

REPORT OF THE COMMISSIONER OF INDIAN AFFAIRS.

DEPARTMENT OF THE INTERIOR,
Office Indian Affairs, November 6, 1858.

SIR: I have the honor to submit, for your consideration, the usual annual report on Indian affairs.

No change has taken place during the past year in our relations with the various border and other tribes, with which we have for some time had treaty engagements; and the annual reports from this office for the last and several previous years having fully set forth all the material facts in regard to their location, condition, and circumstances, I omit on this occasion the usual detail of particulars in relation to them. A mass of interesting information respecting them and their affairs will, however, be found in the accompanying reports of the superintendents and agents having them in charge.

As heretofore reported, the whole number of Indians within our limits is estimated to be about 350,000. These consist of one hundred and seventy-five separate and distinct tribes and bands, with forty-four of which we have treaty engagements.

The whole number of ratified treaties with Indians entered into since the adoption of the federal Constitution is three hundred and ninety-three, nearly all of which contain provisions that are still in force, and the proper execution of which occupies a large portion of the time and attention of this office from year to year. Most of them were treaties of cession, by which large bodies of land were acquired from the tribes with which they were made, for occupation and settlement by our white population. It is estimated that the quantity of land thus acquired is about 581,163,188 acres, and that the entire cost thereof, including the expense of fulfilling all the stipulations of the treaties will be \$49,816,344. From a considerable portion of these lands the general government derived no pecuniary advantage, as on the extinguishment of the Indian usufruct title they became the property of the States within whose boundaries they were situated. From what has up to this time been sold of the others, it is estimated that there has been received into the federal treasury an amount which exceeds the entire cost of the acquisition of the whole and the expense of surveying and selling those disposed of by at least one hundred millions of dollars. The amount applicable for fulfilling treaty stipulations with the various tribes and for other objects connected with our Indian policy, during the present fiscal year, was \$4,852,407 34; of which sum \$204,662 89 was derived from investments of trust funds in stocks of various States and the United States. The whole amount of trust funds held on Indian account is \$10,590,643 62, of which

\$3,502,241 82 has been invested in that manner; the remainder, viz: \$7,088,407 80 being retained in the Treasury, and the interest thereon annually appropriated by Congress. As by this latter arrangement the government every twenty years pays an amount equal to that of the principal so retained, it is worthy of consideration whether it will not be expedient and advisable, when the national treasury shall be in a condition to admit of it, also to invest that amount in like manner with the other Indian trust funds.

The aggregate amount appropriated by Congress for the service of this department during the present fiscal year, was \$2,659,389 00, of which \$1,309,054 00 was required for the fulfillment of absolute and specific treaty stipulations. The remainder, viz: \$1,350,335 00, was mainly for recognised and established objects of expenditure connected with our Indian policy, and it was only over it that any discretion whatever could be exercised in regard to economy. By a careful and rigid supervision of the expenditures, however, and by a system of retrenchment which has been commenced in the administration of the policy of colonizing the Indians on the reservations established in Oregon, California, and Texas, this office hopes to be able to effect a material reduction in its expenditures for the remainder of this, and during the next fiscal year. In making up the estimate recently submitted for the last mentioned period, every item which admitted of the exercise of any discretion, was carefully scrutinized; and, in all instances where it was deemed prudent and practicable, reduced to the lowest possible amount. In consequence of such reductions, the sum estimated as necessary for the next, is less by \$744,829 51, than the amount of the appropriations for the present fiscal year.

From the commencement of the settlement of this country, the principle has been recognised and acted on, that the Indian tribes possessed the occupant or usufruct right to the lands they occupied, and that they were entitled to the peaceful enjoyment of that right until they were fairly and justly divested of it. Hence the numerous treaties with the various tribes, by which, for a stipulated consideration their lands have, from time to time, been acquired, as our population increased.

Experience has demonstrated that at least three serious, and, to the Indians, fatal errors have, from the beginning, marked our policy towards them, viz: their removal from place to place as our population advanced; the assignment to them of too great an extent of country, to be held in common; and the allowance of large sums of money, as annuities, for the lands ceded by them. These errors, far more than the want of capacity on the part of the Indian, have been the cause of the very limited success of our constant efforts to domesticate and civilize him. By their frequent changes of position and the possession of large bodies of land in common, they have been kept in an unsettled condition and prevented from acquiring a knowledge of separate and individual property, while their large annuities, upon which they have relied for a support, have not only tended to foster habits of indolence and profligacy, but constantly made them the victims of the lawless and inhuman sharper and speculator. The very material and marked difference between the northern Indians and

those of the principal southern tribes, may be accounted for by the simple fact that the latter were permitted, for long periods, to remain undisturbed in their original locations; where, surrounded by, or in close proximity with a white population, they, to a considerable extent, acquired settled habits and a knowledge of and taste for civilized occupations and pursuits. Our present policy, as you are aware, is entirely the reverse of that heretofore pursued in the three particulars mentioned. It is to permanently locate the different tribes on reservations embracing only sufficient land for their actual occupancy; to divide this among them in severalty, and require them to live upon and cultivate the tracts assigned to them; and in lieu of money annuities, to furnish them with stock animals, agricultural implements, mechanic-shops, tools and materials, and manual labor schools for the industrial and mental education of their youth. Most of the older treaties, however, provide for annuities in money, and the department has, therefore, no authority to commute them even in cases where the Indians may desire, or could be influenced to agree to such a change. In view of this fact, and the better to enable the department to carry out its present and really more benevolent policy, I would respectfully recommend and urge that a law be enacted by Congress, empowering and requiring the department, in all cases where money annuities are provided for by existing treaties, and the assent of the Indians can be obtained, to commute them for objects and purposes of a beneficial character.

The principle of recognising and respecting the usufruct right of the Indians to the lands occupied by them, has not been so strictly adhered to in the case of the tribes in the Territories of Oregon and Washington. When a territorial government was first provided for Oregon, which then embraced the present Territory of Washington, strong inducements were held out to our people to emigrate and settle there, without the usual arrangements being made, in advance, for the extinguishment of the title of the Indians who occupied and claimed the lands. Intruded upon, ousted of their homes and possessions without any compensation, and deprived, in most cases, of their accustomed means of support, without any arrangement having been made to enable them to establish and maintain themselves in other locations, it is not a matter of surprise that they have committed many depredations upon our citizens, and been exasperated to frequent acts of hostility.

The Indians in Oregon and Washington number about 42,000, and are divided into 35 tribes and bands. The only treaties in force with any of them, are with those who inhabited the valuable sections of country embraced in the Rogue river, Umpqua and Willamette valleys. After repeated acts of hostility and continued depredations upon the white settlers, the Indians in Oregon were removed to, and are now living upon the reservations, one on the western and the other on the eastern side of the coast range of mountains; and the country to which their title was extinguished has rapidly filled up with an enterprising and thrifty population. In the year 1855, treaties were also entered into by the superintendent of Indian affairs for Oregon, and by Governor Stevens, *ex officio* superintendent for Wash-

ington Territory, with various other tribes and bands, for the purpose of extinguishing their title to large tracts of country, which were needed for the extension of our settlements, and to provide homes for the Indians in other and more suitable locations, where they could be controlled and domesticated. These treaties not having been ratified, the Indians were sorely disappointed in consequence of the expectations they were led to entertain of benefits and advantages to be derived from them not being realized. Moreover, the whites have gone on to occupy their country without regard to their rights, which has led the Indians to believe that they were to be dispossessed of it without compensation or any provision being made for them. This state of things has naturally had a tendency to exasperate them; and, in the opinion of well informed persons, has been the cause of their recent acts of hostility. The belief is confidently entertained, that, had the treaties referred to been ratified and put in course of execution, the difficulties that have occurred would not have taken place; and there can be but little if any doubt, that the cost of the military operations to subdue the Indians, and the losses sustained by our citizens from their depredations and hostilities, will amount to a far greater sum than would have been required to extinguish their title and establish and maintain them, for the necessary period, on properly selected reservations, had that policy in respect to them been sanctioned and timely measures taken to carry it out.

It cannot be expected that Indians situated like those in Oregon and Washington, occupying extensive sections of country, where, from the game and otherwise, they derive a comfortable support, will quietly and peaceably submit, without any equivalent, to be deprived of their homes and possessions, and to be driven off to some other locality where they cannot find their usual means of subsistence. Such a proceeding is not only contrary to our policy hitherto, but is repugnant alike to the dictates of humanity and the principles of natural justice. In all cases where the necessities of our rapidly increasing population have compelled us to displace the Indian, we have ever regarded it as a sacred and binding obligation to provide him with a home elsewhere, and to contribute liberally to his support until he could re-establish and maintain himself in his new place of residence. The policy, it is true, has been a costly one, but we have been amply repaid its expense by the revenue obtained from the sale of the lands acquired from the Indians, and by the rapid extension of our settlements and the corresponding increase in the resources and prosperity of our country.

One of the difficulties attending the management of Indian affairs in Oregon and Washington, is the insufficiency of one superintendent for the great extent of country, and the numerous tribes and large number of Indians in the two territories. The superintendent reiterates his former representations respecting the necessity for two additional superintendencies, and your attention is respectfully recalled to the subject, as presented in the report from this office on the 6th of May last.

The superintendent again represents the necessity for the employment of a small war steamer for the protection of our settlements and

the friendly Indians along Puget's Sound and the waters of Admiralty Inlet, from the hostile and predatory visits of the warlike Indians from Vancouver's Island and the neighboring British and Russian possessions, who move so swiftly in their large boats, that it is impossible to overtake or cut them off except by means of such a vessel.

The policy of concentrating the Indians on small reservations of land, and of sustaining them there for a limited period, until they can be induced to make the necessary exertions to support themselves, was commenced in 1853, with those in California. It is, in fact, the only course compatible with the obligations of justice and humanity, left to be pursued in regard to all those with which our advancing settlements render new and permanent arrangements necessary. We have no longer distant and extensive sections of country which we can assign them, abounding in game, from which they could derive a ready and comfortable support; a resource which has, in a great measure, failed them where they are, and in consequence of which they must, at times, be subjected to the pangs of hunger, if not actual starvation, or obtain a subsistence by depredations upon our frontier settlements. If it were practicable to prevent such depredations, the alternative to providing for the Indians in the manner indicated, would be to leave them to starve; but as it is impossible, in consequence of the very great extent of our frontier, and our limited military force, to adequately guard against such occurrences, the only alternative, in fact, to making such provision for them, is to exterminate them.

Five reservations have been established in California, on which, according to the reports of the agents, 11,239 Indians have been located; two in Oregon, with 3,200 Indians; and two in Texas, with 1,483. The whole amount expended in carrying out this system, thus far, has been \$1,173,000 in California, and \$301,833 73 in Texas. The exact sum which has been expended on account of the reservations in Oregon, has not yet been ascertained, but the whole amount disbursed for Indian purposes in that, and the territory of Washington since 1852, up to the 1st of July last, is \$1,323,000. The amount disbursed in New Mexico for the same period and purpose, \$212,506, and in Utah, from 1853 to the 1st of July last, \$172,000.

The operations thus far, in carrying out the reservation system, can properly be regarded as only experimental. Time and experience were required to develop any defects connected with it, and to demonstrate the proper remedies therefor. From a careful examination of the subject, and the best information in the possession of the department in regard to it, I am satisfied that serious errors have been committed; that a much larger amount has been expended than was necessary, and with but limited and insufficient results.

From what is stated by the superintendent for Oregon and Washington, in his annual report herewith, in regard to the two reservations in Oregon, it is apprehended that a great mistake was made in their location, the lands not appearing to be such as will afford the Indians a comfortable support by their cultivation, and that, consequently, so long as they are kept there they must be entirely sustained, at an enormous expense, by the government.

From accompanying reports, it would seem that in California a

greater number of reservations have been established and a much heavier expense incurred than the condition and circumstances of the Indians required, as has probably been the case in respect of all the reservations or Indian colonies that have been commenced. In the outset it was the confident expectation that the heavy expense attending these colonies would rapidly diminish, from year to year, and that, after the third year at furthest, they would require but little if any outlay on the part of the government, the Indians in the meantime being taught to support themselves by their own exertions. This expectation has not been realized; neither have the expenses been diminished nor the Indians been materially improved. The fault has not, however, it is believed, been in the system, but in the manner in which it has been carried out. Too many persons have been employed to control, assist, and work for the Indians, and too much has been done for them in other respects. They have not been sufficiently thrown upon their own resources, and hence the colonies have not become any more competent to sustain themselves than they were when they first commenced. Time and experience having developed errors in the administration of the system, the proper reforms are now being introduced.

No more reservations should be established than are absolutely necessary for such Indians as have been, or it may be necessary to displace, in consequence of the extension of our settlements, and whose resources have thereby been cut off or so diminished that they cannot sustain themselves in their accustomed manner. Great care should be taken in the selection of the reservations, so as to isolate the Indians for a time from contact and interference from the whites. They should embrace good lands, which will well repay the efforts to cultivate them. No white persons should be suffered to go upon the reservations, and after the first year the lands should be divided and assigned to the Indians in severalty, every one being required to remain on his own tract and to cultivate it, no persons being employed for them except the requisite mechanics to keep their tools and implements in repair, and such as may be necessary, for a time, to teach them how to conduct their agricultural operations and to take care of their stock. They should also have the advantage of well conducted manual labor schools for the education of their youth in letters, habits of industry, and a knowledge of agriculture and the simpler mechanic arts. By the adoption of this course, it is believed that the colonies can very soon be made to sustain themselves, or so nearly so that the government will be subjected to but a comparatively trifling annual expense on account of them. But it is essential to the success of the system that there should be a sufficient military force in the vicinity of the reservations to prevent the intrusion of improper persons upon them, to afford protection to the agents, and to aid in controlling the Indians and keeping them within the limits assigned to them.

It would materially aid the department in its efforts to carry out the system successfully, in respect to the Indians in California, if that State would, like Texas, so far relinquish to the general government her jurisdiction over the reservations to be permanently retained there, as to admit of the trade and intercourse laws being put in force within

their limits, so as to secure the Indians against improper interference and intercourse, and to prevent the traffic with them in ardent spirits. Much good could also probably be accomplished by the introduction of a judicious system of apprenticeship, by which the orphans and other children of both sexes, could be bound out for a term of years, to upright and humane persons, to be taught suitable trades and occupations: provided the necessary State laws were enacted to authorize and regulate such a system. I would suggest the propriety of an application being made to the proper authorities of California for the requisite State legislation on both these subjects.

The only additional information of any importance respecting the Indians in Arizona, which has been obtained since the last annual report, will be found in the accompanying report of Godard Bailey, special agent, on the subject of Indian affairs in that territory. Concurring generally in the suggestions made by him, I would call special attention to his recommendations in regard to the Pimas and Maricopa bands. The loyal character of these Indians, and their uniform kindness towards our emigration and other citizens, justly entitle them to kind and generous treatment in return. Measures should be adopted to secure them in the possession of their lands, and they should be furnished with some agricultural implements and seeds, and also the means of defence against the wilder tribes, to whose depredations and hostilities both they and our citizens are subjected. Such a course towards them would lastingly confirm their friendship for our government and people, and enable us, with great advantage, to avail of their influence and services in controlling and keeping in subjection the wilder and lawless tribes in that region of country.

The Indians of New Mexico have generally remained quiet and peaceable during the year, except the large and powerful tribe of Navajoes, who have continued their depredations and outrages upon our citizens, in violation of their treaty obligations. Every effort has been made to persuade them to cease their lawless conduct, but in vain, and no alternative is left but to chastise them into submission.

Our citizens in that Territory have suffered severely from Indian depredations since its acquisition by the United States. Claims have been sent in for property lost in that manner amounting to \$516,160 68. The attention of Congress has heretofore been called to the subject of these demands, and it is for that body to determine what course shall be adopted in regard to their liquidation.

I would respectfully re-urge that provision be made by Congress, at an early day, for surveying and defining the boundaries of the tracts of land owned and occupied by the Pueblo Indians in New Mexico.

There appears to be a material improvement in the disposition and conduct of the Indians in Utah, caused doubtless by the presence of the large military force which has been sent there, and which has rendered the northern route to our possessions on the Pacific coast much safer than heretofore to the overland emigrant.

Measures have been adopted for the location and survey of a third reservation in Texas, for which provision was made at the last session of Congress, to complete the arrangements for the colonization of the Indians of that State; but it is essential to the welfare of those In-

dians that the trade and intercourse law be extended over their reservations, in order to enable the department and its agents to protect them from improper interference by lawless white persons, and to prevent the fatal traffic with them in intoxicating liquors.

I regret to state that no progress has yet been made in carrying out the provision in the act of March 3, 1857, for "collecting and establishing the Southern Comanches, Wichita, and certain other bands of Indians, on reservations to be located south of the Arkansas river and west of the ninety-eighth degree of longitude." Those Indians are wild and lawless in their disposition and habits, and cannot be brought together without danger of difficulties occurring among themselves or of their committing forays upon the western Choctaws and Chickasaws, with whom they will be brought into close proximity, and whom we are bound, by treaty stipulations, to protect from such casualties. A strong military force at the proper point in the region of country where it is intended to settle them, is absolutely necessary to hold in check and control them, and to afford the requisite protection to the agent appointed to take them in charge. And until it shall be in the power of the War Department to furnish such a force for that purpose no successful efforts can be made to carry out the intention of the above quoted provision. Not even the agency for those Indians can until then be established, as, for the necessary security among Indians so lawless and treacherous, it must be in the immediate vicinity of the post which it is the understanding shall be located there as soon as troops are available to occupy it.

A bitter controversy having arisen among the Choctaws, growing out of a reorganization of their government, and it being likely to lead to serious difficulty, if not domestic strife and bloodshed, the department was compelled to interpose for the purpose of arresting it. The occurrence was the more to be regretted because of the excellent character of the Choctaws and their uniform good conduct heretofore. I am happy to state, however, that the difficulty appears to have been amicably arranged and settled by the judicious course pursued by Superintendent Rector, acting under the positive instructions given to him by your direction, a copy of which is herewith. With the exception of this disturbance among the Choctaws peace and good order have continued to prevail among all the different tribes of the southern superintendency. Much credit is also due to the same officer for his judicious management in effecting the removal last spring of nearly the whole of the Seminoles in Florida to the country set apart for them west of Arkansas, an object which the government had, at an expense of many millions of dollars, been working for more than twenty years to accomplish, but with only partial success. It is, further, highly commendable that his operations were conducted with the most rigid economy, but a comparatively trifling amount having been expended by him, and much less than the department apprehended would be required. He is under instructions to return to Florida for the purpose of removing the few Indians who could not be found when he was there last spring, but who have since made their appearance and manifested a wish to follow their brethren to their home in the west.

I would respectfully call attention to the recommendation in your annual report and that of this office for last year, in regard to the establishment of a federal court or courts for the convenience and benefit of the Choctaws, Chickasaws, Creeks, and Cherokees. It is certainly a provision which they are justly entitled to have made for them, in consideration of their condition and the inconveniences and disadvantages under which they now labor.

The several well grounded recommendations contained in last year's annual report on Indian affairs, in regard to the Indians in Kansas and Nebraska, very clearly point out the course of policy to be pursued towards them, and are therefore respectfully renewed.

I would, however, ask special attention to the necessity which exists for immediate legislation respecting the lands in Kansas formerly intended for the Indians of New York. By the second article of the treaty with those Indians of January 15, 1838, it was provided that a tract, with certain metes and bounds should be set apart for them, "to include one million, eight hundred and twenty-four thousand acres of land, being three hundred and twenty acres for each soul of said Indians as their number are at present computed," and "with full power and authority in the said Indians to divide said lands among the different tribes, nations, or bands in severalty." By the third article, such of them as did not accept and remove to the lands thus set apart for them within five years, or such other time as the President should appoint, were to forfeit all interest therein. Only a small number of them so accepted and removed, the greater body having remained and being now permanently located in the State of New York. Those who went and are now living are entitled to have their shares assigned to them, after which the remaining lands should be brought into market and sold; but the department has no authority to adopt either measure, because, by the treaty, the lands were separated from the public domain for the purpose stated, and the division among the individual Indians was to be made amongst themselves by their tribes and bands after removal. The proper legislation in the case is therefore necessary, especially as the tract is being rapidly settled up, and it may soon be difficult to assign the Indians their shares without doing injustice to those who have in good faith made locations and improvements upon the lands, under the impression that they were public lands and open to settlement.

I would further state that, to avoid conflicts of jurisdiction and other difficulties, it is necessary that the twenty-fourth section of the act of June 30, 1834, to regulate trade and intercourse with the Indian tribes, which for judicial purposes attached to Missouri the whole of the then Indian country west of that State, shall be so amended and changed as to vest in the United States courts in Kansas and Nebraska the jurisdiction in all cases arising under that act which it conferred upon the United States district court for Missouri.

It is important that there be some early legislation in regard to those provisions in the treaties of 1854 with the Shawnees and the Kaskaskias, Piankeshaws, Peorias and Weas, which subject the alienation of the lands secured to individual members of those tribes or bands to such restrictions as the President or Congress may think

proper to impose. In the absence of such necessary legislation there is no authority to sanction or confirm any permanent disposition which the reservees may desire to make of the lands thus secured to them, however important it might be for their interests and welfare.

The thirteenth section of the act of the 12th of June last, "making appropriations for certain civil expenses of the government," established "the line surveyed by John C. McCoy, in eighteen hundred and thirty-eight, as the western boundary of the half-breed tract, specified in the tenth article of the treaty made between commissioners on the part of the United States and certain Indian tribes, at Prairie du Chien, on the 15th of July, 1830," as "the true western boundary of said tract." I beg leave to state that it has been clearly and satisfactorily ascertained that said line is not in accordance with the positive and specific requirements of the treaty, and that if the above quoted provision is to prevail, the Indians interested will be deprived of over seventeen thousand acres of land to which they are justly entitled by the treaty, which is and should be regarded as the supreme law.

The act of Congress of the 8th of June last required that the sale which had been made by the Christian Indians to A. J. Isaacks, of the reservation of four sections of land which they held in Kansas, should be confirmed by the President on the payment of the purchase money, viz: \$43,400 to the Secretary of the Interior within ninety days after the passage of the act, the amount to be applied in part for the purchase of a permanent home, the erection of buildings, and for other beneficial objects for the Indians, and the remainder to be invested for the support of a school among them. The money having been so paid, the sale was duly confirmed, and measures will be adopted to procure those Indians a suitable home.

In conformity with the provision of the 2d section of the act of March 3, 1853, treaties were entered into in March and April last with the Poncas and the Yancton Sioux, who reside west of Iowa, for the purpose of extinguishing their title to all the lands occupied and claimed by them, except small portions on which to colonize and domesticate them. This proceeding was also deemed to be essentially necessary in order to obtain such control over those Indians as to prevent their interference with our settlements, which are rapidly extending in that direction. Those treaties were duly laid before the Senate at its last regular session, but were not, it is understood, finally acted on by that body.

Relying upon the ratification of their treaty and the adoption of timely measures to carry out its provisions in their favor, the Poncas proceeded, in good faith, to comply with its stipulations on their part, by abandoning their settlements and hunting grounds, and withdrawing to the small tract reserved for their future home. Being without a crop to rely upon, and having been unsuccessful in their usual summer hunt, they were reduced to a state of destitution and desperation. As nothing had been done for them under the treaty, they concluded it was void, and threatened to fall back upon their former settlements, some of the most important of which had, in the meantime, been taken possession of, and were occupied by numerous white

persons. To prevent this, and a consequent collision between the parties, as well as to save the Poncas from extreme suffering, if not actual starvation, the department has been compelled to incur a heavy expense in furnishing them with the necessary provisions.

Treaties were also negotiated with the Med-a-way-kan-toan and Wah-pay-koo-tay, and the Se-see-toan and Wah-pay-toan bands of the Sioux Indians, for the purpose of reducing the large reservations on which they reside, in the western part of Minnesota, and to arrange for the division and assignment to them, in small tracts, of the lands to be retained by them. Such an arrangement is necessary for the well being of those Indians, who have so far improved since they have been concentrated on their reservations, as to be in a condition to dissolve their tribal organization and to become possessed of individual property in their lands. The considerable surplus land now occupied by them is also required for the use of the increasing white population by which they are becoming surrounded. Like considerations render it expedient and important that a treaty for the same purpose be made with the Winnebagoes at an early day.

Our relations with the Se-see-toan and Wah-pay-toan bands of Sioux have been materially interfered with by the Yanctonnais band, who complain that the cession made by the former by the treaty of 1851, embraces a considerable portion of territory which belonged to them. They create much trouble and difficulty by coming into the annuity payments and claiming a large share of the money distributed to those bands; and they evince so vengeful a disposition as to occasion the constant apprehension of their breaking out into hostilities, which would lead to very serious consequences in the loss of both life and property on that frontier. It was deemed advisable to send them some presents for the purpose of soothing their irritation and satisfying them of the friendly disposition of the government towards them, and thus to prepare the way for holding a council with them under favorable circumstances, with a view to the settlement of the existing difficulty. Congress having made the necessary appropriations, suitable presents to the amount of \$21,000 were purchased and sent out in July last; a special agent having, at the same time, been appointed to apprise them of the views and wishes of the department, and to induce them to appoint a time for receiving the presents and holding a friendly conference. No satisfactory result attended this proceeding. They behaved with great incivility, and refused either to receive the presents or to fix any time for a council for the settlement of their alleged grievances.

The Indians in the region of the upper Missouri and its head waters, were, fortunately, not visited the past season with the small-pox, with which they were so severely scourged last year. Those within the Blackfeet agency, consisting of the tribes of that name, the Gros Ventres, Piegiens, and Blood Indians, and numbering about 9,400, are represented by the agent to have been generally peaceable and quiet, and as remaining well affected towards the United States. The tribes within the upper Missouri agency, numbering about 30,400, have been somewhat turbulent and discontented. A large and war-like portion of them are near the frontiers, and have it in their power

to inflict much injury upon our advanced settlements and emigrants by the northern route to Oregon and Washington. An adequate military force is very necessary to restrain and keep them quiet; and it is advisable that a new treaty be made with them for the purpose of effecting a better understanding as to the limits of the tract of country which they claim, and to impose upon them the obligation to remain within those limits, to cease hostilities with one another, and to abstain from committing depredations upon the whites.

Measures should be adopted to prevent the annual slaughter of the Buffalo in this region of country merely for their skins to sell to the traders. This animal is the principal means of subsistence for the Indians, but, at its present rate of destruction, it will soon become extinct, when they must starve, sustain themselves by plunder, or be thrown upon the government for support.

Attention is again called to the urgent necessity that exists for a complete and thorough revision of the laws relating to Indian affairs, which, in consequence of lapse of time and change of circumstances, are in a great measure unsuited to the present condition of things, and in consequence of which it is impossible to administer the duties of this office and department with the necessary and proper degree of system, efficiency, and economy.

Very respectfully, your obedient servant,

CHARLES E. MIX,
Commissioner.

Hon. JACOB THOMPSON,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
Office Indian Affairs, November 15, 1858.

In consequence of the late period at which I came into this office, it has been impossible for me to examine the foregoing report with reference to the facts therein contained, but I concur, generally, in the suggestions made by Mr. Mix in regard to the policy that ought to be pursued by the government in dealing with the Indians.

J. W. DENVER,
Commissioner.

*Abstract of the annual report of the Commissioner of Indian Affairs
for 1858.*

The commissioner reports that no change has taken place in our relations with the various tribes with whom we have had treaty stipulations.

The whole number of Indians within our limits is estimated to be about 350,000. The whole number of tribes and separate bands is 175; with forty-four of which we have treaty engagements. The number of ratified Indian treaties since the adoption of the Constitution is 393, nearly all of which contain provisions still in force. The quantity of land acquired by these treaties is about 581,163,188 acres; the entire cost of fulfilling these treaties will be \$49,816,344. From a part of these lands the government received no pecuniary advantages, because they were ceded to the respective States within whose limits they were situated. From those sold the federal treasury received not only the whole of the expense incurred for their acquisition, survey, and sale, but a surplus of at least one hundred millions of dollars.

The amount applicable for the fulfillment of treaties and for other objects connected with the Indian policy for the present fiscal year was \$4,852,407 34; of which sum \$204,662 89 was derived from investments of trust funds. The whole amount of trust funds held on Indian account is \$10,590,649 62; of which \$3,502,241 82 has been invested in stocks of various States and the United States; the remainder, viz: \$7,088,407 80 is retained in the treasury, and the interest thereon annually appropriated by Congress. The commissioner thinks it worthy of consideration whether it will not be advisable, when the national treasury shall be in a condition to admit of it, also to invest the above amount of \$7,088,407 80 in like manner with the other Indian trust funds.

The aggregate amount appropriated by Congress for the Indian service during the present fiscal year was \$2,659,389; of which sum \$1,309,054 was required for the fulfillment of treaties, leaving only \$1,350,335 for recognised and established objects of expenditure connected with our Indian policy over which economical discretion could be exercised. The commissioner hopes, by a system of retrenchment already commenced in the colonizing policy in Oregon, California, and Texas, to reduce materially the expenses of the remainder of the present and during the next fiscal year. Every item in the estimate submitted for the last mentioned period has been carefully scrutinized, and the sum estimated is less, by \$744,829 51, than the amount appropriated for the present fiscal year.

The commissioner points out three fatal errors which have marked our policy towards the Indians from the very beginning, viz:

1. Their removal from place to place, as our population advanced.
2. The assignment of too great an extent of country to be held by them in common.
3. The allowance of large sums of money as annuities.

He recommends that the tribes should be permanently located upon

reservations embracing not more land than is necessary for actual occupancy ; to divide the land among them, in severalty ; to require that they should live upon and cultivate the land thus assigned ; to give them, in lieu of money annuities, stock animals, agricultural implements, mechanic shops, and manual labor schools ; and, inasmuch as many of the older treaties provide for money annuities, he recommends that Congress shall enact a law empowering the department to commute the money annuities, wherever the Indians assent, as above set forth.

The Indians in Oregon and Washington number about 42,000, and are divided into 35 tribes and bands. Those in Oregon, who formerly occupied the Rogue River, Umpqua and Willamette valleys, are now living upon two reservations ; one on the western, the other on the eastern side of the coast range of mountains. The country to which their title was extinguished has rapidly filled up with an enterprising and thrifty population. During the year 1855 the superintendents of Oregon and Washington made treaties with various other tribes and bands, by which large tracts of land were ceded to the United States, for which the Indians were promised to receive benefits enumerated in said treaties. These treaties, however, were not ratified, consequently the benefits therein stipulated for by the Indians were not, and could not be conferred upon them. The white population entering upon these tracts, making settlements thereon, the Indians believed that they were to be dispossessed without receiving the stipulated benefits. This state of things exasperated them, and, in the opinion of well informed persons, caused the recent acts of hostilities. He therefore recommends the ratification of the treaties above mentioned. He also recommends, on account of the difficulties attending the management of Indian affairs in Oregon and Washington, the great extent of country, and the vast number of Indians inhabiting it, the appointment of two additional superintendents. He also reiterates the recommendation of last year, for the employment of a small war steamer along Puget's Sound and the waters of Admiralty Inlet.

The policy of concentrating Indians on small reservations and of sustaining them there for a limited period until they can be fitted to sustain themselves, was initiated in 1853. The number and locations of reservations established to carry out this policy is as follows : in California 5, with 11,239 Indians ; in Oregon 2, with 3,200 Indians ; and in Texas 2, with 1,483 Indians. The whole amount thus far expended upon the reservations has been \$1,173,000 in California, and \$301,833 73 in Texas. The amount expended in Oregon for reservations has not as yet been ascertained, but the whole amount expended since 1852 in Oregon and Washington, for Indian purposes, was \$1,323,000. The amount disbursed in New Mexico for the same period and purpose was \$212,506 ; and in Utah, since 1853, \$172,000

Thus far the operations for carrying out the reservation system have been merely experimental ; serious errors have been already detected, which will be in future properly remedied ; *in Oregon*, for instance, a great mistake was made in the location of the reserves ; *in California* a greater number of reserves were established, and of course greater expenses were incurred than circumstances required. It was expected

that the expenses of all the reserves would be diminished from year to year, as the Indians would progress in the arts and habits of civilized life, &c.; &c. He also recommends that the authorities of California should be applied to for the requisite state legislation, so that the intercourse laws could be enforced upon the reservations of that State, and the Indian orphans could be bound out for a term of years to upright and humane persons, to be taught suitable trades and occupations.

The commissioner recommends that the Pimas and Maricopa bands of Arizona should be furnished with agricultural implements, &c., as recommended by Special Agent Godard Bailey, from whom alone all additional information, since the last annual report, concerning the Indians in Oregon has been obtained.

The Indians in New Mexico, with the exception of the Navajoes, have been peaceable during the year. The citizens of that Territory have severely suffered from Indian depredations since its acquisition by the United States, and claims have been sent in, amounting to \$516,160 68.

There appears to be a material improvement in the conduct of the Indians in Utah, caused by the presence of our army in that Territory.

Measures have been adopted to locate a third reserve for the Indians in Texas. No progress has been made in carrying out the provision in the act of March 3, 1857, for collecting the southern Comanches and Wichitas on reservations south of the Arkansas river, and none can be made until the War Department is empowered to furnish an adequate force for protection.

A bitter controversy among the Choctaws, growing out of a reorganization of their government, requiring the interference of the department, has been amicably arranged and settled by the judicious course pursued by Superintendent Rector, acting under instructions by direction of the Secretary of the Interior. The same officer effected also, at very small cost, the removal of nearly the whole of the Seminoles of Florida to west of Arkansas.

The commissioner renews the recommendation in the last annual report for the establishment of a federal court for the Choctaws, Chickasaws, Creeks, and Cherokees; and also what was then said in regard to the Indians in Kansas and Nebraska.

Treaties were made with the Poncas and Yancton Sioux, residing west of Iowa, for the extinguishment of the title to all the lands occupied and claimed by them.

Treaties were also made with the Med-a-way-kan-toan and Wah-pay-koo-tay; the Se-see-toan and Wah-pay-toan bands of Sioux for the reduction of their large reservations in western Minnesota, which, it is hoped the Senate will ratify at its next session.

The Yanctonnais Sioux create much trouble; they refused to accept the presents which were sent them, under an appropriation of Congress during last session, and they went even so far as to refuse fixing the time for a council, in which their alleged grievances could be heard and finally settled.

The Indians of the upper Missouri were not visited during the past

season by the small-pox. Those within the Blackfeet agency, about 9,400, were generally peaceful; those within the upper Missouri agency, numbering about 30,000, on the contrary, were turbulent and discontented. An adequate force of military is very necessary to restrain them and protect the emigrants on the northern route to Oregon and Washington. The commissioner recommends that a new treaty should be made with them, by which their limits would be clearly defined, and they would be prevented from committing further depredations upon the whites.

The commissioner further recommends that the annual slaughter of the buffalo, merely to obtain the skin, should be strictly prohibited.

Finally, he calls again attention to the urgent necessity for a complete and thorough revision of the laws relating to Indian affairs.

*List of documents accompanying the report of the Commissioner of
Indian Affairs for the year 1858.*

NEW YORK AGENCY.

- No. 1.—Report of Bela H. Colegrove, agent for the Indians in the State of New York.

MACKINAC AGENCY.

- No. 2.—Report of A. M. Fitch, agent for the Indians in the State of Michigan.
No. 3.—Report of P. Dougherty, teacher of the manual labor school at Grand Traverse.

AGENCY FOR THE INDIANS IN THE VICINITY OF GREEN BAY.

- No. 4.—Report of A. D. Bonesteel, agent for the Indians in said vicinity.
No. 5.—Report of Jane Dousman, teacher to the Menomonees.
No. 6.—Report of Rosalie Dousman, teacher to the Menomonees.
No. 7.—Report of Frederick Haas, farmer to the Menomonees.
No. 8.—Report of David Lewis, teacher to the Oneidas.

NORTHERN SUPERINTENDENCY.

- No. 9.—Report of W. J. Cullen, Superintendent.
No. 10.—Report of J. W. Lynde, agent for the Chippewas of the Mississippi.
No. 11.—Report of C. K. Drew, agent for the Chippewas of Lake Superior.
No. 12.—Report of Joseph R. Brown, agent for the Sioux.
No. 13.—Report of A. Robertson, teacher at Med-a-wa-kan-toan and Wah-pa-cotah reserve.
No. 14.—Report of John McCullough, teacher at Hazlewood.
No. 15.—Report of Samuel Brown, farmer for the Se-see-toan and Wah-pay-toan bands.
No. 16.—Report of Charles H. Mix, agent for the Winnebagoes.
No. 17.—Letter of K. Pritchette, special agent, transmitting report of his visit to the Yanctonnais.
No. 18.—Report of K. Pritchette, special agent, of his visit to the Yanctonnais.
No. 19.—Copy of Superintendent Cullen's instructions to Mr. Pritchette.
No. 20.—Minutes of an interview with the Yanctonnais marked "B."
No. 21.—Minutes of a second interview marked "C."

CENTRAL SUPERINTENDENCY.

- No. 22.—Report of A. M. Robinson, superintendent.
No. 23.—Report of Alfred J. Vaughan, agent for the Blackfoot Indians.

- No. 24.—Report of H. Redfield, agent for the Indians of the Upper Missouri.
- No. 25.—Report supplemental of H. Redfield, agent for the Indians of the Upper Missouri.
- No. 26.—Report of Thomas S. Twiss, agent for the Indians for the Upper Platte.
- No. 27.—Report of C. Miller, agent for the Indians on the Arkansas.
- No. 28.—Report of W. F. Wilson, agent for the Omahas.
- No. 29.—Report of William W. Dennison, agent for the Ottoes, and Missouriias and Pawnees.
- No. 30.—Report of Daniel Vanderslice, agent for the Iowas and the Sacs and Foxes of the Missouri.
- No. 31.—Report of B. F. Robinson, agent for the Delawares.
- No. 32.—Report of Benjamin J. Newsom, agent for the Shawnees and Wyandots.
- No. 33.—Report of William E. Murphy, agent for the Pottawatomies.
- No. 34.—Report of John Jackson, superintendent of the Baptist Pottawatomie manual labor school.
- No. 35.—Report of John Schultz, superintendent of the St. Mary's Pottawatomie manual labor school.
- No. 36.—Report of Francis Tymony, agent for the Sacs and Foxes of the Mississippi.
- No. 37.—Report of John Montgomery, agent for the "Kaws" or Kansas Indians.
- No. 38.—Report of Seth Clover, agent for the Weas and Piankeshaws, Kaskaskias and Peorias, and Miamies.

SOUTHERN SUPERINTENDENCY.

- No. 39.—Report of Elias Rector, superintendent.
- No. 40.—Copy of office instructions to superintendent Rector, in regard to Choctaw difficulties.
- No. 41.—Report of Andrew J. Dorn, agent for the Osages, Quapaws, Senecas and Shawnees, and Senecas.
- No. 42.—Report of John Schoenmakers, superintendent of the Osage manual labor school.
- No. 43.—Report of George Butler, agent for the Cherokees.
- No. 44.—Report of H. D. Reese, superintendent of Cherokee public schools.
- No. 45.—Report of William H. Garrett, agent for the Creeks.
- No. 46.—Report of Rev. D. B. Cumming, missionary to the Creeks.
- No. 47.—Report of G. Herrod, superintendent of Creek public schools in the Arkansas district.
- No. 48.—Report of Thomas B. Ruble, superintendent of the Creek Asbury manual labor school.
- No. 49.—Report of James M. C. Smith, superintendent of the Creek neighborhood schools in the Canadian district.
- No. 50.—Report of R. M. Loughridge, superintendent of the Creek manual labor school at Tallahassee.
- No. 51.—Report of Samuel M. Rutherford, agent for the Seminoles.

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- No. 52.—Report of John Lilley, superintendent of Seminole manual labor school.
No. 53.—Report of Douglas H. Cooper, agent for the Choctaws and Chickasaws.
No. 54.—Report of Rev. O. P. Starke, missionary to the Choctaws.
No. 55.—Report of Alexander Reid, superintendent of Spencer academy.
No. 56.—Report of J. D. Chamberlain, superintendent of the Iyanubi female academy.
No. 57.—Report of W. R. Baker, superintendent of Armstrong academy.
No. 58.—Report of George Ainslie, superintendent of Koonsha female academy.
No. 59.—Report of John Edwards, superintendent of the Wheelock female seminary.
No. 60.—Report of C. Kingsbury, superintendent of the Chuala female seminary.
No. 61.—Report of S. L. Hobbs, superintendent of Choctaw neighborhood schools.
No. 62.—Report of J. C. Robinson, superintendent of Chickasaw manual labor school.
No. 63.—Report of C. H. Wilson, superintendent of the Wahpanucka Institute.
No. 64.—Report of J. H. Carr, superintendent of Bloomfield academy.
No. 65.—Report of F. M. Paine, superintendent of Colbert Institute.

TEXAS AGENCY.

- No. 66.—Report of Robert S. Neighbors, supervising agent for the Indians in Texas.
No. 67.—Report of M. Leeper, agent for the Indians of the Comanche agency.
No. 68.—Report of Richard Sloan, teacher on the Comanche reserve.
No. 69.—Report of H. P. Jones, farmer on the Comanche reserve.
No. 70.—Report of S. P. Ross, agent for the Indians of the Brazos agency.
No. 71.—Report of Z. E. Coombes, teacher at Brazos reserve.
No. 72.—Report of H. R. Moss, farmer on the Brazos reserve.

NEW MEXICO SUPERINTENDENCY.

- No. 73.—Report of J. L. Collins, superintendent.
No. 74.—Report of Christopher Carson, agent for the Utahs.
No. 75.—Report of M. Steck, agent for the Indians within the Apache agency.
No. 76.—Letter from the Reverend Samuel Gorman, relative to the condition of the Pueblo Indians.
No. 77.—Report of G. Bailey, special agent, in regard to the Indians of Arizona.

UTAH SUPERINTENDENCY.

- No. 78.—Report of Jacob Forney, superintendent.

OREGON AND WASHINGTON SUPERINTENDENCY.

- No. 79.—Report of J. W. Nesmith, superintendent.
No. 80.—Report of E. C. Fitzhue, special agent for the Neuk-sac, Samish, and Lummi tribes.
No. 81.—Report of M. T. Simmons, agent for the Indians of Puget's Sound district.
No. 82.—Report of J. H. Jenkins, special agent at Neah bay.
No. 83.—Copy of letter of Isaac W. Smith, keeper of ——— lighthouse, to Agent Simmons.
No. 84.—Copy of letter of Agent Simmons to Mr. Smith.
No. 85.—Report of R. C. Fay, local agent at Penn's Cove.
No. 86.—Report of W. B. Gosnell, special agent at Squaksin reserve.
No. 87.—Report of Richard Lane, teacher at Squaksin reserve.
No. 88.—Report of G. A. Paige, local agent at the Kitsap.
No. 89.—Report of Sidney S. Ford, sen., special agent for the Upper Chehalis, and the different bands along the Chehalis river.
No. 90.—Report of R. B. Metcalfe, agent for the Indians within the Siletz agency.
No. 91.—Report of E. P. Drew, sub-agent for the Indians at Umpqua.
No. 92.—Report of William Tichenor, special agent.
No. 93.—Report of John F. Miller, agent for the Willamette tribes.
No. 94.—Report of A. P. Dennison, agent for the Indians of the northeastern district of Oregon.
No. 95.—Copy of letter of John Owen, special agent.
No. 96.—Copy of letter of John Owen, special agent.
No. 97.—Copy of Superintendent Nesmith's instructions to Mr. Owen.
No. 98.—Copy of newspaper correspondent "B."
No. 99.—Report of R. H. Lansdale, agent for the Indians north of the Columbia river and east of the Cascade mountains.
No. 100.—Letter of the Hon. Isaac I. Stevens to Commissioner of Indian Affairs.
No. 101.—Communication from Lieutenant John Mullan, respecting Indian hostilities.

CALIFORNIA SUPERINTENDENCY.

- No. 102.—Report of Thomas J. Henley, superintendent.
No. 103.—Report of H. P. Heintzelman, sub-agent for the Klamath reserve.
No. 104.—Report of Vincent E. Geiger, agent for the Nome Lackee reserve.
No. 105.—Report of M. B. Lewis, sub-agent for the Fresno farm.
No. 106.—Report of J. R. Vineyard, agent for the Indians at Téjon.
No. 107.—Report of G. Bailey, special agent, upon the system of Indian reservations.
No. 108.—Copy of letter of special Agent Bailey to S. P. Storms, overseer of Nome Cult farm.
No. 109.—Copy of letter of Overseer Storms to Special Agent Bailey.

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MISCELLANEOUS.

No. 110.—Statement of G. Bailey, disbursing clerk of the Interior
Department, of the condition of the Indian Trust Fund,
with accompanying papers, marked 1, 2, 3.
