orders on the issue clerk, which orders should pass through the office in order to their appearance on the books; that these orders be filed away for safe-keeping, and the books and papers of the agency be the property of the Government and not of the agent. (See page 28.)

That the Indians of Whetstone agency may be permitted to take the contract for freighting. (See page 28.)

That brands of United States Indian Department and of inspector be placed upon all packages consigned to agents under contract. (See page 28.)

Recommendation as to beef for balance of the current year. (See page 29.)

That, Indians being their own worst enemies, being bent on a mode of life that is fatal to their own good, and, moreover, rarely understanding the meaning of treaties, and more rarely still remembering the obligations therein laid upon them, a *just and generous declaration by the United States Government of what they must do* is a better mode of dealing with them than negotiation or treaty-making, wherever the Government is in a position to pursue the former course. (See page 22.)

That a system should be inaugurated for the removal of the Sioux, as soon as practicable, to a climate and soil less discouraging to the efforts of beginners in husbandry. (See page 25.)

That the Sioux be informed that depredations on other Indians displease the President. (See page 24.)

## CONCLUSION.

The late disturbances are not indicative of preparations for war. (See page 21.)

The present policy is accomplishing the results desired. (See page 22.)

Commissioners Brunot and Kemble did not promise these Indians guns. (See page 26.)

Removal of the Upper Brulés to the Missouri is of doubtful wisdom. (See page 26.)

Ammunition has not been hoarded for war. (See page 26.)

Agents Saville and Howard are exonerated, and deserve confidence and commendation. (See page 27.)

Beef has been overissued, but the agents were helpless to avoid it. (See page 28.)

Beef has not been issued in such quantities that it has been left to rot. (See page 28.)

Flour has been wasted; causes given. (See page 28.)

Spotted Tail's complaints at Cheyenne were not justifiable. (See page 28.)

Supplies of all kinds are wholesome and of at least fair quality. (See page 29.)

Submitted on behalf of all the commissioners.

I am, very respectfully, your obedient servant,

WILLIAM H. HARE,  
Chairman.

F. H. SMITH,  
J. D. BEVIER,  
SAMUEL D. HINMAN,  
WILLIAM H. HARE,  
Commissioners.

WASHINGTON, D. C., April 22, 1874.