

eral de Trobriand, of Fort Steele; General Bumford, of Fort Russell; and General Smith, of Fort Laramie, with the officers of their respective commands, for valuable assistance rendered, and many courtesies received, while engaged in the investigation.

We have the honor to be, very respectfully,

EDWARD P. GOODWIN,
J. A. CAMPBELL,
S. R. HOSMER,
Special Commissioners.

CHEYENE, WYO., August 9, 1873.

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REPORT OF J. P. C. SHANKS, T. W. BENNET, AND H. W. REED, SPECIAL COMMISSIONERS TO INVESTIGATE THE CONDI- TION OF THE INDIANS IN IDAHO AND ADJACENT TER- RITORIES.

SALT LAKE CITY, UTAH,
November 17, 1873.

To the Hon. EDWARD P. SMITH, *Commissioner of Indian Affairs* :

The undersigned, special commission appointed by the inclosed letter of instructions of July 1, 1873, make this their general report touching the condition of Indian affairs in Idaho Territory, and such adjacent territory as is mainly connected therewith in considering the subject.

This general report is in addition to the special report and agreement relative to the Indians interested in and connected with the Fort Hall reservation, and agency in Idaho, of this date; and in addition to the commission's other special report, of even date herewith, touching the tribes known as Okinakanes, Lakes, Colvilles, San Poels, Spokanes, Calispells, Kootenays, Pend d'Oreilles, and Cœur d'Alenes, and their reservations.

Treating upon the general subject of the troubles between whites and Indians, the commission has, by either one or more of its members, visited the Indians at Fort Hall, Camas Prairie, Nez Percé, and the tribes named above, and also the chiefs and headmen of the mixed Shoshones, Bannacks, and Sheep-Eaters, and made diligent inquiry as to the bands under small chiefs roaming through the country.

The Indians complain of the whites because of encroachments on their farming lands, hunting and fishing grounds. Worthless white men associate with bad Indian women, prostituting them, and leaving such women and their children a burden upon the Indians. However, this is seriously condemned by the white people generally, and is not so much practiced as heretofore. It is a source of great complaint among the Colvilles of Washington Territory, and Nez Percés of Idaho. The sale to and use of intoxicating liquors by the Indians is bitterly complained of by the chiefs, and has received the severest censure from citizens at every point. The courts have, in Idaho, made it especially dangerous to violate the intercourse laws. There are four persons in the penitentiary of Boise, at this time, on sentence for this offense, and others under arrest on several similar charges. The United States courts of Washington Territory have been vigilant in this matter also, and the common practice of giving liquors to Indians to drive bargains, will be prohibited, so far as possible, there hereafter. The agents at Fort Hall, Nez Percés, and Colvilles are also active in preventing this evil. The people are demanding a prohibition of the sale of liquors to Indians.

Some misunderstandings occur between whites and Indians on account of pasturing stock. What is known as ranchmen, object to have the inferior bands of stock owned by Indians to mix with their herds and bands. This is one evidence of the necessity of putting Indians with their stock on reservations and prohibiting white men from interfering with them there. To this the people are favorably inclined.

We must not forget that [in] the political organization into States and Territories of all our western country and its settlement by white people in such numbers as to make Indian wars impossible, has had a salutary effect on Indians and on that class of bad white men who always infest and curse a frontier country, and by their bad conduct embarrass good settlers and excite hostilities among Indians. The people have power to enforce good order now, and are demanding it from all parties; this is the best security for peace, and has done much to call the attention of the Indians to the necessity of abandoning the chase and a resort to permanent homes and to agriculture.

The worst trouble between the whites and Indians in Idaho, and the one that the whites seem most unwilling to overlook, is the annoyance occasioned by roving bands of Indians, generally Shoshones and Bannacks, and who, under the provisions of the treaty of July 3, 1868, belong, and should have permanent homes upon, the Fort Hall reservation, but who go about the country, ostensibly hunting on unoccupied public

lands, under a right to do so secured to them by the fourth article of the treaty referred to. The presence of these Indians near white men's homes causes distrust and fear on the part of women and children, and their universal custom being to carry all their effects with them, their horses turned upon the prairies encroach on the inclosures of the whites. These troubles, however, will be in the power of the Government, when the agreements entered into with these Indians on the seventh instant under your instructions are confirmed, and so soon as the roving bands can be sent to the reservation under orders of the Government. It is absolutely necessary to put the Indians on reservations and protect them there from encroachments, or to put them on farms diversified over the country and attempt to protect them there from a loss of title and possession. The reservation system is, in the opinion of the commission, the better course, until the Indian can be instructed further in agriculture and business life. The commission believe further that these reservations should be large and the Indians concentrated from the country joining on these, so as to relieve as much of the country as possible from their presence, and further and more particularly, [so] that the subject may receive more direct and efficient aid from the Government with less expense than from multiplied agencies. The commission would respectfully recommend the following as necessary to a successful management of the Indian question: by law or executive order directing agents to apportion lands on the reservation among the several Indian heads of families, and such young men as are willing to take homes, and put those families and persons on their respective tracts, and not permit them to remove their tents or houses from the particular grounds allotted to them, but cause them to labor on those grounds, to raise gardens, grain, &c.; and until this is done you will have nationalized pauper-houses, instead of progressive reservations. Unless this course is adopted the Indians will retrograde and will scatter over the country and become vagabonds in society. It would ruin any people to feed and maintain them in idleness at a common crib. Already, [by] the encouragement given by the agent at Fort Hall by hiring Indians to work on the reservation for wages, instead of white men, as is too commonly the case, he has over forty laboring Indians, thirty-nine of whom signed the agreement of the seventh instant as laborers; and this spirit of advancement has been so far instilled into these people by encouragement that at this agency now there are more Indians asking to become laborers than the agency is authorized to employ. This presents an encouraging view of the question on the vital point of difference between civilized and uncivilized men; the one esteeming labor honorable, and the other feeling it to be dishonorable and only to be done by women.

The people of Idaho have the general dislike to Indians that is felt to some extent all over the West, and of which it is not necessary in this report to trace the causes; yet they have punished promptly those who violate the law against them. There is a man in the penitentiary at Boise, under sentence of death, convicted before a jury of white men at Lewiston, for the murder of a Nez Percé woman.

There are some white men residing on the Nez Percés reservation—William Cadwell, who is there under an authority from a former agent, as the ostensible keeper of a stage station; but really is farming largely, cutting hay, timber, &c., on the reservation to sell to other parties. He occupies a place of importance to the Indians, and should be removed. There are some others on the reservation under various pretences, and are in the way of a proper management of the agency. There is also a man by the name of Finney, who claims to hold [his place] under a treaty provision, made in the interest of his father-in-law, one Craig, long since dead. Congress took action in this case, and the commission recommend the importance of removing this man from the reservation. He, like Cadwell, keeps numbers of men about him, hired hands and others, injurious to the proper management of the interests of the Indians.

One of the most troublesome questions in the way of the Government controlling Indian affairs, is the contest between the Catholic and Protestant churches. The Nez Percé reservation is in the hands of Protestants; and one Catalde, a Catholic priest, who is in charge of the Cœur d'Alene mission, has procured an order from the Office of Commissioner of Indian Affairs, authorizing him to construct a church on the Nez Percé reservation. It is proper to call attention to these matters, and to say this strife between the two religious denominations is a great detriment to the Indians, as they are not well prepared to see that there is no religion in such a contest. If the Catholics are allowed to build a church on the reservation, it will measurably destroy the schools on the reservation, or compel the establishment of other schools than those provided for by treaty, as it is well known that the priests will not permit the children of Catholics to attend Protestant schools. It is well to see whether the Indian Department has authority, to authorize any church to construct its private buildings on Indian reservations, without the consent of the Indians. To further illustrate the evil effects to the Indians of this persistent and injurious contest between religious denominations, among and concerning the Indians, the commission quote the language of Joseph, chief of the non-treaty Nez Percé Indians, now located in the Wallowa Valley, Oregon, but who with his people held a council with the commission at the Nez Percé agency near the Clear Water River, Idaho Territory, on the 2d day of August, 1873:

"By the commission:

"Question. Do you want schools and school-houses on the Wallowa reservation?

"Answer by JOSEPH. No; we do not want schools or school-houses on the Wallowa reservation.

"Question. Why do you not want schools?

"Answer. They will teach us to have churches.

"Question. Do you not want churches?

"Answer. No; we do not want churches.

"Question. Why do you not want churches?

"Answer. They will teach us to quarrel about God, as the Catholics and Protestants do on the Nez Percés reservation, and at other places. We do not want to learn that. We may quarrel with men sometimes about things on this earth, but we never quarrel about God. We do not want to learn that."

One cause of complaint made by the Nez Percé Indians, is what they understand to be a great fraud practiced on them through their former agent, Sells, in the matter of fencing on the reservation. The commission examined the fences put up under the Sells contract, and state that it can only be characterized as a most scandalous fraud. It is a post-and-board fence. The posts are not well set. Much of the lumber is deficient in width and length. The posts are not dressed, the lumber laps at any joint where it may chance to meet, whether on the posts or between them, and the boards are not jointed on the posts where they meet; they are lapped and fastened generally with one nail, so that they are falling down rapidly. The lumber was cut on the reservation; and the contract price of the fence was very high, and the fencing done in places of no value to any one, for the reason that water cannot be had for irrigation. The Government cannot be a party to such frauds on the people who intrust it with their property. These people never raised their hands against the Government, but always defended the whites against other Indians.

The commission recommend that the marital relation of Indians and the marriage or cohabitation of white men with Indian women; the liabilities of Indians for debts contracted by them; the descent of property among them; their admission in court as witnesses, and such other matters as may be necessary to their proper protection and preparation for civilized life, should be the subject for careful legislation by Congress. And the commission especially recommend that criminal law be extended over the Indians, making them liable and punishable as white citizens are for similar offenses. The murders and other crimes and misdemeanors committed by them on their own race are fearfully common, and need prompt punishment from a power that they respect and fear.

And it is further recommended that every white employé on reservations be compelled to have continually in his service one or more Indian apprentices at work in charge on the reservation, to employ only married men upon the reservation as agents, farmers, millers, &c., and to make their employment conditional upon their removing their families to, and remaining with them on the reservation. The presence of white women and white children among the Indians is necessary to the best interests of the whites and Indians. The schools on the reservations to be kept open as continually as possible. The reservation schools should be free to children of agents and their employé's.

Every agent should be compelled to report officially the respective violations of the law by Indians under his charge against Indians or whites, and of whites against Indians.

All of which is most respectfully submitted.

JOHN P. C. SHANKS,
T. W. BENNET,
HENRY W. REED,
Commissioners.

J.

REPORT OF J. P. C. SHANKS, T. W. BENNET, AND H. W. REED, SPECIAL COMMISSIONERS TO INVESTIGATE AND REPORT UPON INDIAN AFFAIRS IN THE TERRITORY OF IDAHO, AND TERRITORIES ADJACENT THERETO.

SALT LAKE CITY, UTAH,
November 17, 1873.

To the Hon. COMMISSIONER OF INDIAN AFFAIRS:

The special commission, consisting of J. P. C. Shanks, T. W. Bennet, and H. W. Reed, directed by you under the attached instructions of July 1, 1873, while inspecting matters connected with the Nes Percé reservation at Lapway, on the Clear Water River,