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Message from the President of the United States, transmitting a report relative to the proposed removal of certain Indians in New Mexico

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MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A report relative to the proposed removal of certain Indians in New Mexico.

FEBRUARY 24, 1890.—Read, referred to the Committee on Indian Affairs, and ordered to be printed.

The Senate and House of Representatives:

I transmit herewith a communication of 18th instant from the Secretary of the Interior, submitting copy of a report from the Commissioner of Indian Affairs, inclosing with accompanying papers a draught of a bill authorizing the removal of the Indians of the Papago or Gila Bend Reservation in Maricopa County, Arizona Territory, to the Papago Indian Reservation in Pima County, in said Territory, or to the Pimo and Maricopa Indian Reservations, commonly known as the Gila River and Salt River Indian Reservations, respectively, in said Territory, and for other purposes.

The matter is presented for the early consideration and action of Congress.

BENJ. HARRISON.

EXECUTIVE MANSION, *February 24, 1890.*

DEPARTMENT OF THE INTERIOR,
Washington, February 18, 1890.

The PRESIDENT:

I have the honor to submit herewith a report, of the 8th instant, from the Commissioner of Indian Affairs, inclosing, with accompanying papers, a draught of a bill prepared in his office "Authorizing the removal of the Indians of the Papago or Gila Bend Reservation, in Maricopa County, Arizona Territory, to the Papago Indian Reservation, in Pima County, in said Territory, or to one of the Pimo and Maricopa Indian Reservations, commonly known as the Gila River and Salt River Indian Reservations, respectively, in said Territory, and for other purposes."

The sum of \$4,000, which it is proposed to appropriate to cover the expense of the removal of said Indians, and their settlements, etc., in their new homes, will not, as I believe under the circumstances, be in excess of the proper and just requirements therefor.

The good of the Indians and the public interests would, in my opinion, be alike subserved by the enactment of the legislation suggested. It is recommended that the matter be presented for the early consideration and action of Congress.

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

JOHN W. NOBLE,
Secretary.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 8, 1890.

SIR: Referring to your letter dated January 20, 1890, concurring in the recommendations of this office contained in report of the 16th ultimo, that the Indians of the Papago or Gila Bend Reservations, in Maricopa County, Arizona Territory, be removed to the Papago Reservation, in Pima County, in said Territory, or to one of the Pimo and Maricopa Indian Reservations in said Territory, and requesting that a draught of a bill for such purpose be prepared for the consideration of Congress, I have had prepared and herewith transmit a draught of a bill, in duplicate, for the purpose indicated, with two copies of all papers bearing on the subject, and recommend that the same be laid before Congress, with request for favorable action.

It is not deemed necessary to repeat the facts which render the proposed legislation advisable, as a full statement thereof is contained in said report of the 16th ultimo.

Very respectfully, your obedient servant,

T. J. MOEGAN,
Commissioner.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, January 20, 1890.

SIR: I have considered your communication of 16th instant in reply to petition, forwarded by the governor of Arizona, from the citizens of said Territory, praying for the removal of the Indians from the Papago Reservation at Gila Bend, in Maricopa County, to some Reservation having an established agency, and for the opening of said Gila Bend Reservation to white settlers.

In view of the statements made, I am of the opinion that these Indians should be removed to one of the Pima and Maricopa Reservations on the Papago Reservation in Arizona Territory, and you will please cause to be prepared, for the consideration of Congress, a draught of a bill for such purpose, and for a small appropriation for their removal and establishment in their new homes.

I have advised Governor Wolfley of this action.

The papers accompanying your communication are herewith returned.

Very respectfully,

JOHN W. NOBLE,
Secretary.

The COMMISSIONER OF INDIAN AFFAIRS.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 16, 1890.

SIR: I have the honor to acknowledge the receipt, by Department reference the 14th of October, of a communication from the governor of the Territory of Arizona, inclosing a petition from citizens of said Territory, praying for the removal of the Indians from the Papago Reservation at Gila Bend, in Maricopa County, to some other reservation having an established agency, and the opening of said Gila Bend Reservation to white settlement.

The reservation in question embraces one township of land, less one section, and was established by executive order in 1882, for the use and occupancy of the Papago Indians then settled there and such other Indians as the Secretary of the Interior might see fit to settle thereon.

There are ten Indian families—about forty people, men, women, and children—residing within the reservation so established. They cultivate small patches of ground in their rude way, and do odd jobs for the whites at the neighboring railway stations. Their huts are all in one quarter section, and their farming operations are confined to one other quarter section, where they cultivate about 25 acres, raising but scanty crops, owing to lack of a suitable system of irrigation.

The reservation was set apart as a means of protection for these Indians against the whites who were trying to get them out of the country, and with a view to settling them upon individual tracts to which they might acquire permanent title; but owing to the difficulty met with in finding suitable lands that could be irrigated at a reasonable cost and where the Indians would consent to settle, the determined hostility of the whites against their remaining there, and the absence of any agent or other representative of the Government to look after them—the reservation is 60 miles from the nearest agency—the latter object (the allotment of lands in severalty) has failed of accomplishment, although the Indians have been protected from the attempted encroachments of the whites; at least they have not been dispossessed of the lands embracing their habitations. They probably belonged to that large community of Papagoes found scattered over the arid wastes lying between the Southern Pacific Railroad and the Mexican line. The Papagoes have no treaty relations with the Government, but a reservation embracing some 70,000 acres was set apart for them in 1874, by order of the President. (See also act of August 5, 1882, 22 Stats., 299.)

These Gila Bend families drifted north to the Gila River, attracted, no doubt, by the better conditions for cultivating the soil and the hope of securing employment from the whites, and but for the attempt on the part of the whites to have them forcibly removed, through false accusations respecting their conduct, it is not at all likely that the lands embracing their habitations would have been withdrawn from settlement and set apart for their use. An entire township, 6 miles square (except one section), was withdrawn, not because it was all needed for the protection of the Indians, but because a surveyed township could easily be described and identified and would be sure to cover all the lands settled upon by the Indians, and with the purpose of restoring the surplus lands to the public domain as soon as allotments could be made to the Indians whose protection was the object mainly desired.

It is apparent from the facts herein set forth that these Indians should either be removed to one of the Pima and Maricopa Reservations on the Papago Reservation, in Arizona Territory, or they should be given allotments in severalty where they are under the provisions of the general allotment act of February 8, 1887 (24 Stat., 388).

I am of the opinion, however, that, owing to the difficulty of irrigating the lands on the Gila Bend Reservation, it would be better to remove them, with their consent, to one of the existing reservations, where they can be looked after and where they can take lands in severalty when allotments are made on such reservation. In the event this action is thought best, a small appropriation should be asked of Congress for their removal to and establishment in their new homes, and, should the Department concur in this view, the necessary form of legislation will be prepared.

However, should the Department think it best to give them lands in severalty where they now are, steps will be at once taken to carry out the provisions of the general allotment act in respect to them.

Whenever action is taken in the matter under either one of the plans suggested, the question of the disposition of the reservation, or any portion thereof, can be considered under existing laws bearing upon the subject.

Since writing the foregoing I am in receipt of a letter, dated October 31, 1889, from Agent Crouse, of the Pima Agency, in which he incloses two letters from W. T. Gray, sheriff of Maricopa County, relating to certain cattle matters. The agent visited the Gila Bend Reservation, and from his letter and its inclosures it appears that on September 26, 1889, the Indians took eighty head of their cattle by force from a deputy sheriff, which were held for trespass, and at once run to the mountains for safety; that the Indians claim that the whites made an unreasonable charge for the damage caused by their cattle, while the whites say that the reservation is a nuisance; that the Indians use it only for a camping ground; that they do not farm it at all or herd their cattle thereon; that there is no grass of consequence on the reservation; that they (whites) are not allowed to run a canal across it without being required to furnish the Indians water gratis; that more trouble is brewing, for when the Indians return to their reservation it is probable that the fifteen who armed themselves and took the cattle will be arrested and lodged in jail at Phoenix, and that this will only be adding "oil to the flame."

The agent states that he has considered this matter deliberately, honestly, and from a non-prejudiced stand-point, and after much reflection he concludes that it would be better for both parties (Indians and whites) that the Government buy that reservation of the Indians and remove them to unoccupied lands on the Pima and Maricopa Reservation on the Gila River, and expend the amount paid them in developing water and making canals and ditches, necessary to irrigate the land on that reservation. He further states that not one-tenth of the land on that reservation is cultivated because of the difficulty of irrigating it, and that there is where the Indians need the help of the Government most, and that if the Indians there can have the necessary assistance in securing water to properly irrigate their rich land they will soon be a self-supporting, happy, and independent people.

This report confirms me in the opinion heretofore expressed, that the Indians of the Gila Bend Reservation should be removed to one of the other existing reservations, and I am further of the opinion that the one named by the agent is the proper place for them.

I inclose the agent's letter, and return herewith Governor Wolfley's letter and accompanying petition.

Very respectfully, your obedient servant,

T. J. MORGAN,
Commissioner.

The SECRETARY OF THE INTERIOE.

PROPOSED REMOVAL OF CERTAIN INDIANS IN NEW MEXICO.

UNITED STATES INDIAN SERVICE,
Pima Agency, Sacaton, Ariz., October 31, 1889.

DEAR SIR: On the 23d instant I went to the Gila Bend Reservation on the mission of adjusting difficulties between the Papago Indians of that reservation and the white people about it.

The inclosed letters from the sheriff of Maricopa County will enable you to glean the chief object of this visit. There are about thirty Indians on that reservation, and investigation convinces me that there is almost a continued strife between them and the whites; the last trouble being that of the whites taking Indian cattle for trespass, and the Indians retaking them by force from the deputy sheriff.

On reaching my destination I found not an Indian on the reservation, for they had escaped with their eighty head of cattle, and fled to the mountains 40 miles away for safety.

I found, however, one Indian before returning, and from him I learned the Indian side of the story. The Indians say that the whites made an unreasonable charge for the damage caused by their cattle, and that the white man was trying to cheat them. The whites say that the reservation is a nuisance; that the Indians use it only for a camping ground; that they do not farm it at all; that they do not herd their cattle on their lands; that there is no grass of consequence on the reservation for their cattle, and that they are not allowed to run a canal across it without being compelled to furnish the Indian water gratis.

I have sent for their Chief Jualuppe, and others of most influence, to come to the agency for a conference, in order that I may have an opportunity to adjust the difficulty, but as they are now in a safe retreat a hundred miles from here it is probable that they will not respond to the call.

But there is more trouble brewing, for when these Indians return to their reservation, it is probably that the fifteen who armed themselves and took the cattle will be arrested and lodged in jail at Phoenix, and this will only be adding "oil to the flame."

I have considered this matter deliberately, honestly, and from a non-prejudiced stand-point, and after much reflection I conclude that it would be better for both parties that the Government buy that reservation of the Indians and move them on unoccupied lands on this reservation, then expend the amount paid them in developing water and in making canals and ditches necessary to irrigate the Indian land here in common.

This reservation is a strip of the Gila Valley, 42 miles long and 6 miles wide, and not one-tenth of it is cultivated because of the difficulty of irrigating it. Here is where our Indians need the help of the Government most. If these people have the necessary assistance in securing water to properly irrigate their rich land they will soon be a self-supporting, happy, and independent people. There is nothing that I wish to emphasize more, that will result in more benefits to the Indian. I believe it is best for these people that they be given nothing except *land and means of irrigating it*. Outright gifts encourage laziness, and it is a violation of the law that "success means sacrifice." Your exposition: "The Education of American Indians," is in harmony with this law.

Respectfully, yours,

CORNELIUS W. CROUSE,
United States Indian Agent.

Hon. T. J. MORGAN,
Commissioner of Indian Affairs, Washington, D. C.

PHENIX, ARIZ., *October 3, 1889.*

DEAR SIR: I have your favor of October 1, and answering will say that I have done nothing as yet in the matter of arresting the Indians referred to. If you will go to Gila Bend the matter may be arranged with less trouble and far less expense to all parties.

Awaiting your reply, I am,
Very truly, yours,

W. T. GRAY, *Sheriff.*
By B. A. FICKAS, U. S.

C. W. CROUSE,
Indian Agent, Sacaton.

PHOENIX, ARIZ., September 26, 1889.

SIR: Fifteen armed Indians belonging to your reservation to-day took eighty cattle by force from my deputy at Gila Bend to-day. The cattle were held for trespass.

Will you have them returned by the Indians, or shall I get out warrants and go after them?

Yours, very truly,

W. T. GRAY, *Sheriff.*
By B. A. FICKAS, U. S.

The INDIAN AGENT,
Sacaton.

EXECUTIVE DEPARTMENT,
OFFICE OF THE GOVERNOR,
Phoenix, Ariz., September 7, 1889.

GENERAL: Inclosed I hand you a petition for the opening to settlement of the Papago Indian Reservation located in Township 5 south, range 5 west, in Maricopa County, Ariz., and set apart by Executive order dated December 12, 1882.

I am personally and perfectly familiar with the facts set forth in this petition, and I indorse all that is said, and urgently ask that the relief asked may be granted at an early day.

Respectfully,

LEWIS WOLFLEY,
Governor.

General JOHN W. NOBLE,
Secretary of the Interior, Washington, D. C.

To the honorable Secretary of the Interior, Washington, D. C. :

We, the undersigned residents of the Territory of Arizona, most respectfully submit the following facts as constituting our cause for complaint, and we do most earnestly request and petition your Department to grant us the relief herein prayed for, or such other and adequate relief as the Department may deem just and right in the premises.

THE FACTS.

By an Executive order dated December 12, 1882, Township five south, range five west, in Maricopa County, Arizona, was set apart for an Indian reservation, to accommodate a few Papago Indians then located in that locality. That we are informed and believe the same to be true; that the Indians actually belonging and living on this reservation, including men, women, and children, will not, all told, exceed forty; that they have in their possession not exceeding forty head of cattle and fifty ponies; that this reservation is barren desert land, with little or no vegetation on it, and nothing can be produced or grown thereon except by irrigation. These Indians do not own any water, have no canals or ditches, and do not work or cultivate this land or even attempt to do so, although considerable portions of the same are susceptible of successful irrigation and cultivation. The townships on the east and west are quite thickly settled by an industrious, intelligent, and progressive people, who have built their irrigating canals and ditches, reclaimed this desert land, and are now producing thereon the most abundant crops of every description. These people complain, and, as we believe, justly, that these Indians, while they occupy a whole township they produce nothing, and that they and their cattle and ponies are principally fed and sustained at the expense of the settlers; that the fowls, vegetables, and garden truck of the settlers are the constant prey of the Indians; their cattle and ponies roam over the cultivated fields of the settlers regardless of the fences, destroying the crops and tramping down and injuring the canals and ditches, and with no agent on the reservation to complain to, the settlers are virtually at the mercy of the Indians.

This little band of Indians stationed in their midst is a great drawback and hindrance to the growth and prosperity of this locality. Many people who would otherwise locate among them will not do so on that account.

Your petitioners believe that if these Indians were removed to some other reservation, having an established agency, and these lands opened for settlement, that it would be better for the Indians, and that at no distant day these lands would be taken up, cultivated and improved as other lands in this locality are now being improved and cultivated, and that the growth and prosperity of this locality will thereby be greatly increased.

Your petitioners would therefore respectfully ask that these Indians be removed from this reservation as soon as practicable, and that these lands be opened for settlement.

All of which is most respectfully submitted by the following petitioners.

W. H. Phillips, Gila Bend; W. W. Brack, S. R. Conley, J. B. Dawson, Buckeye; Thos. Clay, Jas Harer, J. W. Godwin, James Harerr, R. Harerr, A. Charlton, J. M. Collins, John R. Beloat, W. R. Beloat, Ester J. Monroe, T. N. Charlton, John Henry, W. G. McWilliams, J. W. Irwin, J. S. Gowett, J. Maycloud, Buckeye Canal; M. E. Hurley, Buckeye; R. C. Powers, Gila Bend; George Day, Jas. S. Day, L. O. Wiley, G. A. Roberts, M. E. Claretton, E. A. Tovrea, Allan Bohn, Lee Gregory, John M. Mullen, Buckeye.

F. P. Teal, Gila Bend; Joseph D. Teal, J. S. Bassett, T. D. Teal, F. J. Foster, Monark Canal; James H. Campbell, P. M. Hargrave, W. H. Hargrave, L. P. Hall, Lon. D. Hall, Willis Williams, F. H. McCarty, Enterprise Canal; John Vincent, George Knox, Gila Bend; Lemuel T. Pearce, Enterprise Canal; Charles H. Williard, W. J. Johny, O. H. Gant, L. Beatty, Wm. J. Morgan, Herbert Morgan, S. E. Hazzard, F. D. Welcome, D. W. Netz, Hiram Martin, L. F. Patterson, Patrick Curley, Patrick Kelley, T. T. Bostick, Henry Trimble, Henry Anderson, Augus Douglas, A. J. Whitney, Gila Bend.

Warren Douglas John S. Anderson, M. W. Ruby, W. L. Garrigus, Charles Nolan, W. J. Welcome, S. J. Caruthers, South Gila Bend; R. L. Mullen, H. H. McPhaul, C. P. Mullen, Engen Caruthers, H. W. Pomeroy, S. T. Bundy, O. L. Pease, A. C. McIntyre, E. A. Stout, J. C. Rowley, George B. Wyke, C. H. Kroeger, B. H. Kroeger, J. W. Field, Gila Bend.

Geo. F. Coats, mayor of Phoenix; J. W. Evans, real estate and loans; John Y. Smith, Territorial treasurer; T. E. Farish, commissioner of immigration; M. H. Williams, deputy district attorney Maricopa County; W. F. Gray, sheriff Maricopa County; A. R. McCally, Gila Bend; Wm. A. Hall, postmaster Phoenix, Ariz.; Geo. E. Mowrey, ex-postmaster Phoenix; F. A. Shaw, ex-United States district court clerk; T. H. Leebey, Ellis Brown, C. P. Montgomery, Tauntum Kellwer, S. Kalischag & Co., merchants; E. J. Bennett, a cashier Valley Bank; Geo. W. Hoadley, cashier National Bank of Arizona; Sweeney & Recarte, merchants; O. J. Thibode, druggist; Long & Ackie, merchants; Emil Gray, merchant; Wm. E. Thomas, farmer; Task & Hays, merchants.

M. E. Collins, W. H. Sherman, T. R. Gaige, W. H. Perkins, A. L. Cahild, L. W. Locke, John McGoff, Jorents F. Winter, John Moorowney, Samuel Murphey, J. H. Martineau, Daniel Noonan, J. A. Noonan, Daniel Anderton, real estate; C. F. Ainsworth, F. W. Hine, M. W. Messinger, W. S. Miller, Phoenix, Ariz.; N. A. Newford, Ed. Phoenix Herald; Mere Osborn, county recorder, Maricopa County; J. Watrue, clerk district court; C. H. Knapp, deputy clerk, district court; Frank Baxter, probate judge, Maricopa County, Ariz.; W. B. Alexander, clerk of the board of supervisors; Robert L. Long, principal ter. normal school; J. K. Murphy, assessor and tax collector; J. W. Crenshaw, treasurer Maricopa County; Philip K. Hickey, investment broker; John J. Dweewey, school trustee, district No. 1; E. M. Mills, councilman third ward.

A BILL authorizing the removal of the Indians of the Papago or Gila Bend Reservation, in Maricopa County, Arizona Territory, to the Papago Indian Reservation, in Pima County, in said Territory, or to one of the Pima and Maricopa Indian Reservations, commonly known as the Gila River and Salt River Indian Reservations, respectively, in said Territory, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he hereby is, authorized to cause the Papago and other Indians settled upon the Papago or Gila Bend Indian Reservation, in Maricopa County, Arizona Territory, which reservation was set apart for their use and occupancy by executive order dated December twelfth, eighteen hundred and eighty-two, and which embraces township five south, range

five west, Gila and Salt River meridian, excepting section eighteen thereof, to be removed to and settled upon either the Papago Indian Reservation, in Pima County, in said Territory, or one of the Pimo and Maricopa Indian reservations, commonly known as the Gila River and Salt River Indian Reservations, respectively, in said Territory, as the Secretary of the Interior may in his discretion determine to be the most suitable therefor.

SEC. 2. That the Indians of said Papago or Gila Bend Reservation, in said Maricopa County, shall upon removal, as herein provided, have equal rights and interests in and to the reservation to which they may be removed under this act with the Indians now occupying the same.

SEC. 3. That for the purpose of the removal of the Indians of said Papago or Gila Bend Reservation, in said Maricopa County, as herein provided, and their settlement, and for making improvements to enable them to get a start in their new homes, and for the purpose of securing to the Indians so removed the value of any improvements made by them respectively on their old reservation, such value to be ascertained by appraisalment under the direction of the Secretary of the Interior, and expended in such manner as he may deem most beneficial for them, there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of four thousand dollars, or so much thereof as may be necessary, the same to be expended under the direction of the Secretary of the Interior, for the purposes specified in this section.

SEC. 4. That the lands embraced within the limits of said Papago or Gila Bend Reservation, in said Maricopa County, shall upon the removal of the Indians therefrom, as provided in this act, be held and deemed to be public land of the United States, and subject to disposal under the laws providing for the disposition of the public lands at the same price and on the same terms as other lands of like character: *Provided*, That no entry or settlement shall be made upon or any right or title acquired to any subdivision on which there are valuable improvements until the person so entering or settling upon or seeking title thereto shall pay to the officers at the proper local land office the value of such improvements, as ascertained by the appraisalment provided for in this act, such sum to be placed in the Treasury to reimburse the United States for the outlay made by the same therefor under section three of this act.

SEC. 5. That sections sixteen and thirty-six in said township shall be reserved for school purposes in the manner provided by existing law.