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November 14, 2007

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BY ECF

The Honorable Joseph F. Bianco
United States District Judge
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

Re: State of New York, et al. v. The Shinnecock Indian Nation, et al., 03 Civ. 3243; Town of Southampton v. The Shinnecock Indian Tribe, et al., 03 Civ. 3466 (Consolidated)

Dear Judge Bianco:

I write with respect to the Court's holding regarding the current status of the Shinnecock Indian Nation with respect to its recognition by the Department of the Interior. In its Memorandum and Order filed October 30, 2007 (dkt. no. 372 in 03 CIV. 3243), the Court observed that: "First, and foremost, the Nation cannot satisfy the definition of an 'Indian tribe' because it is undisputed that the Nation is not recognized as a tribe by the BIA." Memorandum and Order at 118. Plaintiffs' proposed form of permanent injunction at Declaration E,[1] discussed in my separate letter of today's date containing objections to Plaintiffs' proposal, is consistent with this conclusion. The Court's statement appears to be predicated entirely on Stipulation #9 contained in the parties' Proposed Joint Pretrial Order, filed September 28, 2006 (dkt. no. 245 in 03 CIV. 3243).[2]

We have now discovered this stipulation is incorrect, or at a minimum fair ground for litigation. We therefore ask the Court to relieve us of this stipulation and

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1 "The Shinnecock Indian Nation is not recognized by the United States Department of the Interior, Bureau of Indian Affairs."

2 "The Shinnecock Indian Nation has not been acknowledged to be an Indian tribe by the United States Department of the Interior." The stipulation is included, in slightly modified form, in the text of the Court's Memorandum and Order at p 8

modify its Memorandum and Order only to the extent of clarifying that Defendants have not conceded, and the Court does not now find, that the Nation never has been recognized by the Department of the Interior, but rather only that "the Nation has [not] been acknowledged to be an Indian tribe under the administrative procedures of the Department of the Interior described at 25 C.F.R. Part 83." Memorandum and Order at 118.[3]

The newly-discovered evidence shows clearly and unambiguously that the Nation recognized by the Department of the Interior as an Indian tribe and treated as an Indian tribe under federal jurisdiction for many years prior to the adoption of administrative procedures for the acknowledgment of Indian tribes in 1978. Enclosed herewith is an affidavit attaching some of the documents we have identified since the stipulation was entered, and which we believe are sufficient to demonstrate clearly that Defendants raise this issue in good faith, and not for any improper purpose.

As we understand the Court's Memorandum and Order, the issue of whether the Nation ever has been recognized or acknowledged by the Department of the Interior is simply not relevant to the question of the applicability of the Indian Gaming Regulatory Act, which depends solely on the Nation's omission from the list of tribes acknowledged under the administrative procedures of the Department of the Interior described at 25 C.F.R. Part 83, last published on March 22, 2007, at 72 Fed. Reg. 13648. Defendants concede, as they must, that the Nation is not currently on that list. These are what we understand to be the dispositive facts with respect to the Court's holding as to the applicability of the Indian Gaming Regulatory Act.

We do not intend to revisit the Court's holding in that regard, nor do we propose to litigate here the purport of documents we have identified since the stipulation was entered. Defendants are concerned, however, that the Court's statement that "the Nation is not recognized as a tribe by the BIA" may be misinterpreted by other parties as having been actually litigated and necessary to the Court's holding, giving rise to questions about issue or claim preclusion. Based as it is in a stipulation unnecessary to the Court's actual holding and not actually litigated, it is unlikely that this statement could be used to attempt to collaterally estop the Nation in other circumstances. However, the matter is important enough to the Nation for us to make this request to the Court, and we believe that the Court's Memorandum and Order should be as clear as possible on this point.

We therefore ask the Court to enter an order indicating the following:

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[3] The Court appears to have inadvertently omitted a "not" from its discussion of this issue As it appears in the Court's Memorandum and Order, this passage reads: "[a]ll parties agree that IGRA by its terms does not apply to the Shinnecock Nation, in that the Nation has been [*sic*] acknowledged to be an Indian tribe under the administrative procedures of the Department of the Interior described at 25 C.F.R. Part 83." As tempting as it may be to ignore this accidental omission, having noticed it we are obliged to bring it to the Court's attention.

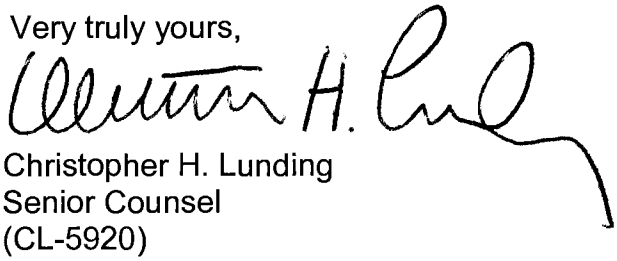
(1) Based upon newly-discovered evidence relating to the historical acknowledgment of the Shinnecock Indian Nation as an Indian tribe by the Department of the Interior, Defendants are relieved of their stipulation that "The Shinnecock Indian Nation has not been acknowledged to be an Indian tribe by the United States Department of the Interior."

(2) The Court's holding is, however, predicated upon the conceded absence of the Shinnecock Indian Nation from the list of tribes acknowledged under the administrative procedures of the Department of the Interior described at 25 C.F.R. Part 83, last published on March 22, 2007, at 72 Fed. Reg. 13648. No substantive modification to the Court's Memorandum and Order therefore is necessary.

(3) However, the Court's Memorandum and Order is clarified to the extent that nothing in it should be understood to indicate that Defendants have conceded, or that the Court concludes as a matter of fact or law, that the Nation was or was not acknowledged to be an Indian tribe by the Department of the Interior in the period prior to the adoption of the administrative procedures of the Department of the Interior currently described at 25 C.F.R. Part 83.

We believe that all of the relevant facts we need to present are included in this letter and the accompanying affidavit, and therefore ask the Court to treat this as a letter motion and permit our adversaries to respond in whatever manner the Court deems appropriate. If, however, the Court would prefer a formal motion for reconsideration or modification of the Memorandum and Order we will, of course, be happy to oblige.

Very truly yours,



Christopher H. Lunding
Senior Counsel
(CL-5920)

Copies: To all counsel

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

STATE OF NEW YORK, NEW YORK STATE RACING AND WAGERING BOARD, NEW YORK STATE DEPT. OF ENVIRONMENTAL CONSERVATION, and TOWN OF SOUTHAMPTON

Plaintiffs,

- against -

THE SHINNECOCK INDIAN NATION, FREDERICK C. BESS, LANCE A. GUMBS, RANDALL KING and KAREN HUNTER

Defendants.

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03 CIV. 3243 (JFB)(ARL)

CONSOLIDATED

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

TOWN OF SOUTHAMPTON,

Plaintiffs,

- against -

THE SHINNECOCK TRIBE A/K/A THE SHINNECOCK INDIAN NATION, FREDERICK C. BESS, LANCE A. GUMBS and RANDALL KING

Defendants.

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03 Civ. 3466 (JFB)(ARL)

AFFIDAVIT OF CHRISTOPHER H. LUNDING

STATE OF NEW YORK)
ss.:
COUNTY OF NEW YORK)

CHRISTOPHER H. LUNDING, being duly sworn, says:

1. I am Senior Counsel at the firm of Cleary Gottlieb Steen & Hamilton LLP, counsel for the Shinnecock Indian Nation and for all other defendants in this action, and am a member of the Bar of this Court.

2. I submit this affidavit on behalf of all Defendants in support of Defendants' request by letter motion submitted herewith to this Court to clarify certain aspects of the Court's October 30, 2007, Memorandum and Order and for related relief.

3. In particular, I submit this affidavit to authenticate and place into the record a selection of documents from a large number of documents supporting the proposition that the question of whether the Shinnecock Indian Nation has been acknowledged by the United States Department of the Interior to be an Indian tribe under federal jurisdiction is one that is, at a minimum, fair ground for litigation.

4. Attached to this affidavit as Exhibit A is a true copy of relevant extracts from Volume II of the annual report of the Department of the Interior for the Fiscal Year ended June 30, 1915, submitted to Congress and published as H. Doc. No. 90, 64th Cong., 1st Sess. In that document, at page 50, the Commissioner of Indian Affairs states as to New York Indians that:

> During the latter part of the calendar year 1914 a specific investigation was made into the present condition of these Indians and the status of their title to the lands now occupied by them, with the view of evolving some suitable and effective plan for straightening out the tangled affairs of these people. The report of the investigating officer, an interesting and instructive paper, was submitted under date of December 26, 1914. His report, with other data relating to the Seneca and other Indians of the Five Nations of New

> York, was printed as House Document 1590, Sixty-third Congress, third session.

5. Attached to this affidavit as Exhibit B is a true and complete copy of House of Representatives Document No. 1590, 63d Cong., 3d Sess., Feb. 12, 1915.

6. The "report of the investigating officer" referred to in Paragraph 3 is reproduced at pages 11 through 15 of Exhibit B, and a copy of this report (the "Reeves Report"), enlarged for convenience of reference, is attached to this affidavit as Exhibit C.

7. In the Reeves Report, John R.T. Reeves, the representative of the Indian Office of the Department of the Interior, states in relevant part:

> Assistant Commissioner [of Indian Affairs] Meritt, being firmly impressed with the necessity of taking some definite action looking to an effective solution of the New York Indian problem, instructed me orally in the early fall of 1913 "to get to the bottom of it," if possible. Later you authorized me in writing to visit the several reservations in that State so as to present existing conditions there. The question has proven of great interest and increasing importance as the investigation progressed . . . .
>
> Six tribes still remain in New York, to be regarded as of any importance at this time, viz[.], the Senecas, Tonawandas, Tuscaroras, Onondagas, St. Regis, and Shinnecocks, the latter, however, never having formed a unit in the Six Nations, although at one time they did pay tribute to the Mohawks. A brief statement as to the status of the lands in each reservation is here presented in order that a clearer understanding of the matter may be reached.

8. Attached to this affidavit as Exhibit D is a true copy of the cover page, the first page of text and pages 96 through 99 and pages 188 through 191 of *Indians of New York, Hearings before the Committee on Indian Affairs, House of Representatives on H.R. 9720*, H. Doc. No. 592, 71st Cong., 2d Sess. (1930).

9. A letter dated October 12, 1929, from Secretary of the Interior Ray Lyman Wilbur to the Honorable Lynn J. Frazier, Chairman of the Senate Committee on Indian Affairs is reproduced at pages 189 through 190 of Exhibit D (the "Wilbur Letter").

10. A copy of the Wilbur Letter, enlarged for convenience of reference, is attached to this affidavit as Exhibit E.

11. In the Wilbur Letter, Secretary of the Interior Wilbur reported in relevant part:

> At sundry times in the past the situation with respect to the Indians in New York has been presented to Congress . . . . House Document No. 1590, Sixty-third Congress, third session, containing the report of this department on the bill last mention, presented and exhaustive resume of the situation with respect to the Indians in New York, including an historical outline of the origin and locus of the title to the lands within each of the several Indian reservations in that State. No substantial change has occurred in the situation with respect to any of these reservations since the submission of that report in 1914, and in order to avoid unnecessary repetition of the facts disclosed by that report, it is suggested that your committee consider the report here made largely as supplemental to the one presented in 1914.

12. Attached to this affidavit as Exhibit F is a is a true copy of relevant extracts from the 1939 Annual Report of the Secretary of the Interior as it relates to Indian tribes under federal superintendence, and of the referenced Statistical Supplement to the Annual Report of the Commissioner of Indian Affairs.

13. In particular, Table III of the Statistical Supplement referenced in paragraph 12 enumerates the Shinnecock Indian tribe as being among the Indian tribes under the jurisdiction of the New York Agency of what was then known as the Office of Indian Affairs of the Department of the Interior.

Christopher H. Lunding

Sworn to before me this
14th day of November, 2007

Notary Public

Vini Lashay
Notary Public, State of New York
No. 01LA6169236
Qualified in Queens County
Certificate on file in New York County
My Commission Expires June 25, 2011

EXHIBIT A

64TH CONGRESS, 1st Session } HOUSE OF REPRESENTATIVES { DOCUMENT No. 90

REPORTS OF THE

DEPARTMENT OF THE INTERIOR

FOR THE FISCAL YEAR ENDED JUNE 30

1915

ADMINISTRATIVE REPORTS

IN 2 VOLUMES

VOLUME II

INDIAN AFFAIRS

TERRITORIES

WASHINGTON : GOVERNMENT PRINTING OFFICE : 1916

REPORTS OF THE DEPARTMENT OF THE INTERIOR.

Administrative reports, in 2 volumes.
- Vol. I. Secretary of the Interior.
  Bureaus, except Office of Indian Affairs.
  Eleemosynary institutions.
  National parks and reservations.
- Vol. II. Indian Affairs.
  Territories.

Report of the Commissioner of Education, in 2 volumes.

CONTENTS.

OSAGE.

Comparatively few of the Osage Indians live on their allotments or farm the land themselves, many residing in the villages set aside by act of Congress for their use. To remedy this condition three Government farmers have been assigned to this agency, and every effort possible is being made to get the Indians to live on their allotments. It is estimated that about 190,000 acres of agricultural land and 600,000 acres of grazing land, allotted to the Osage Indians, are leased, and it has been customary in the past for the allottees to lease their land for farming and grazing purposes without submitting the lease for approval. In some instances lease brokers have built up an extensive business in leasing allotted lands, without departmental approval; this practice will be discontinued, and persons now holding land without an approved lease are requested to submit their leases for approval at once or they will be subject to removal as trespassers. The total area leased for oil and gas purposes aggregates 714,673 acres. The total receipts from oil and gas during the year aggregated $560,155.62. The total amount of oil run during that period aggregated 7,476,209 barrels. We are making a strenuous effort to better conditions generally at Osage.

NEW YORK INDIANS.

During the latter part of the calendar year 1914 a specific investigation was made into the present condition of these Indians and the status of their title to the lands now occupied by them, with the view of evolving some suitable and effective plan for straightening out the tangled affairs of these people. The report of the investigating officer, an interesting and instructive paper, was submitted under date of December 26, 1914. His report, with other data relating to the Seneca and other Indians of the Five Nations of New York, was printed as House Document 1590, Sixty-third Congress, third session.

ROCKY BOY'S BAND OF CHIPPEWA.

For several years this band of Indians has presented a difficult problem to the Indian Office. A few of them were allotted on the most undesirable part of the Blackfeet Reservation, which they refused to accept, and have been in the habit of wandering about from place to place over the country thereabouts, sometimes in search of work, but generally subsisting upon charity.

Several months ago permission was granted for these Indians to locate temporarily upon the southern part of the Fort Assiniboine Reserve and to use the land for gardens and pasture for their stock. Implements have been purchased and a farmer appointed to assist

Michigan	7,514	Oklahoma	[1]118,358
Minnesota	11,723	Oregon	6,481
Mississippi	1,253	Rhode Island	284
Missouri	313	South Carolina	331
Montana	11,329	South Dakota	21,082
Nebraska	3,917	Tennessee	216
Nevada	7,819	Texas	702
New Hampshire	34	Utah	3,210
New Jersey	168	Vermont	26
New Mexico	22,007	Virginia	539
New York	6,185	Washington	11,423
North Carolina	8,047	West Virginia	36
North Dakota	8,710	Wisconsin	9,389
Ohio	127	Wyoming	1,705

TABLE 2.—*Indian population of the United States, exclusive of Alaska, June 30, 1915.*

States, superintendencies, and tribes.	Total population.	Male.	Female.	Minors.	Adults.	Full blood.	Mixed blood.	
							One-half or more.	Less than half.
Total population [2]	333,010	164,796	162,987	86,452	167,416	173,747	48,372	60,973
Alabama: Not under agent	[3] 909	.....	.....	.....	.....	.....	.....	.....
Arizona	42,336	21,522	20,814	16,817	23,519	42,012	178	146
Camp Verde School	421	216	205	185	236	404	17	.....
Mohave—Apache	265	135	130	122	143	257	8	.....
Tonto—Apache	156	81	75	63	93	147	9	.....
Colorado River	477	277	200	199	278	398	18	61
Chemehuevi	69	40	29	199	278	398	18	61
Cocopa	1	.....	1					
Mohave	402	234	168					
Mohave—Apache	5	3	2					
Fort Apache School—White Mountain Apache	2,388	1,177	1,211	1,190	1,198	2,304	11	73
Fort Mojave School	703	423	310	272	491	703	.....	.....
Chemehuevi	148	75	73	68	80	148	.....	.....
Mohave	615	348	267	204	411	615	.....	.....
Havasupai School—Havasupai	170	92	78	67	103	170	.....	.....
Kaibab School—Kaibab—Paiute	98	57	41	38	60	98	.....	.....
Leupp School—Navaho	1,700	889	811	433	1,267	1,700	.....	.....
Moqui School	4,193	2,207	1,986	2,155	2,038	4,193	.....	.....
Moqui (Hopi)	2,193	1,160	1,033	1,014	1,179	2,193	.....	.....
Navaho	2,000	1,047	953	1,141	859	2,000	.....	.....
Navajo School—Navaho [4]	10,000	5,400	4,600	3,800	6,200	9,910	90	.....
Pima School	6,296	3,195	3,101	1,890	2,406	6,288	8	.....
Maricopa	279	136	143	129	150	279	.....	.....
Pima	4,017	2,059	1,958	1,761	2,256	4,009	8	.....
Gila Bend Reservation, Papago	2,000	1,000	1,000	[5]	[5]	2,000	.....	.....
Salt River School	1,208	598	610	587	621	1,206	2	.....
Maricopa	84	44	40	34	50	84	.....	.....
Mohave Apache	236	128	108	92	144	234	2	.....
Pima	888	426	462	461	427	888	.....	.....
San Carlos School [6]	2,608	1,331	1,277	1,170	1,438	2,597	11	.....
Coyotero—Apache	604	320	284	282	322	602	2	.....
Mohave—Apache	69	33	36	35	34	69	.....	.....
San Carlos—Apache	1,223	613	610	538	685	1,216	7	.....
Tonto—Apache	712	365	347	315	397	710	2	.....

[1] Includes 23,405 freedmen and 2,582 intermarried whites.
[2] Correct as reported by superintendents.
[3] 1910 census.
[4] Includes Indians in New Mexico under this school.
[5] Unknown.
[6] 1914 report.

TABLE 2.—*Indian population of the United States, exclusive of Alaska, June 30, 1915*—Continued.

States, superintendencies, and tribes.	Total population.	Male.	Female.	Minors.	Adults.	Full blood.	Mixed blood.	
							One-half or more.	Less than half.
Arizona—Continued.								
San Xavier School—Papago	4,990	2,400	2,590	1,800	3,190	4,967	11	12
Truxton Canon School—Walapai	474	260	214	192	282	464	10	.....
Western Navajo School	6,550	3,000	3,550	2,839	3,711	6,550	.....	.....
Moqui (Hopi)	262	133	129	138	124	262	.....	.....
Navaho	6,098	2,787	3,311	2,021	3,477	6,098	.....	.....
Paiute	190	80	110	80	110	190	.....	.....
Arkansas: Not under agent	[1] 460	.....	.....	.....	.....	.....	.....	.....
California	15,034	7,143	6,891	3,300	5,262	8,744	3,457	1,361
Bishop School—Paiute, Shoshoni, and Moache	1,345	685	660	459	886	1,076	158	111
Campo School	228	115	113	82	146	210	17	1
Mission Indians at Campo	137	77	60	47	90	131	6	.....
Cuyapaipe	8	4	4	.....	8	8	.....	.....
Laguna	7	3	4	1	6	7	.....	.....
La Posta	6	2	4	2	4	6	.....	.....
Manzanita	70	29	41	32	38	58	11	1
Digger Agency—Digger	53	25	28	22	31	27	21	5
Fort Bidwell School	715	340	375	264	451	688	18	9
Digger	14	7	7	2	12	3	2	9
Paiute	200	112	88	93	107	191	9	.....
Pit River	501	221	280	169	332	494	7	.....
Fort Yuma School—Yuma	788	416	372	283	505	758	23	7
Greenville School—Digger and Washo	1,000	[2]	[2]	[2]	[2]	[2]	[2]	[2]
Hoopa Valley School	1,245	609	636	569	676	610	527	108
Hupa	435	211	224	166	269	187	230	18
Klamath	546	284	262	300	246	288	200	58
Lower Klamath	264	114	150	103	161	135	97	32
Malki School	612	333	279	220	392	548	30	34
Mission Indians at Augustine	18	10	8	7	11	18	.....	.....
Cabazon	38	22	16	14	24	38	.....	.....
Martinez	114	67	47	32	82	106	8	.....
Mission Creek	16	10	6	6	10	16	.....	.....
Morongo	233	121	112	97	136	177	22	34
Palm Springs	52	29	23	14	38	52	.....	.....
San Manuel	50	30	20	13	43	50	.....	.....
Torres	85	44	41	37	48	85	.....	.....
Pala School	936	461	475	331	605	828	101	7
Mission Indians at—								
Capitan Grande	130	67	63	53	77	114	16	.....
La Jolla	246	124	122	89	157	242	4	.....
Pala	196	89	107	69	127	153	41	2
Pauma	50	23	27	19	31	49	1	.....
Pechanga	202	99	103	56	146	194	8	.....
Rincon	61	32	29	21	40	33	23	5
San Pascual	4	1	3	2	2	1	3	.....
Syquan	47	26	21	22	25	42	5	.....
Roseburg (Oreg.) School—Scattered Wichumni, Kawia, Pit River, and others in northern California	5,000	2,500	2,500	[3]	[3]	[3] 2,500	[3] 1,875	[3] 625
Round Valley School—Concow and other tribes	1,550	786	764	633	917	[3] 560	[3] 590	[3] 400
Soboba School	938	528	410	367	571	799	85	54
Mission Indians at Cahuilla	137	73	64	41	96	137	.....	.....
Inaja	35	18	17	13	22	35	.....	.....
Los Coyotes	126	77	49	47	79	126	.....	.....
Mesa Grande	194	115	79	85	109	140	54	.....
Santa Rosa	64	38	26	10	54	61	.....	.....

[1] 1910 census. [2] Unknown. [3] Estimated.

TABLE 2.—*Indian population of the United States, exclusive of Alaska, June 30, 1915*—Continued.

States, superintendencies, and tribes.	Total population.	Male.	Female.	Minors.	Adults.	Full blood.	Mixed blood.	
							One-half or more.	Less than half.
California—Continued.								
Soboba School—Continued.								
Santa Ynez	71	38	33	31	40	1	16	54
Soboba	136	73	63	47	89	121	15	.....
Volcan	175	96	70	93	82	175	.....	.....
Tule River School	624	345	279	70	82	140	12	.....
Tule River	152	80	63	70	82	140	12	.....
Outlying districts	472	256	216	(1)	(1)	(1)	(1)	(1)
Colorado	890	460	430	462	428	873	9	8
Southern Ute School—Capote and Moache Ute	366	177	189	169	197	349	9	8
Ute Mountain School—Capote and Moache Ute	524	283	241	293	231	524	.....	.....
Connecticut: Not under agent	[2] 152	.....	.....	.....	.....	.....	.....	.....
Delaware: Not under agent	[2] 5	.....	.....	.....	.....	.....	.....	.....
District of Columbia: Not under agent	[2] 68	.....	.....	.....	.....	.....	.....	.....
Florida: Seminole	578	358	220	217	361	563	14	1
Georgia: Not under agent	[2] 95	.....	.....	.....	.....	.....	.....	.....
Idaho	4,200	2,076	2,124	1,578	2,622	3,335	551	314
Coeur d'Alene School	834	416	418	333	501	649	105	80
Coeur d'Alene	601	303	298	245	356	434	87	80
Kalispel	101	55	46	39	62	101	.....	.....
Kootenai	132	58	74	49	83	114	18	.....
Fort Hall School—Bannock and Shoshoni	1,794	914	880	662	1,132	1,491	234	69
Fort Lapwai School—Nez Perce	1,572	746	826	583	989	1,195	212	165
Illinois: Not under agent	[2] 188	.....	.....	.....	.....	.....	.....	.....
Indiana: Not under agent—Miami and others	[2] 279	.....	.....	.....	.....	.....	.....	.....
Iowa: Sac and Fox School—Sac and Fox	364	190	174	142	222	364	.....	.....
Kansas	1,375	734	641	781	594	748	318	309
Kickapoo School	616	323	293	349	267	217	188	211
Iowa	303	150	153	170	133	16	76	211
Kickapoo	216	126	90	131	85	187	29	.....
Sac and Fox	97	47	50	48	49	14	83	.....
Potawatomi School—Prairie Band of Potawatomi	759	411	348	432	327	531	130	98
Kentucky: Not under agent	[2] 234	.....	.....	.....	.....	.....	.....	.....
Louisiana: Not under agent	[2] 780	.....	.....	.....	.....	.....	.....	.....
Maine: Not under agent	[2] 802	.....	.....	.....	.....	.....	.....	.....
Maryland: Not under agent	[2] 55	.....	.....	.....	.....	.....	.....	.....
Massachusetts: Not under agent	[2] 688	.....	.....	.....	.....	.....	.....	.....
Michigan	7,514	690	657	618	729	209	521	617
Bay Mills School—Chippewa	250	125	125	102	148	9	121	120
Mackinac Agency—L'Anse, Vieux Desert, and Ontonagon Bands of Chippewa	1,097	565	532	516	581	200	400	497
Not under agent—Scattered Chippewa, Ottawa, Potawatomi, and others	[2] 6,167	.....	.....	.....	.....	.....	.....	.....
Minnesota	11,723	5,874	5,849	5,551	6,172	3,397	4,146	2,091
Fond du Lac School—Chippewa	1,020	522	498	510	504	86	532	402
Grand Portage School—Chippewa	318	140	178	139	179	.....	318	.....

[1] Unknown.

[2] 1910 census.

TABLE 2.—*Indian population of the United States, exclusive of Alaska, June 30, 1915*—Continued.

States, superintendencies, and tribes.	Total population.	Male.	Female.	Minors.	Adults.	Full blood.	Mixed blood.	
							One-half or more.	Less than half.
Minnesota—Continued.								
Leech Lake School	1,754	904	850	785	969	993	697	64
Cass and Winibigoshish	457	221	236	215	242	310	141	6
Leech Lake Pillager	805	412	393	351	454	462	330	13
White Oak Point (Miss.) Chippewa	492	271	221	219	273	221	226	45
Nett Lake School	625	291	334	292	333	407	162	56
Chippewa (Bois Fort)	530	240	290	238	292	329	148	53
Vermillion Lake Indians [1]	95	51	44	54	41	78	14	3
Red Lake School—Red Lake and Pembina Chippewa	1,486	742	744	741	745	(2)	(2)	(2)
White Earth School	6,217	3,114	3,103	2,985	3,232	1,710	2,348	2,150
White Earth (Miss.) Chippewa	2,350	1,206	1,153					
Mille Lac (removal)	1,174	570	604					
Otter Tail Pillager	811	405	406					
Gull Lake (Miss.)	440	218	222					
Mille Lac (nonremoval)	284	133	151					
Pembina-Pillager	415	222	193	2,985	3,232	1,710	2,348	2,150
Leech Lake (removal)	272	122	150					
White Oak Point (removal)	291	140	151					
Fond du Lac (removal)	110	63	47					
Cass and Winibigoshish	61	35	26					
Pipestone (Birch Cooley) Mdewakanton and Wapaguta, Sioux and Sisseton, and Wahpeton	303	161	142	93	210	102	89	22
Mississippi: Not under agent	[3] 1,253	.....	.....	.....	.....	.....	.....	.....
Missouri: Not under agent	[3] 313	.....	.....	.....	.....	.....	.....	.....
Montana	11,329	5,659	5,670	5,225	6,104	6,560	2,845	1,924
Blackfeet School—Blackfeet	2,724	1,356	1,368	1,422	1,302	1,222	1,147	355
Crow Agency—Crow	1,699	850	849	690	1,009	1,269	234	196
Flathead School—Confederated Flathead	2,302	1,154	1,148	955	1,347	714	715	873
Fort Belknap School	1,205	621	584	500	705	836	255	114
Assiniboin	634	326	308	237	397	446	101	87
Grosventre	571	295	276	203	308	390	154	27
Fort Peck School—Fort Peck Sioux	1,943	969	974	1,022	921	1,141	453	349
Tongue River School—Northern Cheyenne	1,456	709	747	636	820	1,378	41	37
Nebraska	3,917	1,948	1,969	1,895	2,022	1,721	970	1,226
Omaha School—Omaha	1,313	674	639	660	653	1,020	116	177
Santee School	1,508	741	767	703	745	501	454	463
Ponca	329	154	175	204	125	89	138	102
Santee Sioux	1,179	587	592	559	620	502	316	361
Winnebago School—Winnebago	1,096	533	563	472	624	110	400	586
Nevada	7,819	3,971	3,848	2,328	5,491	7,030	576	213
Fallon School	437	216	221	132	305	412	12	13
Paiute at Fallon	324	163	161	90	228	319	5	.....
Lovelocks	113	53	60	30	77	93	7	13
Fort McDermitt School—Paiute	344	173	171	133	211	330	14	.....
Moapa River School—Paiute	123	61	62	45	78	118	5	.....
Nevada School—Paiute	606	266	340	203	403	602	4	.....

[1] 1914 report. [2] Unknown. [3] 1910 census.

TABLE 2.—*Indian population of the United States, exclusive of Alaska, June 30, 1915*—Continued.

States, superintendencies, and tribes.	Total population.	Male.	Female.	Minors.	Adults.	Full blood.	Mixed blood.	
							One-half or more.	Less than half.
Nevada—Continued.								
Walker River School	707	333	374	323	384	636	71	.....
Paiute	566	267	299	323	384	636	71	.....
Paiute (Mason Valley)	141	66	75					
Western Shoshone School	602	322	280	272	330	532	70	.....
Paiute	293	158	135	128	165	532	70	.....
Shoshoni	309	164	145	144	165			
Reno, special agent	[1] 5,000	2,600	2,400	1,220	3,780	4,400	400	200
Digger (scattered California tribes)	2,000	1,030	970	1,220	3,780	4,400	400	200
Paiute	1,400	725	675					
Shoshoni	1,000	525	475					
Washo	600	320	280					
New Hampshire: Not under agent	[2] 34	.....	.....	.....	.....	.....	.....	.....
New Jersey: Not under agent	[2] 168	.....	.....	.....	.....	.....	.....	.....
New Mexico	22,007	11,159	10,848	11,331	10,676	21,579	347	81
Jicarilla School—Jicarilla Apache	642	339	303	275	367	642	.....	.....
Mescalero School—Mescalero Apache	[3] 626	302	324	274	352	598	17	11
Pueblo Bonito School—Navaho	2,715	1,325	1,390	1,357	1,358	2,715	.....	.....
Pueblo Day Schools	8,421	4,378	4,043	3,778	4,643	8,021	330	70
Navaho	358	174	184	174	184	358	.....	.....
Pueblo	8,063	4,204	3,859	3,604	4,459	7,663	330	70
San Juan School—Navaho	[1] 8,000	4,000	4,000	5,000	3,000	8,000	.....	.....
Zuni School—Pueblo	1,603	815	788	647	956	1,603	.....	.....
New York	6,185	3,011	2,814	2,616	3,209	5,825	.....	.....
New York Agency	5,825	3,011	2,814	2,616	3,209	5,825	.....	.....
Cayuga	182	83	99	80	102	182	.....	.....
Oneida	243	123	120	87	156	243	.....	.....
Onondaga	549	277	272	210	339	549	.....	.....
Seneca (Allegany)	920	462	458	461	459	920	.....	.....
Seneca (Cattaraugus)	1,317	670	647	578	739	1,317	.....	.....
Seneca (Tonawanda)	500	275	225	205	295	500	.....	.....
St. Regis (not a part of Six Nations)	[1] 1,509	800	709	754	755	1,509	.....	.....
Tuscarora	355	196	159	116	239	355	.....	.....
Montauk	[1] 30	15	15	15	15	30	.....	.....
Poospatuck	[1] 20	10	10	10	10	20	.....	.....
Shinnecock	[1] 200	100	100	100	100	200	.....	.....
Not under agent	[4] 360	.....	.....	.....	.....	.....	.....	.....
North Carolina	8,047	1,182	1,029	1,147	1,004	1,328	355	528
Cherokee School—Eastern Cherokee	2,211	1,182	1,029	1,147	1,004	1,328	355	528
Not under agent	5,836	.....	.....	.....	.....	.....	.....	.....
North Dakota	8,710	4,348	4,362	4,072	4,638	4,736	3,666	308
Fort Berthold School	1,154	580	574	540	614	831	296	27
Arikara	409	203	206	197	212	250	141	12
Grosventre	483	240	243	223	260	360	109	14
Mandan	262	137	125	120	142	215	46	1

[1] Estimated.
[2] 1910 census.
[3] Includes 183 Apache; 1913 Fort Sill removal.
[4] 1910 census, minus 250 Montauk, Poospatuck, and Shinnecock.

TABLE 2.—*Indian population of the United States, exclusive of Alaska, June 30, 1915*—Continued.

States, superintendencies, and tribes.	Total population.	Male.	Female.	Minors.	Adults.	Full blood.	Mixed blood.	
							One-half or more.	Less than half.
North Dakota—Continued.								
Fort Totten School—Sisseton, Wahpeton, and Cuthead Sioux (known as Devils Lake Sioux)	999	502	497	429	570	999	[1]	[1]
Standing Rock School—Sioux	3,434	1,708	1,726	1,396	2,038	2,735	418	281
Turtle Mountain School—Turtle Mountain Chippewa	3,123	1,558	1,565	1,707	1,416	171	2,952	.....
Ohio: Not under agent	[2] 127	.....	.....	.....	.....	.....	.....	.....
Oklahoma	118,358	8,420	8,408	7,950	8,887	35,952	15,366	44,635
Cantonment School	782	419	363	339	443	729	37	16
Arapaho	240	129	111	107	133	230	10	.....
Cheyenne	542	290	252	232	310	499	27	16
Cheyenne and Arapaho School	1,253	630	623	534	719	933	221	99
Arapaho	521	259	262	240	281	397	71	53
Cheyenne	732	371	361	294	438	536	150	46
Kiowa School	4,410	2,162	2,248	2,109	2,211	3,213	808	389
Apache	177	81	96	2,109	2,211	3,213	808	389
Comanche	1,523	762	761					
Kiowa	1,500	712	788					
Wichita and Caddo	1,123	559	564					
Apache prisoners	87	48	39					
Osage School—Osage	2,195	1,136	1,059	809	1,386	838	1,357	.....
Otoe School—Otoe and Missouri	476	245	231	254	222	426	41	9
Pawnee School—Pawnee	670	322	357	344	335	526	120	33
Ponca School	1,010	515	495	590	411	397	406	207
Kaw	[3] 338	183	155	257	81	101	27	207
Ponca	622	306	316	321	301	250	372	.....
Tonkawa	50	26	24	21	29	43	7	.....
Red Moon School—Cheyenne	155	80	75	50	105	155	.....	.....
Sac and Fox School	687	334	353	361	323	411	142	134
Iowa	87	39	48	38	49	46	41	.....
Sac and Fox	600	295	305	326	274	365	101	134
Seger School	593	280	313	252	341	533	18	42
Arapaho	148	65	83	67	81	131	7	10
Cheyenne	445	215	230	185	260	402	11	32
Seneca School	1,908	979	1,019	1,049	949	140	509	1,349
Eastern Shawnee	131	54	77	71	70	5	65	61
Ottawa	273	147	126	153	120	4	44	225
Quapaw	331	159	172	170	151	94	24	213
Seneca	415	202	213	210	205	18	274	123
Wyandot	455	230	219	215	240	1	28	426
Peoria-Miami [4] (citizen)	393	181	212	230	163	18	74	301
Shawnee School	2,599	1,327	1,272	1,157	1,443	802	1,311	423
Absentee Shawnee	455	225	230	172	283	410	38	7
Citizen Potawatomi	1,790	927	869	921	875	110	1,270	416
Mexican Kickapoo	348	175	173	61	281	342	6	.....
Five Civilized Tribes [5]	101,521	.....	.....	.....	.....	26,789	10,393	41,034

[1] Included in full blood.
[2] 1910 census.
[3] Increase due to revision of Kaw census.
[4] 1914 report; now citizens, no longer under jurisdiction of Quapaw Agency.
[5] Increased roll due to act of Congress, Aug. 1, 1914.

TABLE 2.—*Indian population of the United States, exclusive of Alaska, June 30, 1915*—Continued.

States, superintendencies, and tribes.	Total population.	Male.	Female.	Minors.	Adults.	Full blood.	Mixed blood.	
							One-half or more.	Less than half.
Oklahoma—Continued.								
Five Civilized Tribes—Continued.								
Cherokee Nation	41,824	.....	.....	.....	.....	8,703	4,778	23,424
By blood	36,432	}	.....	.....	.....	8,703	4,778	23,424
By intermarriage	286							
Delawares	187							
Freedmen	4,919	.....	.....	.....	.....	.....	.....	.....
Chickasaw Nation	10,966	.....	.....	.....	.....	1,515	966	3,823
By blood	5,650	}	.....	.....	.....	1,515	966	3,823
By intermarriage	645							
Freedmen	4,662	.....	.....	.....	.....	.....	.....	.....
Choctaw Nation	20,828	.....	.....	.....	.....	8,444	2,473	10,882
By blood	17,488	}	.....	.....	.....	8,444	2,473	10,882
By intermarriage	1,051							
Mississippi Choctaw	1,660							
Freedmen	6,029	.....	.....	.....	.....	.....	.....	.....
Creek Nation	18,776	.....	.....	.....	.....	6,873	1,698	3,396
By blood	11,967	.....	.....	.....	.....	6,873	1,698	3,396
Freedmen	6,809	.....	.....	.....	.....	.....	.....	.....
Seminole Nation	3,127	.....	.....	.....	.....	1,254	478	409
By blood	2,141	.....	.....	.....	.....	1,254	478	409
Freedmen	986	.....	.....	.....	.....	.....	.....	.....
Oregon	6,481	3,151	3,330	1,451	2,030	3,884	1,605	932
Klamath School	1,145	545	600	467	678	872	254	19
Roseburg School—Scattered Indians on public domain	3,000	1,500	1,500	(1)	(1)	1,500	1,125	375
Siletz School—Clackamas, Rogue River, Santiam, Siletz (confederated), Umpqua, Hapata Lake, and Yamhill	425	226	199	195	230	200	208	17
Umatilla School—Cayuse, Umatilla, and Walla Walla	1,152	539	613	476	676	581	50	521
Warm Springs School—Wasco, Tenino, and Paiute	759	341	418	313	446	731	28	.....
Rhode Island: Not under agent	[2] 284	.....	.....	.....	.....	.....	.....	.....
South Carolina: Not under agent—Catawbas, Cherokee, Oneida, and others	[2] 331	.....	.....	.....	.....	.....	.....	.....
South Dakota	21,082	10,511	10,571	9,615	11,467	12,502	5,590	2,930
Cheyenne River School—Blackfeet, Miniconjou, Sans Arc, and Two Kettle Sioux	2,708	1,349	1,359	1,248	1,460	1,755	469	484
Crow Creek School—Lower Yanktonai Sioux	955	457	498	367	588	702	210	43
Flandreau School — Flandreau Sioux	282	149	133	96	186	233	49	.....
Lower Brule School—Lower Brule Sioux	481	243	238	220	255	240	200	35
Pine Ridge School—Oglala Sioux	7,210	3,639	3,601	3,418	3,822	4,732	1,572	936
Rosebud School—Rosebud Sioux	5,519	2,763	2,756	2,482	3,037	3,148	1,600	771
Sisseton School—Sisseton and Wahpeton Sioux	2,053	1,041	1,012	867	1,186	867	876	310
Yankton School—Yankton Sioux	1,814	870	974	911	933	870	614	351
Tennessee: Not under agent	[2] 216	.....	.....	.....	.....	.....	.....	.....
Texas: Not under agent	702	.....	.....	.....	.....	.....	.....	.....
Alabama	[3] 102	.....	.....	.....	.....	.....	.....	.....
Koosati, Seminole, Isleta, and others	[3] 510	.....	.....	.....	.....	.....	.....	.....

[1] Unknown. [2] 1910 census. [3] Special agent's report, 1910.

TABLE 2.—*Indian population of the United States, exclusive of Alaska, June 30, 1915*—Continued.

States, superintendencies, and tribes.	Total population.	Male.	Female.	Minors.	Adults.	Full blood.	Mixed blood.	
							One-half or more.	Less than half.
Utah	3,210	878	916	509	785	1,693	80	21
Shivwits School—Paiute	133	64	69	48	85	133	.....	.....
Uintah and Ouray Agency	1,161	583	578	461	700	1,060	80	21
Uinta Ute	440	202	238					
Uncompahgre Ute	430	216	223	461	700	1,060	80	21
Whiteriver Ute	282	165	117					
Salt Lake—								
Under special agent—Paiute and others	500	231	269	(1)	(1)	500	.....	.....
Not under agent—Paiute and others	[2] 1,416	.....	.....	.....	.....	.....	.....	.....
Vermont: Not under agent	[2] 26	.....	.....	.....	.....	.....	.....	.....
Virginia: Not under agent	[2] 539	.....	.....	.....	.....	.....	.....	.....
Washington	11,423	5,640	5,781	4,204	5,426	7,566	2,516	1,248
Colville School—Confederated Colville	2,468	1,196	1,272	1,124	1,344	1,482	455	531
Cushman School	2,330	1,164	1,166	255	375	1,421	684	225
Chehalis	99	58	41	42	57	68	31	.....
Muckleshoot	161	73	88	62	99	127	33	1
Nisqually	83	47	36	25	53	53	20	10
Skokomish	210	95	115	90	120	133	69	8
Squaxon Island	77	41	36	36	41	40	31	6
Unattached	1,700	850	850	.....	.....	1,000	500	200
Cowlitz	490	240	250					
Clallam	537	301	236	.....	.....	1,000	500	200
Puyallup	372	190	182					
Various other Indians	301	119	182					
Neah Bay School	702	370	332	309	393	656	46	.....
Hoh	50	26	24	17	33	50	.....	.....
Makah	408	209	199	198	210	364	44	.....
Ozette	17	8	9	.....	17	17	.....	.....
Quileute	227	127	100	94	133	225	2	.....
Spokane School—Spokan	611	293	318	261	350	410	57	144
Tahola School	800	393	407	303	497	549	232	19
Queets River Reservation	68	34	34	20	48	67	1	.....
Quileute	24	11	13	3	21			
Quinaielt	43	22	21	17	26	67	1	.....
Snoqualmie	1	1	.....	.....	1			
Quinaielt Reservation—Quinaielt	732	359	373	283	449	482	231	19
Tulalip School	1,273	640	633	606	667	857	359	57
Lummi	469	240	229					
Susquamish	168	85	83					
Swinomish	207	102	105	606	667	857	359	57
Tulalip (remnants of many tribes and bands)	429	213	216					
Yakima School—Confederated Yakima	3,146	1,493	1,653	1,346	1,800	2,191	683	272
Not under agent	[2] 93	.....	.....	.....	.....	.....	.....	.....
West Virginia: Not under agent	[2] 36	.....	.....	.....	.....	.....	.....	.....

[1] Unknown. [2] 1910 census.

TABLE 2.—*Indian population of the United States, exclusive of Alaska, June 30, 1915*—Continued.

States, superintendencies, and tribes.	Total population.	Male.	Female.	Minors.	Adults.	Full blood.	Mixed blood.	
							One-half or more.	Less than half.
Wisconsin	9,889	5,082	4,807	3,854	4,792	1,817	4,952	1,271
Carter Agency—Potawatomi	309	174	135	77	232	309	.....	.....
Hayward School—Chippewa, Lac Courte Oreille	1,259	625	634	555	704	562	651	46
Keshena School	2,336	1,237	1,099	1,052	1,284	433	865	432
Menominee	1,730	922	808	778	952	433	865	432
Stockbridge and Munsee[1]	606	315	291	274	332	(2)	(2)	(2)
Lac du Flambeau School—Chippewa	706	338	368	258	448	460	150	96
La Pointe School—Chippewa at Bad River	[1] 1,040	531	509	462	578	50	400	590
Oneida School—Oneida	2,491	1,296	1,195	1,197	1,294	.....	2,491	.....
Red Cliff School—Chippewa	505	268	237	253	252	3	395	107
Tomah School—Wisconsin Band of Winnebago	1,243	613	630	(2)	(2)	(2)	(2)	(2)
Wyoming	1,705	871	834	789	916	1,249	250	206
Shoshone School	1,705	871	834	789	916	1,249	250	206
Arapaho	871	442	429	414	457	765	97	9
Shoshoni	834	429	405	375	459	484	153	197

[1] Now citizens. [2] Unknown. [3] As reported.

TABLE 3.—*Indians under Federal supervision—Unallotted and holding trust and fee patents, June 30, 1915.*

States and superintendencies.	Total Indians under Federal supervision.	Allotted.				Unallotted.
		Total allotted.	Holding trust or restricted fee patents.	Holding fee patents for—		
				Part of allotment.	Entire allotment.	
Total, 1915	309,011	182,289	68,980	2,623	110,686	126,379
1914	307,891	*180,605*	*69,044*	1,613	109,018	*124,797*
1913	307,433	183,712	72,411	1,420	109,911	121,233
1912	309,030	177,626	103,417	1,926	70,004	120,876
1911	296,320	104,215	88,182	.....	[1] 76,033	120,780
1901[2]	247,522	61,853	.....	.....	.....	.....
1890[2]	230,437	15,166	.....	.....	.....	.....
Arizona	42,336	5,971	5,971	.....	.....	36,365
Camp Verde	421	.....	.....	.....	.....	421
Colorado River	477	477	477	.....	.....	.....
Fort Apache	2,388	.....	.....	.....	.....	2,388
Fort Mojave	763	763	763	.....	.....	.....
Havasupai	170	.....	.....	.....	.....	170
Kaibab	98	.....	.....	.....	.....	98
Leupp	1,700	.....	.....	.....	.....	1,700
Moqui	4,103	.....	.....	.....	.....	4,103
Navajo	10,000	.....	.....	.....	.....	10,000
Pima	6,296	1,142	1,142	.....	.....	5,154
Salt River	1,203	799	799	.....	.....	409
San Carlos[3]	2,608	.....	.....	.....	.....	2,608
San Xavier	4,990	2,790	2,790	.....	.....	2,200
Truxton Canon	474	.....	.....	.....	.....	474
Western Navajo	6,550	.....	.....	.....	.....	6,550
California	10,034	2,913	2,140	1	772	7,121
Bishop	1,315	236	234	.....	2	1,109
Campo	228	.....	.....	.....	.....	228
Digger	53	.....	.....	.....	.....	53

[1] Includes fee patents for part of their allotment. [2] Only items reported. [3] 1914 report.

TABLE 3.—*Indians under Federal supervision—Unallotted and holding trust and fee patents, June 30, 1915*—Continued.

States and superintendencies.	Total Indians under Federal supervision.	Allotted.				Unallotted.
		Total allotted.	Holding trust or restricted fee patents.	Holding fee patents for—		
				Part of allotment.	Entire allotment.	
California—Continued.						
Fort Bidwell	715	171	171	.....	.....	544
Fort Yuma	788	720	.....	.....	720	68
Greenville	1,000	150	150	.....	.....	850
Hoopa Valley	1,246	810	799	.....	11	435
Malki	612	.....	.....	.....	.....	612
Pala	936	274	236	.....	38	662
Round Valley	1,550	552	550	1	1	998
Soboba	938	.....	.....	.....	.....	938
Tule River	624	.....	.....	.....	.....	624
Colorado	890	195	195	.....	.....	695
Southern Ute	366	195	195	.....	.....	171
Ute Mountain	524	.....	.....	.....	.....	524
Florida: Seminole	578	.....	.....	.....	.....	578
Idaho	4,200	3,121	2,919	79	123	1,079
Cœur d'Alene	834	560	485	41	34	274
Fort Hall	1,794	1,683	1,683	.....	.....	111
Fort Lapwai	1,572	878	751	38	89	694
Iowa: Sac and Fox	364	.....	.....	.....	.....	364
Kansas	1,375	750	630	51	69	625
Kickapoo	616	305	261	11	33	311
Potawatomi	759	445	369	40	36	314
Michigan	1,347	323	323	.....	.....	1,024
Bay Mills	250	250	250	.....	.....	.....
Mackinac	1,097	73	73	.....	.....	1,024
Minnesota	11,723	5,026	1,869	8	3,149	6,697
Fond du Lac	1,020	268	250	3	15	752
Grand Portage	318	318	307	.....	11	.....
Leech Lake	1,754	950	930	4	16	804
Nett Lake	625	299	298	1	.....	326
Pipestone (Birch Cooley)[1]	303	84	84	.....	.....	219
Red Lake	1,486	.....	.....	.....	.....	1,486
White Earth	6,217	[2]3,107	.....	.....	[2]3,107	3,110
Montana	11,329	7,430	7,072	38	320	3,899
Blackfeet	2,724	[2]2,426	[2]2,424	1	1	298
Crow	1,699	1,319	1,275	6	38	380
Flathead	2,302	1,929	1,620	28	281	373
Fort Belknap	1,205	.....	.....	.....	.....	1,205
Fort Peck	1,943	1,756	1,753	3	.....	187
Tongue River	1,456	.....	.....	.....	.....	1,456
Nebraska	3,917	1,441	745	50	646	2,476
Omaha	1,313	617	308	18	291	696
Santee	1,508	448	208	20	220	1,060
Winnebago	1,096	376	229	12	135	720
Nevada	7,819	1,466	1,463	3	.....	6,353
Fallon	437	324	324	.....	.....	113
Fort McDermitt	344	91	91	.....	.....	253
Moapa River	123	110	110	.....	.....	13
Nevada	606	.....	.....	.....	.....	606
Walker River	707	351	351	.....	.....	356
Western Shoshone	602	.....	.....	.....	.....	602
Reno, special agent	5,000	590	587	3	.....	4,410

[1] 1914 report.

[2] Overestimated last year.

TABLE 3.—*Indians under Federal supervision—Unallotted and holding trust and fee patents, June 30, 1915*—Continued.

States and superintendencies.	Total Indians under Federal supervision.	Allotted.				Unallotted.
		Total allotted.	Holding trust or restricted fee patents.	Holding fee patents for—		
				Part of allotment.	Entire allotment.	
New Mexico	22,007	534	534	.....	.....	21,473
Jicarilla	642	534	534	.....	.....	108
Mescalero	626	.....	.....	.....	.....	626
Pueblo Bonito	2,715	(1)	.....	.....	.....	2,715
Pueblo day school	8,421	.....	.....	.....	.....	8,421
San Juan	8,000	.....	.....	.....	.....	8,000
Zuni	1,603	.....	.....	.....	.....	1,603
New York: New York Agency	5,825	.....	.....	.....	.....	5,825
North Carolina: Cherokee	2,211	.....	.....	.....	.....	2,211
North Dakota	8,710	7,711	6,872	224	615	999
Fort Berthold	1,154	980	964	15	1	174
Fort Totten	999	508	468	25	15	491
Standing Rock	3,434	3,399	3,242	92	65	35
Turtle Mountain	3,123	2,824	2,198	92	534	299
Oklahoma	117,965	111,331	7,807	899	102,625	6,63
Cantonment	782	409	368	3	38	373
Cheyenne and Arapaho	1,253	655	525	62	68	598
Five Civilized Tribes	101,521	101,521	.....	.....	[2] 101,521	.....
Kiowa	4,410	3,160	2,987	59	114	1,250
Osage	2,195	1,920	1,491	429	.....	275
Otoe	476	331	179	132	20	155
Pawnee	679	310	208	19	23	369
Ponca	[3] 1,010	632	573	56	3	378
Red Moon	155	103	102	1	.....	52
Sac and Fox	687	267	180	43	44	420
Seger	593	341	311	12	18	252
Seneca	[4] 1,605	791	159	.....	632	814
Shawnee	2,599	901	664	93	144	1,698
Oregon	11,481	3,772	3,454	8	310	7,709
Klamath	1,145	596	570	.....	20	549
Roseburg	[5] 8,000	2,000	1,986	.....	14	6,000
Siletz	425	213	111	8	94	212
Umatilla	1,152	540	361	.....	179	612
Warm Springs	759	423	420	.....	3	336
South Dakota	21,082	17,839	16,230	1,121	488	3,243
Cheyenne River	2,708	2,512	2,441	35	36	196
Crow Creek	955	955	915	5	35	.....
Flandreau	282	.....	.....	.....	.....	282
Lower Brule	481	481	424	8	49	.....
Pine Ridge	7,240	6,562	6,003	500	58	678
Rosebud	5,519	5,484	5,150	92	242	35
Sisseton	2,053	996	588	342	66	1,057
Yankton	1,844	849	709	133	7	995
Utah	1,794	662	659	1	2	1,132
Shivwits	133	.....	.....	.....	.....	133
Uintah and Ouray	1,161	[6] 662	659	1	2	499
Salt Lake, special agent	500	.....	.....	.....	.....	500

[1] 2,370 erroneously reported last year.
[2] 37,182 restricted Indians as to alienation.
[3] Increase due to revision of Kaw census.
[4] Decrease due to 393 Peoria-Miami Indians becoming citizens.
[5] Includes 5,000 in California.
[6] Overestimated last year.

TABLE 3.—*Indians under Federal supervision—Unallotted and holding trust and fee patents, June 30, 1915*—Continued.

States and superintendencies.	Total Indians under Federal supervision.	Allotted.				Unallotted.
		Total allotted.	Holding trust or restricted fee patents.	Holding fee patents for—		
				Part of allotment.	Entire allotment.	
Washington	11,330	[1] 7,266	7,088	53	125	4,064
Colville	2,468	2,348	2,329	19	.....	120
Cushman [2]	2,330	171	163	4	4	2,159
Neah Bay	702	295	295	.....	.....	407
Spokane	611	511	472	4	35	100
Taholah	600	606	606	.....	.....	194
Tulalip	1,273	202	189	1	12	1,071
Yakima	3,146	3,133	3,034	25	74	13
Wisconsin	9,889	3,061	1,553	85	1,423	5,585
Carter	309	.....	.....	.....	.....	309
Hayward (Lac Courte Oreille)	1,259	[3] 552	550	2	.....	707
Keshena	2,336	[4] 606	.....	.....	[2] 606	1,730
Lac du Flambeau	706	360	350	.....	10	346
La Pointe	1,040	505	458	1	46	535
Oneida	2,491	912	75	76	761	1,579
Red Cliff	505	126	120	6	.....	379
Tomah	1,243	([5])	([5])	([5])	([5])	([5])
Wyoming: Shoshone	1,705	1,477	1,456	2	19	228

[1] 1,700 erroneously reported as allotted under Cushman last year.
[2] Formerly included Indians under Taholah.
[3] Overestimated last year.
[4] Stockbridge and Munsee Indians now citizens.
[5] Unknown.

EXHIBIT B

63D CONGRESS, 3d Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 1590.

SENECAS AND OTHER INDIANS OF THE FIVE NATIONS OF NEW YORK.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING

REPORTS OF THE INTERIOR DEPARTMENT AND THE DEPARTMENT OF JUSTICE ON A BILL (H. R. 18735) TO SETTLE THE AFFAIRS OF THE SENECAS AND OTHER INDIANS OF THE FIVE NATIONS IN THE STATE OF NEW YORK.

FEBRUARY 12, 1915.—Ordered to be printed as a House document.

DEPARTMENT OF THE INTERIOR,
Washington, September 24, 1914.

MY DEAR MR. STEPHENS. I have the honor to acknowledge receipt of your letter of September 16, 1914, transmitting a copy of H. R. 18735, providing for an allotment in severalty of the Indian lands in the State of New York. I note that you have also forwarded a copy of the bill to the Department of Justice.

As the wording of the bill will disclose, the situation respecting the Indian lands in New York is somewhat peculiar. Accordingly I have taken the matter up with the Attorney General in order to obtain his views with reference thereto, and at a later date I shall be pleased to furnish you with further report for the information of your committee.

Cordially, yours,

A. A. JONES,
First Assistant Secretary.

Hon. JOHN H. STEPHENS,
Chairman Committee on Indian Affairs,
House of Representatives.

A BILL Authorizing the allotment in severalty of Indian lands in New York State, 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 Attorney General be, and he hereby is, authorized and directed to institute such suit or suits as may be necessary in the Federal courts of the United States to test the validity and extent of the claim of the so-called Ogden Land Company in and to the lands embraced within any of the Indian reservations in the State of New York

SEC. 2. That the Seneca Nation, being a corporate body under the laws of the State of New York by appropriate resolution, agreed to by a majority of the members of the corporate body on which resolution all the adult members, both male and female of the Seneca Nation shall have the right to vote may consent to a division of their lands in severalty and may authorize the president of the Seneca Nation to execute tribal or corporate deeds for particular tracts of land to individual members of the tribe as hereinafter provided, said deeds to be signed by the president of said Seneca Nation, attested to under the seal of the corporate body by the secretary of said nation, and approved by the Secretary of the Interior

SEC. 3. That the Secretary of the Interior be, and he hereby is authorized to appoint a commission consisting of three members, one of whom shall represent the Interior Department, one the Seneca Nation of Indians, and the third to represent the State of New York, to be designated by the governor of said State, subject to approval by the Secretary of the Interior The commission so appointed shall constitute a board for the purpose of appraising, dividing and allotting in severalty the surface of the lands of the Seneca Indians in New York, which division or allotment shall be based on an average value of the allottable lands to be ascertained by dividing the total number of members of the tribe entitled to allotment into the total value of the surface of the tribal lands of the Seneca Nation subject to allotment, as hereinafter provided The improvements on any of said allottable lands placed thereon by individual members of said nation entitled to allotment, or otherwise owned by them, shall not be included in any appraisement authorized hereby, nor shall the oil, gas, limestone, or similar deposits of a metalliferous or nonmetalliferous nature be included in said appraisement, such deposits being hereby reserved for the benefit of the tribe at large and subject to lease for their benefit, as now provided by law Any and all lands heretofore occupied by or used in connection with any school, church, missionary, religious, cemetery, administrative, or other tribal or governmental purposes shall not be appraised, but all of such lands are hereby specifically reserved from allotment hereunder Such additional land as in the judgment of the commission may reasonably be needed for future use for school, church, missionary, religious, cemetery, administrative, or other tribal or governmental purposes shall not be included in the appraisement provided for herein, and the Secretary of the Interior is hereby authorized to withhold such land from allotment or other disposition The lands included in the villages of Vandalia, Carrollton, Great Valley Salamanca, West Salamanca, and Red House, the establishment of which was had under the act of February nineteenth eighteen hundred and seventy-five (Eighteenth Statutes at Large page three hundred and thirty), or any other legally constituted village or town shall not be included in said appraisement. The members of said commission shall be paid a salary of $10 per day each while actually and necessarily employed, and in addition thereto shall be allowed their actual necessary traveling expenses, including sleeping-car fare, but exclusive of subsistence Said commission, by and with the approval of the Secretary of the Interior, and at such compensation as may be fixed by him, may employ such clerks, surveyors, timber cruisers, or other assistants as may be necessary to carry out the provisions of this act

SEC. 4. That the commission authorized to be created hereby shall prepare or cause to be prepared a roll, subject to approval by the Secretary of the Interior showing the membership of the Seneca Indians in the State of New York entitled to share in the distribution of the tribal or corporate assets and on completion of the appraisement and ascertainment of the standard value of an allotment or each member's share thereof such commission shall proceed to allot in severalty to the individual members of such nation such tract or tracts of land within the Allegany and Cattaraugus Reservations in said State as may be cultivated, improved occupied or selected by such individual members, in such areas however as not to exceed the standard value of an allotment. Selections for minor children shall be made by their parents and selections for orphans shall be made by the commission to be appointed hereunder. No person who is not in being at the time of allotment by the commission shall be given an assignment of land.

SEC 5. That individual members of the Seneca Tribe desiring to acquire more land than represented by the standard value of an allotment as fixed by said commission

may, with the consent of the Secretary of the Interior and under such rules and regulations as he may prescribe, purchase "allotment rights" from other members of the band desiring to sell All moneys received from the sale of such rights shall be deposited in some suitable bank or banks to the credit of the party selling such rights and shall be subject to all the rules and regulations governing the handling of individual Indian money The commission created hereby shall keep a complete record of all such sales and shall procure from the individuals selling such "allotment rights" an acknowledgment in proper form that the sale thereby made is a full and complete extinguishment of the right of the person therein named to share in the lands of the Seneca Nation, except such as may be otherwise reserved under the provisions of this act.

SEC. 6. That the Secretary of the Interior shall cause to be prepared and furnished for use of the commission a form of tribal or corporate deed which, in addition to reciting the claim or preemption right of the so-called Ogden Land Company (should such claim be recognized by the courts), shall further recite the retention in the tribe at large of the oil, gas, limestone, and other deposits of a similar nature as provided in section three hereof. Such deeds shall also recite that the lands thereby allotted shall not be subject to lease, sale, mortgage, alienation, taxation, or any other encumbrance for a period of twenty-five years from the date thereof without the consent of the Secretary of the Interior, as hereinafter provided. After approval of the tribal or corporate deeds as herein provided the individual allottees of the Seneca Band may lease their allotments made hereunder for a term of not exceeding ten years for agricultural or grazing purposes, under such rules and regulations as the Secretary of the Interior may prescribe.

SEC. 7. That during the twenty-five-year trust period the land of any individual allottee, with the consent of such allottee, or his heirs in case of death, may again be appraised and offered for sale under such rules and regulations as the Secretary of the Interior may prescribe. If it should be found by the courts that the Ogden Land Company, so called, has a preference right to purchase the lands of the Indians of the Seneca Nation, such individual allotments as may be offered for sale hereunder shall be so offered as to give the said Ogden Land Company, its successors or assigns, a period of ninety days within which to exercise its preference right to first purchase. Should such right not be exercised by said company, its successors or assigns, during such ninety-day period the right of such company, its successors or assigns, to first purchase shall thereby and thereupon become forfeited, and the lands so offered for sale may be sold to the highest and best bidder.

SEC. 8. That upon approval by the Secretary of the Interior of the tribal or corporate deeds in severalty as herein provided the patentees named therein shall thereby become citizens of the United States and amenable to the laws of the United States and of the State or Territory where such allottees may then reside.

SEC. 9. That all of the lands in any and all of the Indian reservations in the State of New York are hereby declared to be "Indian country" within the meaning of the act of June thirtieth, eighteen hundred and thirty-four (Fourth Statutes at Large, page seven hundred and twenty-nine), and all the laws of the United States prohibiting the introduction of intoxicants into the Indian country are hereby extended over and shall apply to all Indian lands in the State of New York until otherwise provided by Congress.

SEC. 10. That the provisions of this act, as far as applicable, shall extend to any and all of the other Indians and reservations in the State of New York

SEC. 11. That there is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $75,000 to enable the Attorney General and the Secretary of the Interior to carry out the provisions of this act.

DEPARTMENT OF JUSTICE,
Washington, D. C., September 28, 1914.

Hon. JOHN H. STEPHENS,
Chairman Committee on Indian Affairs,
House of Representatives.

DEAR SIR: I beg to acknowledge the receipt of your letter of the 16th instant, inclosing a copy of H. R. 18735, entitled "A bill authorizing the allotment in severalty of Indian lands in New York State, and for other purposes." I lack the information necessary

to enable me to make any practical suggestions concerning the New York Indians and their affairs and the practical need of such a measure as this for the amelioration of their condition. Suggestions in these regards will come to you, I presume, from the Secretary of the Interior. Neither am I apprised of the nature of the claim of the Ogden Land Co., which is mentioned in the first section and elsewhere in the bill.

Advising you first that my understanding of the bill and its purposes is derived wholly from the bill itself, I would say that I see no objection to it other than the following:

1. While the bill does not say so expressly, I assume that the Secretary of the Interior, in carrying it out, would be expected to defer the appointment of the commission mentioned in section 3 until after the claim of the Ogden Land Co., whatever it may, had been finally adjudicated. Section 6 provides that the deeds hereafter to be delivered to the allotees by the commission shall recite the existence of that claim if "recognized by the courts." It can not well be the intention to appoint the commission possibly years before the final adjudication can be accomplished, and therefore I take it for granted that the appointment should not take place until after the claim of the Ogden Land Co. had been passed upon by the highest appellate court to which it could go (doubtless the Supreme Court of the United States) in the case contemplated by section 1, unless possibly, the Attorney General, upon being defeated by the company in a lower court, should conclude to abandon the litigation there. It may be that your committee could make the bill more definite here.

2. It has been suggested to me that the provision in section 4 that "no person who is not in being at the time of allotment by the commission shall be given an assignment of land" may cause trouble The process of allotment may continue through a considerable period of time and new members of the tribe may be born during the period. It would be well, I think, to provide affirmatively that when the roll mentioned in section 4 shall have been prepared by the commission and approved by the Secretary of the Interior, it shall be deemed final and conclusive upon the right to allotment in so far as any children born thereafter may be concerned

3. Section 5 allows individual members to buy the allotment rights of other members "with the consent of the Secretary of the Interior and under such rules and regulations as he may prescribe." This provision, as far as I know, is not found in any allotment act heretofore passed. A mere novelty, however, is no objection. The principal things to be guarded against in all legislation of this sort are improvidence and overreaching. As, in this instance, the transactions contemplated are only permissible with the consent of the Secretary of the Interior and under his rules and regulations, I have no criticism to make upon this part of the bill save that it may involve undue complexities of administration.

4. Section 6 allows conveyance of allotted lands by the allottees after 25 years from the dates of the tribal deeds. Restraints of this sort are attached to allotments upon the theory that the allottees are incapable of managing their own affairs. While it has been customary to name a definite date after which the allottees may convey, I submit that experience has demonstrated the folly of assuming in this manner that the average Indian, incompetent

to-day, will become competent within any period arbitrarily fixed. On the contrary, it is safe to assume that the average adult who is not competent now will never become competent as long as he lives to safeguard his own interests. Consequently these legislative presumptions of competency not only fly in the face of well-known facts, but, it seems to me (and I make the suggestion with much deference), are indulged in with too much regard for the idea of getting rid of the Indian and developing his property and too little regard for protecting and developing the Indian himself. I would advise, therefore, that instead of fixing a definite period, as is done in section 6, the section be amended to declare that none of the lands allotted shall be subject to taxation or to any form of alienation, encumbrance, or lease, while in the ownership of the allottees or their heirs, except in respect of such persons as the Secretary of the Interior, upon special inquiry, shall have adjudged to be competent to manage their own affairs

In line with this suggestion it seems to me that the 10-year period of lease authorized in the last sentence of section 6 is probably too long.

5. The use of the expression "trust period" in section 7 may be objectionable from a technical standpoint. If the tribe owns the fee there is, properly speaking, no trust affecting the allottees' title under the tribal deeds other than the general power of guardianship residing in the Government. I assume that the tribe does own the fee; but if the fee be in the United States, then I would suggest the propriety of some provision whereby that title may be conveyed when the time comes for the removal of all restrictions.

6. Section 8 provides that upon approval of the tribal deeds the patentees named therein shall become citizens of the United States and amendable to the laws of the United States and of the State or Territory where they may then reside. Provisions like this, particularly the declaration subjecting the individual to the laws of the State, are constantly being revoked in the courts as an obstacle to the power of the Government to protect the incompetent Indian by legislation or by litigation instituted in his behalf. Out of abundant caution, therefore, I would suggest the insertion at the end of section 8 of the following proviso: "*Provided*, That the protective powers of the Government of the United States in respect of the said Indians and their property shall not be affected thereby."

A declaration of this sort, though not, in my opinion, necessary, may serve to forestall much useless litigation and controversy.

For the Attorney General.

Respectfully,

ERNEST KNAEBEL,
Assistant Attorney General.

Mr. Clancy, from the Committee on Indian Affairs, submitted the following report (to accompany H. R. 18735):

"The Subcommittee on Indian Affairs, to whom was referred the bill (H. R. 18735) authorizing the allotment in severalty of Indian lands in New York State, and for other purposes, having considered the same, report thereon with a recommendation that the bill be amended as proposed by the Department of Justice and the Department of the Interior and be given further consideration by the whole committee.

"The legislation proposed in this bill is of such vast importance to the Indians of New York State, which has an Indian population greater than any other State east of the Mississippi River, that it should receive the very careful attention, not only of the entire committee but of Congress, and in order that this subject may be thoroughly understood by those interested attention is called to the very complete report of the Office of Indian Affairs, Department of the Interior, as to the whole New York State Indian situation, which follows:

"J. R. CLANCY
"DENVER S. CHURCH.
"C. M. HAMILTON."

The Lake Mohonk conference on the Indian and other dependent peoples have had for some years a committee on New York State Indians, which at their conference on October 14, 15, 16, 1914, reported as follows.

"Your committee rejoices that in the further advancement of this work a bill was introduced into the House of Representatives on September 10, by Mr. Clancy, of New York, known as bill No. 18735, granting authority to the Attorney General of the United States to institute the necessary suit or suits in the case, providing for the appointment of a commission to appraise the Indian lands and to divide and allot them in severalty, and making the Indians thereafter citizens of the United States and subject to the laws of the State of New York. Your committee recommends that the conference express its approval of the action of the board of Indian commissioners and of the general plan of the House of Representatives bill referred to and that the committee of the conference on the New York Indians be discharged.

"For the committee.

"JAMES WOOD, *Chairman.*
"JOHN J. FITZGERALD.
"CHARLES E. LITTLEFIELD.
"REGIS H. POST.
"DANIEL SMILEY."

The report presented by Mr. Wood was accepted by the conference, and the committee on New York Indians discharged with thanks for its services.

DEPARTMENT OF THE INTERIOR,
Washington, January 22, 1915.

Hon. JOHN H. STEPHENS,
Chairman Committee on Indian Affairs,
House of Representatives.

MY DEAR MR. STEPHENS: Reference is again made to your letter of September 16, 1914, transmitting a copy of H. R. 18735, providing for an allotment in severalty of the Indian lands in the State of New York.

Section 1 is designed to confer authority on the Attorney General to institute proceedings to test the validity and extent of the claim of the so-called Ogden Land Co. in and to the lands embraced within any of the Indian reservations in the State of New York, while the remainder of the bill contemplates an allotment in severalty of these lands as they now stand by making the tracts of individual allottees still subject to the claim of the company, if any such exists.

It is not deemed necessary here to go into an extensive résumé of the history of the claim of the so-called Ogden Land Co., as this matter has previously been before the Congress in various forms. (See Senate Executive Document No. 52, Fifty-third Congress, third session, and Senate Executive Document No. 154, Fifty-fourth Congress, second session; also hearings on House bill 1270, Fifty-seventh Congress, and House bill 7262, Fifty-eighth Congress.)

For the information of your committee, however, it may be briefly stated that the Indian reservations in New York consist of the following:

The Allegany Reservation, lying in Cattaraugus County, embracing 30,469 acres, with an Indian population of about 923.

The Cattaraugus Reservation, lying mainly in Erie County with a small part falling also in the counties of Chautauqua and Cattaraugus, embracing an area of 21,680 acres, with an Indian population of 1,291.

The Oil Spring Reservation, containing 640 acres, lying partly within Allegany and partly in Cattaraugus Counties.

The three reservations above mentioned all belong to the Seneca Indians.

The Tuscarora Reservation, embracing 6,249 acres, lies within Niagara County and has an Indian population of 460.

The Tonawanda Reservation, containing 7,549 acres, with an Indian population of 489 members, lies partly in Erie, Genesee, and Niagara Counties.

The Onondaga Reservation, embracing 6,100 acres, with an Indian population of 541, lies in Onondaga County, about 5 miles south of the city of Syracuse.

The St. Regis Reservation, embracing 14,640 acres, lies in St. Lawrence and Franklin Counties, and has an Indian population on the American side of some 1,400 members. The Canadian Government has also provided a reservation for the St. Regis Indians, embracing some 12,000 acres, which adjoins the reservation in New York along the international boundary. The tribe is about evenly divided in population on the American and Canadian sides.

The Shinnecock Reservation on Long Island embraces but 450 acres, with an Indian population of about 400.

The claim of the so-called Ogden Land Co. covers only the Allegany and Cattaraugus Reservations and 1,920 acres of the Tuscarora Reserve, and its origin antedates the Federal Constitution. Shortly after the close of the Revolutionary War a dispute arose between the colonies of Massachusetts and New York over certain territory now embraced in the western part of the latter State, under conflicting grants or charters from the British Crown. The dispute was first submitted to the Continental Congress and a court was appointed to try and determine the cause. It was settled amicably, however, between the two States by convention December 16, 1786. A compact was drawn under which New York retained the right of government, sovereignty, and jurisdiction, but ceded to Massachusetts the right of preemption from the native Indians and such other right as the State of New York had. By a separate article in the compact Massachusetts was empowered to sell, assign, or otherwise convey such title as she derived. This the State of Massachusetts promptly proceeded to do, and the territory in which the Allegany, Cattaraugus, Tuscarora, and Tonawanda Reservations is located was sold by Massachusetts to Robert Morris in 1791. Several mesne conveyances transpired until we find the present claimant to be the Ogden Land Co., so called, which, however, is not incorporated.

Whatever claim the company had in and to the lands embraced within the Tonawanda Reservation was effectually extinguished by payment of the sum of $100,000 in accordance with the appropriation made and authority conferred by article 3 of the treaty with the Tonawanda Indians dated November 5, 1857 (11 Stats., 735). The Tuscarora Indians, who at one time lived in North Carolina, sold their lands in that State about the year 1800, realizing therefrom approximately $15,000. This money was deposited with the United States in trust, and in 1804 Congress authorized the Secretary of War to purchase additional land for these Indians. With this money, 4,329 acres lying to the south and east of 1,920 acres which had previously

been given to them by the Seneca Indians and the Holland Land Co were purchased from the latter company, which effectually extinguished the preemptive right against these 4,329 acres within the reservation. The Holland Land Co. was the predecessor of the present claimant, the Ogden Land Co.

Much doubt seems to exist even among the courts, if conclusion can be reached from the decisions handed down, as to the exact nature of the claim of the Ogden Land Co.; many decisions holding in effect that the title acquired by the company through purchase from the State of Massachusetts is an "ultimate fee," an "absolute fee," a "naked fee," a "qualified fee," etc. Other decisions tend to hold that the only right acquired by purchase from Massachusetts was simply the right of preemption, or a first right to purchase when the Indians agreed to sell. Persons whose opinions are not without weight have even suggested that the company has no valid claim against these lands, basing their opinion on the ground that New York had no power to sell to Massachusetts nor Massachusetts to convey to its assignees. Be this as it may, we find that the claim has stood and been recognized repeatedly by the courts, both of the State and of the Nation, and it is not seen how the validity of the claim, whatever may be its nature, can well be denied at this late date. The courts of both the Nation and the State have also repeatedly denied the right or power of the claimant company in any way to interfere with the right of possession by the Indians, and for practical purposes the claim of the company is valueless in so far as the production of annual revenue is concerned.

When last approached on the question of disposing of their claim representatives of the company placed what was regarded as a fictitious value thereon. (H. Doc. 309, 54th Cong., 2d sess., and hearings on H. R 12270, 57th Cong., and H. R 7262, 58th Cong.) Some effective method of disposing of the claim, however, is desirable, in order that the objects designed to be accomplished by sections 2 to 11 of H. R 18735 may be worked out.

The department is not prepared to state whether the plan suggested in sections 2 to 11 of the bill is feasible, but in connection therewith invites attention to a decision by the Supreme Court of the State of New York in the case of the Seneca Nation of Indians against Charles E. Appleby, surviving trustee of the Ogden Land Co., which decision will be found reported in 127 appellate division (New York reports) page 770. In its decision in that case the court, through Judge Spring, used the following language:

> The affirmance of the judgment (of the lower court) does not establish the proposition that if the plaintiff becomes disintegrated that the defendant's title will vest in possession at once. Allotment among the individual Indians by the plaintiff has been permitted for a considerable period by the National Government. Inheritance is allowed in accordance with the statutes of the State of New York and conveyances amongst the Indians are also allowed. It may well be held that even though the nation in its tribal capacity should be dissolved, if the individual Indian holds his land by virtue of this recognized method of allotment, that the occupancy will continue to his remote descendant.

The case was appealed by the Indians and the appellate court in its decision dismissed the entire proceedings on the ground that the Indians were without power to sue and that the courts of the State had not been authorized to hear and determine the case. (196 New York Supreme Court Reports, 318.)

Should the courts find room to hold that the lands within these reservations covered by the claim of the Ogden Land Co. can be allotted in severalty without a vesting of the right of that company to immediate possession it would appear the most feasible solution of the difficulty, in so far as the adjustment of the claims of that company is concerned, but since the introduction of the bill (H. R. 18735) a representative of the Indian Office has visited the reservations in that State with a view of ascertaining present conditions there. It is found that as a matter of fact practically all of the lands within the various Indian reservations in that State have already been allotted in severalty or divided among the tribal members many years ago under State laws by the tribal organizations, and that there is practically no surplus tribal or communal land available for further allotment at this time or for distribution to those younger members of the tribe who are now without land. The tribal division so made has been recognized by the tribal organizations, by the membership at large, and by the courts of the State, until any disturbance of the present claimant would result in great dissatisfaction and no doubt in many cases gross injustice.

Some of the shrewd, far-sighted members of the tribes, by inheritance, by purchase from other members or otherwise, have acquired holdings largely in excess of a pro rata division of these lands among the present tribal membership. These holdings in a large number of cases have been improved with modern homes, excellent barns and equipped with up-to-date farming implements. Where the title thus acquired has been by inheritance or by purchase it would hardly be just to deprive the present holders of any part of their lands without just compensation therefor. It should be understood, of course, that these people are without power to alienate their lands to persons other than members of the tribe, but sales have taken place between members of the same tribe, in many cases evidenced by deeds placed of record in the proper county, and these transfers and sales have been taking place practically for the last 25 years.

On the other hand, there is a great need for some feasible solution of the problem. Congress by treaty with these Indians has guaranteed them peaceful possession of the soil (treaty of Nov. 11, 1794, 7 Stats., 44), and the Supreme Court of the United States has denied the State the right to tax their lands. (The New York Indians, 5 Wall., 761). The State, therefore, is powerless to compel an adjustment of the situation, has been denied the right to tax, and can take no steps to make these lands subject to taxation without the assent of the Federal Government, yet the State has been under the burden of providing these people with adequate school facilities, maintaining highways over their reservations, and such police supervision as has been exercised over these people which has been greatly deficient. The "Indian population" in New York, recognized as members of the various tribes there, exceeds 5,000, but it has been found on investigation that the number of full bloods among these people is very limited, with possibly even less than 500 half bloods in the entire State, and so many so-called "Indians" with such a large percentage of white blood that only the closest scrutiny would disclose any Indian characteristics.

These people are fully equipped from an educational, civilization, or financial standpoint to stand upon their own feet. They should

have been made citizens by allotment in severalty and the dissolution of tribal organizations years ago. There is great need, therefore, of some workable plan by which this end can be reached, but the limited information as to present conditions on these reservations acquired by the brief examination heretofore made does not place the department in a position to suggest the most feasible course to pursue. A detailed survey of each reservation would be necessary in order to ascertain the present claimant or holder of each acre therein, the manner in which title was acquired, the number of Indians without land and their right to membership in the tribes, etc., before any just solution could be offered Doubtless the conditions on the different reservations would be found so far at variance that one bill designed to fit conditions on all reservations could not well be formulated. Each reservation should be made the subject of a separate investigation and special study with a view of suggesting some feasible course to pursue with reference to the conditions on that particular reserve.

Again, an extinguishment of the claim of the Ogden Land Co or a final decision by the courts on the exact extent and nature of that claim appears necessary before further procedure can well be had. With this idea in view it may prove advisable to eliminate sections 2 to 11, inclusive, of the bill, which would enable the Department of Justice to bring about an authoritative determination of the matter. By letter dated September 28, 1914, the Department of Justice submitted to you a report on the bill, but did not raise any specific objection to section 1. It is presumed, therefore, that that department has no objection to offer to the procedure outlined in this section of the bill.

As it is understood that the Indians are uniformly opposed to the disturbance of present conditions and that the provisions of H. R. 18735, found in sections 2 to 11, inclusive, do not accord with conditions on the various reservations in the State of New York, it is respectfully recommended that these sections be eliminated from the bill and section 1 be amended by striking out the period after the word "York," in line 8, and adding thereto the following:

with the right of appeal to the Supreme Court of the United States by either party to the proceedings, and jurisdiction is hereby conferred on such courts to hear and determine the cause.

There should also be a provision appropriating sufficient money to enable the Department of Justice to carry out the provisions of the law, but I am not sufficiently advised in the premises to offer a suggestion as to the specific amount.

For the further information of your committee I am inclosing a copy of a report by the representative of the Indian Office detailed to investigate conditions on the Indian reservations in the State of New York; also copy of a petition signed by a number of Tuscarora Indians, protesting against the passage of the bill, which petition was received by the Indian Office on January 12, 1915

Cordially,

FRANKLIN K. LANE.

WASHINGTON, D. C., *December 26, 1914.*

The honorable the COMMISSIONER OF INDIAN AFFAIRS.

SIR: Assistant Commissioner Meritt, being firmly impressed with the necessity of taking some definite action looking to an effective solution of the New York Indian problem, instructed me orally in the early fall of 1913 "to get to the bottom of it," if possible. Later you authorized me in writing to visit the several reservations in that State so as to present existing conditions there. The question has proven of great interest and increasing importance as the investigation progressed. Mr Meritt's conviction "that something should be done" is undoubtedly correct, as the facts hereinafter presented will show. Present conditions on these reservations are so directly traceable to the time when this country was first occupied by the Europeans that a brief recourse to colonial history is essential.

Early colonists in what is now western New York found the country more or less densely populated by aborigines of various tribes, principally the Senecas, Cayugas, Onondagas, Oneidas, and Mohawks. These five tribes or nations were united in a common league, known among themselves as Ho-de-no-sau-nee, but generally designated by the whites as "Iroquois," and were much feared during the early days. In the Iroquois council the Onondagas, as the founders of the league, kept the central fire; the Mohawks guarded the eastern portal, and the Senecas the western. The Oneidas were stationed between the central fire and the east, while the Cayugas occupied a similar position in the west. One can but pause to wonder if exploration into ancient traditions of these people would not disclose an organization bordering strongly on free masonry.

About 1710 the Tuscaroras, then living in North Carolina, became involved in quarrels with white settlers and adjoining Indian tribes there. Having been severely defeated in battle they migrated to New York and were formally united with the five tribes just mentioned, thus making the Six Nations of New York, by which name these Indians are now most commonly known. At the period of its greatest strength—the latter part of the seventeenth century—the Iroquois league numbered 15,000 souls, and even to this day the union still continues to some extent, although its component membership as to tribes has materially changed.

With the exception of the Oneidas and a part of the Tuscaroras, these Indians sided with the mother country in the Revolution and were left unmentioned and unprovided for in the treaty of peace between Great Britain and the confederated Colonies. Naturally considerable unrest existed among them at the close of the Revolution, due to the fact that in the main they had sided with the losing party in that great struggle. The Mohawks moved to Canada and settled on lands provided for them by the British Government, where a remnant of this tribe still lives. By treaty the Mohawks ceded to the State whatever title they had to any land in New York, and subsequently the St. Regis Indians were formally adopted by the Six Nations in place of the Mohawks.

The Cayugas also sold their land to the State and gradually migrated westward, locating first in the Ohio Valley, but finally removing to the Indian Territory and becoming affiliated with other tribes there. A few Cayugas still remain in New York, residing principally with the Senecas and Tonawandas—the latter an offspring of the Seneca Tribe—being frequently designated "The Tonawanda Band of Seneca Indians." The State paid the Cayugas at the rate of 4 shillings per acre and thereafter sold the land for 16 shillings per acre. About 1833 representatives of the tribe began to petition the State for the difference in price between the one paid to them and that received by the State. Finally, in 1909, the legislative assembly authorized the land commissioner to adjust and settle the claim of the Cayuga Indians against the State for a sum not exceeding $297,131.20, with an additional allowance of $27,131.20 for legal expenses incurred.

The Oneidas also, by various treaties, sold all of their land, except about 350 acres, to the State, and removed to the reservation in Wisconsin procured from the Menominees by treaty with the Federal Government. The 350 acres in New York belonging to the Oneidas have long since been divided in severalty under State laws, and as a tribe these Indians are known no more in that State. Six tribes still remain in New York, to be regarded as of any importance at this time, viz, the Senecas, Tonawandas, Tuscaroras, Onondagas, St Regis, and Shinnecocks, the latter, however, never having formed a unit in the Six Nations, although at one time they did pay tribute to the Mohawks. A brief statement as to the status of the lands in each reservation is here presented in order that a clearer understanding of the matter may be reached.

The Allegany Reservation, claimed by the Senecas, contains 30,469 acres, and is located on both sides of the Allegany River in Cattaraugus County, N. Y. It is

about 40 miles long and averages from 1 to 3 miles in width. It is a part of the area specifically reserved to the Seneca Indians in the treaty with Robert Morris at "Big Tree" September 17, 1797. This entire reservation is subject to the "preemption right" or "claim" of the Ogden Land Co., to which reference is hereinafter more fully made.

The Cattaraugus Reservation contains 21,680 acres, located principally in Erie County, a small part lying in each of the counties of Cattaraugus and Chautauqua. This reservation was conveyed to the Seneca Indians by Wilhelm Willnick, et al., predecessors of the Ogden Land Co., by agreement dated June 30, 1802 (7 Stats., 70), in return for which the Seneca Indians surrendered to the company certain other lands which had been reserved to them by the treaty at Big Tree. This reservation is also subject to the preemption right of the Ogden Land Co., such right being specifically retained in the agreement referred to.

The Oil Spring Reservation, located partly in Allegany and partly in Cattaraugus Counties, contains only 640 acres. Its name is derived from a muddy pool, about 20 feet in diameter, located near the center of the tract, from which the Indians formerly gathered a sort of crude petroleum locally known as "Seneca oil," and which was used quite extensively by them in early days for medicinal purposes. The Senecas fully understood that this tract was reserved to them in the sale to Robert Morris at Big Tree, but this fact does not appear from an examination of the treaty itself. At any rate, this reserve was included in a sale by Robert Morris to the Holland Land Co., so-called, and several mesne conveyances transpired until by deed dated February 28, 1855, one Philoneus Pattison became the ostensible owner of a part thereof. On taking possession, the Seneca Indians promptly began an action in ejectment against Pattison. A verdict in favor of the Indians was rendered by the lower court, the case was appealed to the supreme court of the State and finally to the court of appeals, both of which affirmed the decision of the trial court, and the Indians have since remained in undisturbed possession. A written opinion of the case does not appear to have been handed down, but the pleadings, transcript of evidence, judgment, and decree of the court are still on file in Little Valley, the county seat of Cattaraugus County.

The Onondaga Reservation contains 6,100 acres and is located in Onondaga County about 5 miles south of the city of Syracuse. Prior to 1793 this reservation embraced something over 65,000 acres. March 11 of that year, however, the Indians sold over three-fourths of their reservation to the State, and by subsequent treaties in 1795, 1817, and 1822 the reservation was reduced to its present area. Under State laws these Indians are authorized to lease land owned or possessed by individuals and small areas within the reservation are so leased. The lands within this reservation are not covered by the claim of the Ogden Land Co.

The Tonawanda Reservation now comprises but 7,549 acres lying partly in Erie, Genesee, and Niagara Counties. Originally it comprised upward of 45,000 acres, being a part of the lands reserved to the Seneca Indians in the sale to Robert Morris at Big Tree. This reservation was conveyed to Thomas Ludlow Ogden and Joseph Fellows by agreement with the Six Nations, dated January 15, 1838 (7 Stats., 550), and the subsequent treaty with the Senecas of May 20, 1842 (7 Stats., 586). The lands embraced within the present reserve were repurchased from Ogden and Fellows for the sum of $100,000, in accordance with article 3 of the treaty with the Tonawanda Indians, dated November 5, 1857 (11 Stats., 735). Title was first taken in the Secretary of the Interior, who held the lands until February 14, 1862, on which date, by deed, they were conveyed to the comptroller of the State of New York "in trust and in fee for the Tonawanda Indians." This settlement effectually extinguished whatever preemption right the Ogden Land Co. ever had in and to the lands within this reservation.

The Tuscarora Reservation lies in Niagara County about 9 miles northeast of Niagara Falls, and contains 6,249 acres. The Tuscarora Indians having been adopted by the Iroquois League as one of the Six Nations, by deed dated March 30, 1808, the Seneca Nation granted 1 square mile (640 acres) to the Tuscarora Indians. (Liber 1 folio 56, Land Records of Niagara County.) It is reported that subsequently the Holland Land Co., assignee of Robert Morris, "ratified" this grant, and gave to the Tuscaroras 1,280 acres more, but no record of any paper title to this effect can be found. At any rate, the Tuscaroras occupy and claim these lands as a part of their present reserve which are subject to the preemption right of the Ogden Land Co. (7 Stats., 560), although the Indians deny this, basing their claim on a decree of the State court in Buffalo, handed down in 1850. This suit resulted from an agreement with the Federal Government, January 15, 1838, under which the Six Nations were to remove west of the Mississippi River, and in anticipation of their removal the chiefs of the Tuscarora Tribe executed a deed to Thomas Ludlow Ogden and Joseph Fellows, predecessors

of the Ogden Land Co., conveying to said Ogden and Fellows, as owners of the preemptive right, the 1,920 acres last referred to. The deed was placed in the hands of Herman B. Potter, in escrow, pending the performance of certain conditions precedent to delivery. The expected removal failed to materialize and in 1849 Wm. B. Chew et al., chiefs of the tribe, instituted suit against Herman B. Potter and Joseph Fellows (Thomas L. Ogden then being deceased), looking to a surrender and cancellation of the deed. A verdict in favor of the Indians was rendered and the deed canceled by decree of the court, which resulted only in placing the matter in statu quo, as far as the preemptive right of Ogden and Fellows was concerned. The execution of the deed was an admission of the existence of the preemptive right, and the contention of the Indians that the decree of the court canceling the deed also effectually extinguished the right of preemption in the Ogden people does not appear well founded. The records in the case are still on file in the county clerk's office at Buffalo.

About the year 1800 a delegation of Tuscarora Indians visited the governor of North Carolina and negotiated a sale of their lands in that State for approximately $15,000, which money was deposited with the United States in trust. In 1804 Congress authorized the Secretary of War to purchase with this money additional land for these Indians. With these funds 4,329 acres lying to the south and east of the 1,920 acres already occupied by them were purchased for the Tuscarora Indians. Title to these lands was taken by the Secretary of War in trust for the Indians, but subsequently (January 2, 1809) the lands were conveyed directly to the Tuscarora Tribe, who now own the fee. (Book "A," p. 5, Niagara County clerk's office.)

The St. Regis Reservation contains 38,890 acres, of which 24,250 acres fall within the Dominion of Canada. The remaining 14,640 acres on the American side lie in Franklin County, N. Y., and were secured to these Indians by treaty with the State, in consideration for which they surrendered certain other lands claimed by them. The Ogden Land Co.'s claim never comprised any part of the lands within this reserve.

The Shinnecock Reservation, containing some 450 acres, is located on a neck of land running into Shinnecock Bay, Long Island. Southampton was an early colonial town, established in the seventeenth century, and the town trustees negotiated with "Shinnecock," chief of the tribe, for a sale of the lands. Tribal tradition has it that the chief sold out to the whites and skipped with the money. While this does not comport with accepted ideas of the honesty and integrity of aboriginal chiefs, yet it is a matter of record that the town trustees of Southampton in the early days gave a lease for a thousand years to the Shinnecock Indians covering some 3,600 acres, known as the Shinnecock Hills and Shinnecock Neck. Matters stood thus until about the middle of the nineteenth century, when the town had developed to such an extent that a more satisfactory arrangement was desired. Accordingly, in 1859 the State authorized the town trustees to negotiate with the Indians for a cession of their leasehold estate. An agreement was reached under which the Indians surrendered the hills, in exchange for which they received in fee Shinnecock Neck. The agreement is recorded in volume 3 of the town records of Southampton, at page —.

The above covers all of the reservations in New York to be regarded as of any importance at this time, but in passing mention may be made of the Poosepatucks, of mixed Indian and negro descent, who did occupy a small reservation of about 50 acres also on Long Island, near the mouth of the Mastic River, being a part of the tract of 175 acres conveyed to the tribe by Col. William Smith, governor of the Territory, July 2, 1700, "to the intent sayd Indians, their children and posterryte may not want sufficient land to plant on forever." Also the Montauk Tribe who occupied Montauk Point, the northeastern extremity of Long Island, which was included in a patent issued in 1686 by Governor Dongan to "the freeholders and inhabitants of the town of East Hampton." This grant was made subject to the Indian right of occupancy, but also carried "the perpetual and exclusive right to purchase same from the Indians." Within comparatively recent years the remnant of this tribe sold their title to this land to one Beuson, and these Indians, as a tribe, no longer exist as such, having individually become absorbed in the body politic. Pharoh v. Benson (69 Misc., N. Y., 241). These Indians also intermarried so largely in the early days with negroes that their nationality as "Indians" became extinct long ago.

The Cornplanter Reservation in Pennsylvania lies just below the line between New York and the former State. The reservation originally comprised 1,500 acres "granted in fee" by Pennsylvania March 16, 1796 to Cornplanter and his heirs. Subsequently, in 1871, the State authorized the appointment of commissioners to divide these lands in severalty among "Cornplanter's descendants and other Seneca Indians." This was done and the land was divided and allotted to 93 Indians, without power, however, to sell to persons other than descendants of Cornplanter, or other Seneca Indians.

These small reservations, used in common, afforded only a haven of refuge to possibly otherwise homeless persons and for all practical purposes may be eliminated from further consideration. The same might also be said of the Oil Spring Reservation, containing as it does, but 640 acres, retained by the Indians in the early days largely from sentimental reasons.

Conditions on the remaining reservations show a crying need for reform. Naturally one casts about for the reasons why these conditions should have so long been permitted to continue. First among these we find the question of jurisdiction over these Indians, State and Federal. Much needless confusion exists, a pretty general impression prevailing that the State has exclusive jurisdiction. This seems to have arisen from two causes, first, because New York was one of the Thirteen Original Colonies and the "title" to the lands involved never was in the Federal Government, and secondly, because the State has exercised jurisdiction, while the Federal Government, to a large extent, has not. A brief examination of the fundamental principles involved should remove any doubt on this point.

A common cause united the colonists in a supreme effort for independence, and the successful termination of the Revolution, together with the attendant treaty of peace, vested full powers of jurisdiction, sovereignty, and government in the 13 original colonies. Dissension immediately arose to such an extent that 13 independent nations seemed imminent rather than one. The interlacing web represented by the Articles of Confederation was not sufficiently strong to weave the dissenting colonies into a satisfactory whole. The independent colonies had too much power and the central government too little. This is a matter of history, well established. By the adoption of the Federal Constitution the colonies ceded to the General Government certain well-defined powers, functions, and duties, among which we find the regulation of commerce with foreign nations, among the several States, and with the Indian tribes. (Constitution, Art. I sec. 8.)

After the adoption of the Federal Constitution in 1787 several of the colonies ceded to the Federal Government certain parts of the territory covered by their respective charters from the British Crown. This territory formed the first land the actual title to which was recognized as being in the Federal Government. This area was greatly increased from time to time, as by the Louisiana purchase in 1803, the Floridas in 1819, the Gadsden purchase in 1853, the Alaska purchase in 1867, and others. This vast territory comprises what has since been known as "the public-land States," the title to which was recognized as being in the United States.

New York not having ceded to the Federal Government the lands within her present borders, the actual title is not in the Federal Government, and as to land not otherwise disposed of by the State the title still remains there. Were it not for the fact that we are here dealing with "an Indian problem" the Federal Government would have practically nothing to do with the so-called "reservations" in that State. Having joined with her sister States, however, in the adoption of the Constitution, New York is bound to recognize the powers formally ceded to the nation. One of these is the regulation of commerce with Indian tribes, which surely is broad enough to cover traffic in lands occupied or claimed by them. Again the admission of power in Indian tribes to barter without the consent of the Federal Government, such title as they may have to any lands within the geographical limits of the United States, is repugnant to the fundamental principles of sovereignty so essential to the preservation of a nation. This is true, even though the actual title is not in the Federal Government. (Johnson v. McIntosh, 8 Wheat. 543; Wooster v. Georgia, 6 Pet., 515, Cherokee Nation v. Georgia, 5 Pet., 1.) Congress at an early date fully recognized the necessity for this. (Act Mar. 30, 1802, 2 Stats., 143 sec. 12.) Could we afford to admit the right of an Indian tribe to sell their land within our borders to a foreign country?

By acts of Congress and judicial construction the power of the Federal Government over questions dealing with Indians has grown infinitely stronger. Apparently this has been a product of necessity rather than any express delegation of authority to be found in the Federal Constitution. From time to time New York has enacted sundry laws pertaining to the Indians within her borders, has provided schools for their youth, appointed attorneys to protect their interests, and has delegated jurisdiction in some instances to her courts to entertain their complaints. No case has been found denying the right of the State so to do, or that the laws so enacted are unconstitutional. On the other hand, numerous cases could be cited, if necessary, upholding the validity of such laws, where they do not conflict with the Federal Constitution, treaties with Indian tribes, or congressional enactments. (New York v. Dibble, 21 How. 366.) In brief, the principle involved may be broadly stated, that all State laws beneficial to Indians will be upheld, while those of a detrimental nature will be scrutinized with greater care.

In internal matters of this kind, wherever the Nation remains passive, then the State of necessity must become active. In truth, the Indians in New York occupy a somewhat peculiar status, in that they may be said to be wards of both the Nation and the State. Jurisdiction seems concurrent rather than exclusive, and in passing it may be said that the State has always been generous in dealing with these people. Judging from concrete results, the Federal Government has manifested but slight interest in the affairs of these Indians. Its greatest shortcoming has been by omission rather than by commission. The New York Indian problem should have been history long since. One hundred and twenty-seven years have passed since the adoption of the Federal Constitution, and we find these people to a large extent in the same position they occupied in the early days, at least in so far as their land tenures are concerned. Apparently the State has waited for the Nation and the Nation for the State. Has it never occurred to either to cooperate?

Originally the Federal Government dealt with the Indian tribes as quasi, or de facto nations, by treaty. Later Congress deemed it incongruous to deal with these people by such formal means as treaties, which implied equality, and directed that thereafter their affairs would be regulated by legislation only. (Act March 3, 1871, 16 Stats. 566.) The power of Congress so to do has been fully recognized, even to the extent of abrogating by legislation the provisions of a prior treaty with an Indian tribe. (United States v. Kagama, 118 U. S., 375. Lone Wolf v. Hitchcock, 187 U. S., 553.) February 19, 1875 (18 Stats., 330), Congress passed an act to regulate leases by the Seneca Indians in New York. September 30, 1890 (26 Stats., 558), the prior act was amended in certain respects. The control of Congress over the subject matter was most strongly upheld in Ryan v. Knorr (19 Hun., 540), and Shongo v. Miller (45 A. D., 339). Need more be added to show jurisdiction in the Federal Government over the Indian tribes in New York? The one case of Fellows v. Blacksmith (19 Howard 366), would be amply sufficient to prove this.

Congress having assured the Six Nations peaceful possession of their reservations (7 Stats., 44), and the Supreme Court having denied the State the right to tax their land (The New York Indians, 5 Wall., 761), the hands of the State are effectually tied in so far as working out a feasible solution of the problem is concerned. We have just seen that prior treaties may be superseded by subsequent legislation, but this power rests solely with Congress. Certainly it does not exist in the State. Just when, in what manner, and to what extent this power is to be exercised, therefore, rests in the sound discretion of Congress. Presumably the power will be exercised only after full considerations of humanity and public policy.

It has heretofore been shown that the actual title—the fee—in the St. Regis and Onondaga Reservations is in the State, that of the Tonowanda Reservation is in the comptroller of the State, and as to the Shinnecock and 4,329 acres of the Tuscarora Reservation it is in the respective tribes. Aside from the locus of the actual title, however, we have also found that the Indians' right of possession is an indefeasible one which can not be disturbed without the sanction of the Federal Government. (Fellows v. Blacksmith and The New York Indians, supra.) As to the locus of the fee of the Allegany, Cattaraugus, and 1,920 acres of the Tuscarora Reservations, we are confronted with a more difficult problem, these lands being subject to the "claim" of the Ogden Land Co., so-called—a claim of such a peculiar nature that a short recourse to colonial history is again necessary.

By charters in 1628–29 James I, King of England, granted certain land in the new continent to the Plymouth Colony. March 12, 1664, Charles II likewise granted certain land to the Duke of York. Owing to the deficient geographical knowledge of the then new country, the descriptions in these grants were more of less vague, and in many cases overlapped. Massachusetts succeeded to the title of the Plymouth Colony and shortly after the close of the Revolution a dispute arose between that State and New York over the ownership of certain territory aggregating upward of 6,000,000 acres located in the western part of the latter State. The controversy was first submitted to the Continental Congress and a court was appointed to hear and determine the cause. The matter was finally adjusted, however, without resort to the court, a convention for this purpose having been held at Hartford, Conn., December, 1786, New York being represented by 6 commissioners and Massachusetts 10. A compact or agreement was drawn and duly executed December 16, 1786. By this compact New York retained the right of government, sovereignty, and jurisdiction over the disputed territory, but ceded to Massachusetts the right of preemption of the soil from the native Indians, coupled with the power to sell or assign such right.

Massachusetts proceeded promptly to dispose of its title and in April, 1788, Oliver Phelps and Nathaniel Gorman negotiated with that State for the purchase of the entire area for $1,000,000, payable within three years in public paper of the State, a kind of scrip which was then greatly depreciated. Phelps and Gorman failed to

comply in full with their agreement and subsequently Massachusetts brought suit to recover title. A compromise agreement was effected, however, under which Phelps and Gorman obtained a clear title to about 1,900,000 acres of the original area, the remainder being again relinquished to the State. March 8, 1791, Massachusetts conveyed to Robert Morris for $225,000 the land which Phelps and Gorman had failed to acquire. Morris retained 500,000 acres of this land, which thereafter became known as "The Morris Reserve," and by four separate deeds in 1792-93, conveyed the remainder, aggregating 3,600,000 acres, to a company of Amsterdam capitalists, among whom Wilhelm Willnick was the largest owner. These conveyances from Morris were coupled with an agreement on his part to extinguish the Indian title, which he promptly endeavored to do and which finally resulted in the agreement or treaty of Big Tree, September 15, 1797 (7 Stats., 601).

The Amsterdam capitalists subsequently became known as the Holland Land Co., and in 1810 the company conveyed to David A. Ogden certain described lands, embracing an area within which will be found the present Allegany, Cattaraugus, and Tuscarora Reservations. Ogden later associated other capitalists with him and the combination became known as the Ogden Land Co., title to all lands acquired being taken in the name of certain members, in trust for the company, which, however, was not incorporated. Later a trust deed was executed under which the holdings of the company were divided into 20 shares of no specified value. A dispute having arisen among the shareholders, suit was instituted, in which a part of the joint owners were plaintiffs, the remainder being defendants. December 10, 1883, a decree was entered in the Supreme Court of Queens County, N. Y., designating Charles E. Appleby, of New York, a trustee, and William D. Waddington as cotrustee of the concern. Waddington died prior to 1888, leaving Charles E. Appleby sole surviving trustee of the company, who served until the latter part of 1913, when he also died. Who now represents the company in an official or legal capacity is not known, but in 1894 the owners of these 20 shares were reported to be:

	Shares.
Estate of Joshua Waddington	4
Estate of Peter S. Schermerhorn	1
Estate of Thomas Ludlow Ogden	2
Estate of Louisa Troup	1
Estate of Abraham Ogden	1
Estate of Robert L. Tillotson	1
Estate of Duncan P. Campbell	1
Estate of Charlotte Brinckerhoff	1
Estate of James S. Wadsworth	1½
Estate of Ogden Murray	0½
Estate of Benjamin W. Rogers	2
Estate of Robert Bayard	1
Charles E. Appleby	1
Estate of Shaw and Wilson, now held by Bank of England	2
Total	20

The nature and extent of the claim of the Ogden Land Co. still remains to be considered, however. This claim has received various designations, having grown, in the estimation of the company, from an original right of preemption to that of an absolute fee. Many theories have been advanced as to its exact nature and the decisions of the State courts before whom this matter has been brought are not conducive to a clear understanding of the case. Much fruitless labor seems to have been expended in an effort to determine the locus of the fee, presumably due to the old common-law fiction that necessarily the fee must be in some one. That this is merely a fiction, however, is apparent from a moment's consideration. In whom is the fee to an uninhabited and undiscovered island in the Pacific Ocean? On discovery does the fee arise and hail the discoverer as a deliverer?

Ogden *v.* Lee (6 Hill, 546) would indicate that the fee to these lands is in the Seneca Nation, subject to the preemption right ceded to Massachusetts by the State of New York. Fellows *v.* Lee (5 Den. 628) affirmed the decision of the lower court on the ground that the Indian title to land is an absolute fee, and that the preemption right ceded to Massachusetts was simply the right to acquire by purchase whenever the Indians choose to sell. In Seneca Nation *v.* Christie (126 A. D. 322) and Seneca Nation *v.* Appleby (127 A. D., 770) the preemption right to the Ogden Land Co. seems to have matured into what has variously been styled a "fee subject to the Indian right of occupancy," "qualified fee," "naked fee," "ultimate fee," etc. But little satisfaction is obtained from examining these various decisions with a view of deter-

mining just where the fee in these lands lies. Neither does a process of elimination produce a more satisfactory result. Necessarily four parties are to be considered in the matter, the Indians, the Nation, the State, and the Ogden Land Co. The doctrine of discovery, as laid down in Johnson *v.* McIntosh (supra), does not recognize an absolute fee in an Indian tribe, their right being that of possession only. We have heretofore seen that the absolute fee was never placed in the Federal Government, nor is it in the State of New York, the latter having ceded all right and title, except that of sovereignty and jurisdiction, to Massachusetts. Massachusetts parted with whatever title it acquired, and we find the present claimants to be the Ogden Land Co. It is well, therefore, to examine with greater care the compact between Massachusetts and New York. The second and tenth articles read:

"Secondly. The State of New York doth hereby cede, grant, release, and confirm to the said Commonwealth of Massachusetts, and to the use of the Commonwealth, their grantees, and the heirs and assigns of such grantees forever, the right of preemption of the soil from the native Indians, and all their estate, right, title, and property (the right and title of government, sovereignty, and jurisdiction excepted) which the State of New York hath of, in, or to (description of land involved follows).

"Tenthly. The Commonwealth of Massachusetts may grant the right of preemption of the whole or any part of the said lands and territories to any person or persons who by virtue of such grant shall have good right to extinguish by purchase the claims of the native Indians: *Providing, however*, That no purchase from the native Indians by any such grantee or grantees shall be valid unless the same shall be made in the presence of and approved by a superintendent to be appointed for such purpose by the Commonwealth of Massachusetts, and having no interest in such purchase, and unless such purchase shall be confirmed by the Commonwealth of Massachusetts."

In construing the foregoing in Ogden *v.* Lee (supra), the court said:

"In the adjustment of the conflicting claims of the States of Massachusetts and New York to the tract of country which includes the Cattaraugus Reservation, Massachusetts ceded all her right to 'the government, sovereignty, and jurisdiction of the disputed territory,' and New York ceded 'the right of preemption of the soil from the native Indians.' The words which follow—'and all other the estate, right, title, and property which the State of New York hath'—were not intended to enlarge the grant into an unqualified fee. It is impossible to suppose the parties meant to disregard and set aside the Indian title, which they had but the moment before fully recognized by contracting for 'the right of preemption of the soil from the native Indians.' This point is rendered still more clear by a subsequent clause in the deed of cession. By the tenth article the Commonwealth of Massachusetts was authorized to grant 'the right of preemption,' and nothing more, and her grantees were only to acquire 'good right to extinguish by purchase the claim of the native Indians.' * * * Their right (the Indians') is as perfect now as it was when the first European landed on this continent, with the single exception that they can not sell without the consent of the Government. The right of occupancy to them and their heirs forever remains wholly unimpaired. They are not tenants of the State, nor of its grantees. They hold under their own original title. The plaintiffs have acquired nothing but the right to purchase whenever the owners may choose to sell."

The doctrine laid down in the foregoing appears sound. In any event, by eliminating the State and Federal Governments, in neither of whom it seems the fee exists, and placing in juxtaposition the "title" of the Indians against that of the Ogden Land Co., we instantly recognize the stronger—the Indians. The courts of both the Nation and the State have repeatedly denied the right of the assignees of Massachusetts in any manner to interfere with the right of the Indians to the peaceful and continued possession of their soil. We dismiss, therefore, from further consideration any attempt to determine the locus of the fee, and admit, for all intents and purposes, that it lies dormant and will remain dormant until present conditions are changed. Some workable plan under which these conditions may be ameliorated is of far greater import either to the Nation, the State, or the Indians, than any fruitless pursuit of the locus of the fee.

The Indians deny that the Ogden Land Co. has any valid claim to their lands, but the convention between Massachusetts and New York involved upward of 6,000,000 acres and the validity of the original grant to Massachusetts, and the subsequent sale by that State has been too long recognized and upheld by a long line of court decisions to justify any attempt to repudiate the transaction at this late date. The title to millions and millions of dollars worth of property in the western part of New York is based primarily on the convention between the two States. It is not seen how the courts could repudiate it. In fact, it appears to have been confirmed by the National Government. (Seneca Nation *v.* Christie, 162 U. S., 284-285.)

Various attempts have been made from time to time to adjust the claims of the Ogden Land Co., but without success. The act of August 15, 1894 (28 Stats., 301), directed the Secretary of the Interior to investigate the claim of the company, which investigation was had and report submitted to the Fifty-third Congress, third session. (Senate Executive Document No. 52.) Later, by act of March 2, 1895 (28 Stats., 887), the department was authorized to negotiate with the Ogden Land Co. for the purchase of its claim, which investigation was also had and report submitted to Congress under date of February 20, 1897. (House Document No. 309, 54th Cong.) Later, bills were introduced looking to a settlement of the matter (H. R. 12270, 53d Cong., and H. R. 7262, 54th Congress), both of which failed of enactment.

Matters thus stood until about 1905 when the Seneca Indians instituted suit against Charles K. Appleby, surviving trustee, for the purpose of testing the extent and validity of the Ogden Land Co.'s claim. This resulted in a decision by the Supreme Court of the State of New York virtually recognizing the ultimate fee as being in the Ogden Land Co., with right of possession in the Indians. As to the title of the Ogden Land Co., the decision of the court is not of great import, but one suggestion made by the court in its decision is of great interest at this time:

"The affirmance of the judgment (of the lower court) does not establish the proposition that if the plaintiff becomes disintegrated that the defendant's title will vest in possession at once. Allotment among the individual Indians by the plaintiff has been permitted for a considerable period by the National Government. Inheritance is allowed in accordance with the statutes of the State of New York and conveyances amongst the Indians are also allowed. It may well be held that even though the nation in its tribal capacity should be dissolved, if the individual Indian holds his land by virtue of this recognized method of allotment, that the occupancy will continue to his most remote descendant."

In effect, this would intimate that the courts may find room to hold that allotment of these lands among the Indians will not result in a disintegration of the tribe, or a vesting of the right of the Ogden Land Co., if any such right exists. In other words, the lands may be allotted to individual members of the tribe and still remain subject to the claim or right of the Ogden Land Co. This seems to be the basis on which recent proposed legislation by the National Government is founded (H. R. 18735, 63d Cong., 2d sess.). Whether that contention is sound, remains yet to be seen. In either event, no matter in what form this question is adjusted, the prospect of its ultimately being thrown into the courts for decision is exceedingly strong. The representatives of the Ogden Land Co., when last approached, placed what was regarded as a fictitious value on their claim. If any compulsory method of settlement is invoked, as by condemnation, it would necessitate the institution of proceedings, with the Government acting as party plaintiff. Doubtless if the lands are allotted subject to the right of the Ogden Land Co., representatives of that company would promptly institute suit to test the power of the Federal Government so to do, or the validity of the allotment so made; basing their claim on the theory that the "ultimate fee" rests in them, and the dissolution of the tribal organization by allotment vests full title in the company.

However, it is not seen how the power of the Federal Government to enforce a division of these lands among the tribal membership can be denied. If whatever title the tribe has to specified areas within these reservations is placed by authority of Congress in individual members, who would deny the power of Congress so to do? If such action is had and the Ogden Land Co. or its assignees institute proceedings to test the right of the individual Indians, necessarily the Government must stand behind the Indian to defend his title.

The Indians not being satisfied with the decision found in The Seneca Indians v. Appleby (127 A. D., 770), the case was appealed and the appellate court of New York dismissed the proceedings on the ground that the Indians were without power to sue and that the lower court was without power to try and determine the cause (196 N. Y., 318). This virtually nullified the decision of the lower courts and leaves the matter still at large. After examining the numerous decisions by the State courts relating to this matter, i[illegible] with great satisfaction one reviews the last case before the appellate court of the State and finds therein the following:

"Nor is it at all a subject of regret that we find that the action can not be maintained. On the contrary, we think it eminently wise of the legislature not to have authorized a determination now of questions which may not arise until the remote future, and whose determination, when they arise, may be seriously affected by considerations we can not now foresee. * * * The respondent contends that the rights of the Indians will not survive the dissolution of the nation or tribal existence, while the learned judge of the appellate division is of opinion that the rights continue as long as the lands are actually occupied by Indians of the tribe, whether the tribe as an entity continues to exist or not. * * * The question had much better be left till the nation or tribe becomes disintegrated, when the courts of that day will doubtless be competent to deal with it, as well as with the whole question of what rights, if any, the defendant or his successors in interest have in the lands embraced in these reservations."

Did the framers of the compact between Massachusetts and New York ever dream of the future difficulties being stored up when they conceived the plan of divorcing the right of preemption from that of sovereignty?

The claim of the Ogden Land Co. has stood continuously as an effective stumbling-block to a ready solution of "the New York Indian problem." The company has not heretofore been disposed to place a reasonable value on its claim, and the payment of an exorbitant price should not be considered, in view of the doubtful nature of that claim. Within recent years many of the Indians have manifested a strong tendency to object to any disturbance of that claim. After the decision of the appellate court, holding that they were without capacity to sue, the tribe applied to the State legislature and by that body was granted the requisite authority. The matter was dropped at that point, however, as the Indians began to fear that any disturbance of the claim would result in a speedy allotment in severalty, a dissolution of their tribal organizations, and the assumption of full responsibilities of citizenship. In other words, the claim has acted as a blanket to protect them from these ultimate ends, which they do not appear to desire. As matters now stand they enjoy the full benefits accorded other residents of the State, such as adequate school facilities, excellent highways constructed within their reservations at the expense of the State, yet at the same time their property is exempt from taxation and the Indians are not bound by financial obligations arising under contracts. From a personal or selfish standpoint, therefore, why should they desire a change?

At its own expense the State maintains 33 schools exclusively for Indians and employs 37 teachers therein. If the State is denied the right to tax their lands, should it be expected to support, protect, and educate the Indians? Has the nation been altogether fair to the State in this matter? Should not this be a burden upon the nation rather than the State? If the nation denies financial responsibility, should the State be denied the right to tax or to take such other steps as may be necessary to solve the problem?

By invitation, from time to time, the State legislative assembly has invited these people to divide their lands in severalty, and the courts of the State have respected, as fully as possible, the division so made. Beyond this the State could not go, as the Nation has guaranteed these people peaceful possession of their soil. The State has been without power to compel a division of their lands, as this power is peculiarly vested in the Nation.

March 21, 1888, the State legislative assembly appointed a committee of five to investigate the Indian problem in New York, and the report of that committee, with extensive exhibits, covering some 410 pages of printed matter, was presented to the assembly under date of January 31, 1889. Much valuable data can be gathered from that report, and the specific recommendations made by that committee are not without interest even at this time. They read:

1. That a compulsory attendance school law be enacted.

2. That the legislature request the General Government to take action to extinguish the claim of the Ogden Co. to the lands of the Senecas and that portion of the Tuscaroras covered by it.

3. That the lands of the several reservations be allotted in severalty among the several members of the tribe, with suitable restrictions as to alienation to whites, and protection from judgments and other debts, but such division not to go into effect as to lands affected by the Ogden Co.'s claim until that claim be removed. This allotment in severalty ought not to be limited to a division of the possession of the land, but should comprise a radical uprooting of the whole tribal system, giving to each individual absolute ownership of his share of the land in fee.

4. The repeal of all existing laws relating to the Indians of the State, excepting those prohibiting sale of liquors to them and intrusion upon their lands, the extension of the laws of the State over them, and their absorption into citizenship.

The State subsequently enacted and has with a reasonable measure of success enforced a compulsory attendance school law, but as to the other recommendations they stand to-day practically as when made 26 years ago. How much longer must the State await the pleasure of the Nation in offering a solution of the problem? That present conditions should be permitted to continue indefinitely on these reservations would be a shame upon the Nation and a disgrace to the State. In a majority of these tribes the infusion of white blood has been so great that out of an "Indian" population of over 5,000 in the State one will find scarcely a single full blood, less than 500 half bloods, and a great number with so much white blood that only the closest scru-

tiny of a keen observer will disclose any Indian characteristics. The remnants of the former tribes on Long Island have intermarried so largely with negroes that their present descendants are more nearly negro than Indian. All of these people deserve but scant sympathy therefore, as "Indians," although any adjustment of their affairs should be based on sound principles of justice and humanity. A large percentage of them have reached a comparatively advanced stage of education and civilization along certain lines. Many of them are progressive, shrewd, keen, business men with large land holdings, fine homes, excellent barns, up-to-date farming implements, and in a number of cases even automobiles. On some of these reservations marriage to a large extent consists of but cohabitation and divorce but separation at pleasure. In the midst of thriving communities, in some cases adjacent to large cities, the continuance of such conditions is abhorrent to the finer sensibilities of civilized mankind. The cause should have been removed long since and no doubt would have been had the power existed in the State to force an effective solution of the problem.

Nothing in the foregoing should be construed as intending to imply that these reservations are hotbeds of iniquity or corruption. Among these people will be found many upright, honorable men and women, who are law-abiding, self-respecting inhabitants, but the lax enforcement of the law on these reservations allows the unruly element full license to do pretty much what they please. Being powerless to dissolve the tribal organizations and to compel a division of the lands among the Indians, the State could only abide in patience the time when either the Nation would remove the obstacles or the Indians voluntarily agree to a relinquishment of their title. Thus the tribes to a large extent have been left to themselves, both by the Nation and the State, in so far as police supervision and internal government is concerned. Doubtless the State has been influenced in its action by the doubtful question of jurisdiction and the superior power of the Federal Government over the subject matter.

One of the most serious difficulties, however, presented in connection with a solution of this matter lies in the fact that to all intents and purposes these reservations were "allotted" years ago. The Indians under their tribal government have divided the lands among themselves; valuable improvements have been erected, and transfers have been made by sale, purchase, gift, or otherwise, until the present claimants are confirmed in their respective holdings by recognition of the tribal officers, by the tribal membership at large, and even by the State courts, who have upheld such transactions. Shrewd members of the various tribes in many cases have acquired land holdings many times in excess of the number of acres to which they would be entitled under a present pro rata division. Naturally, to a man, such owners are opposed to any settlement which would not recognize and confirm their present possession, the title to which they could in many cases prove by inheritance or purchase for valuable considerations. Cases may be found, of course, where the acquisition would not bear the light of close investigation, but in the majority of cases it will be found that rightful inheritance or the payment of adequate consideration has been the basis of the "title" over and above the acreage to which the present owner would be entitled under a pro rata division.

Those members of the tribes who possess no land naturally are in favor of a division of the tribal property. If their right as a member of one of these tribes is worth anything in dollars and cents they want it, and the faction of the tribes favoring a division is composed largely of this class. A few, having in their possession only the approximate number of acres to which they would be entitled in case of a pro rata allotment, or who have a family with sufficient members to absorb the entire area now occupied, would be very glad to receive ultimate title with power to convey, to outsiders, as on practically every reservation such power, coupled with their present title, would practically double the per acre value of their lands which, even at this date, is by no means inconsiderable.

The lands of the St. Regis Reservation are fertile farming lands and many of these Indians are expert dairymen. The Tuscarora Reservation lies within one of the most fertile parts of the State of New York and the lands there are very valuable both for agricultural and fruit-raising purposes. The Shinnecock Reservation on Long Island is not of an exceedingly high value for agricultural purposes, yet these lands are so beautifully situated on Shinnecock Bay—a small arm of the Atlantic Ocean—that to-day they have an actual value of approximately $2,000 per acre for building-site purposes. Many wealthy people from New York City and elsewhere have built fine summer houses in Southampton, which is but 2 miles distant from this reserve and within which unimproved land is worth about $5,000 per acre at this time. On the Onondaga, Tonawanda, Allegany and Cattaraugus Reservations the valley land are very fertile and have been improved and cultivated for many years past. Any timber of commercial value on the hills within these reservations has been removed

long since and these lands are now mainly valuable for grazing purposes. The average value of the lands within these reservations will closely approximate $60 per acre.

Before any attempt is made to suggest an adjustment of present landholdings an accurate survey of each reservation should be made, the present owner of each acre ascertained, the manner in which title was acquired looked into, and the general conditions studied with a view of offering the most equitable plan both to the present holders and the tribe at large. In brief, each reservation should be made the subject of a special study and such measures taken as would best fit conditions on that particular reservation. Any broadside legislation applying indiscriminately to all these reservations and designed to affect present landholdings, aside from meeting strenuous opposition, might produce disaster. At present these people are contented, fairly prosperous, and, in a few cases, wealthy to a limited extent. The greatest present need on these reservations is proper police supervision and the enforcement of the law. The peace officers of the State have been chary about enforcing State laws, moved in part by the doubtful question of jurisdiction and possibly more so by the uncertain outcome of any attempt to collect their usual fees.

Each reservation should be provided with an officer with full powers to see that the law is obeyed. The pow ow placed in the hands of the tribal organizations should be promptly curtailed, as, in the past, this power has too frequently been used for selfish purposes or in other cases has not been exercised to compel order and obedience to the laws. In the past th tate has been burdened with practically all expense connected with whatever enf ment of the law has been compelled, all local educational facilities furnished, and yet its hands have been effectually tied in so far as taxation of the property of these people is concerned. The Nation should either untie the knot by turning the entire matter over absolutely to the State or else assume full jurisdiction and effectually enforce it.

In view of the superior jurisdiction and power of the Federal Government over the subject matter, its broader experience in dealing with Indian problems, the urgent need for some remedial legislation and the inability of the State to offer or force a feasible solution, it is suggested that the matter be placed before Congress with recommendations that legislation to accomplish the following results be speedily enacted.

1. Promptly curtail the power and authority now lodged in the respective tribal organizations.

2. Place one or more representatives of the Federal Government on each reservation, with full powers to maintain order and enforce obedience to the laws, such officers to be subordinate to the special agent or other officer in charge of the New York Indians.

3. Declare the Indian reservations in the State of New York to be "Indian country" within the meaning of the Federal statutes prohibiting the introduction of intoxicants into such country.

4. Provide for an accurate survey of the lands within each reservation, so as to determine the present owner or claimant of each acre therein, the time when and manner in which such possession was acquired, and the equitable right of such owner thereto, which should be coupled with an investigation as to present membership of the tribes owning lands and those who are without such means.

Possession of information suggested in the preceding paragraph should enable specific recommendations to be made with a view of suggesting an equitable adjustment of the New York Indian problem.

Appreciating fully the need in the Indian Office of a ready reference to at least some of the many court decisions, congressional documents, and miscellaneous papers relating to the New York Indians, an index of the character indicated has been prepared and attached hereto as an appendix.

Respectfully,

JOHN R. T. REEVES.

APPENDIX.

THE NEW YORK INDIANS.

TREATIES.

October 22, 1784 (7 Stats., 15), with the Six Nations.
January 9, 1789 (7 Stats., 33), with the Six Nations.
November 11, 1794 (7 Stats., 44), with the Six Nations.
December 2, 1794 (7 Stats., 47), Oneidas, Tuscaroras, and Stockbridges.
May 31, 1796 (7 Stats., 55), Seven Nations of Canada.
March 29, 1797 (7 Stats., 61), Mohawks.

September 15, 1797 (7 Stats., 601), Senecas and Robert Morris
June 30, 1802 (7 Stats., 70–72), Senecas.
February 8, 1831 (7 Stats., 342), Menominee in Wisconsin, ceded land (for New York Indians).
October 27, 1832 (7 Stats., 407–409), Menominee in Wisconsin, ceded land (for New York Indians).
January 15, 1838 (7 Stats., 550), Six Nations.
February 13, 1838 (7 Stats., 560), St. Regis.
May 20, 1842 (7 Stats., 586), Senecas.
June 27, 1846 (9 Stats., 35), Senecas.
November 5, 1857 (11 Stats., 735), Tonawandas.
November 5, 1857 (12 Stats., 991), Tonawandas.

ACTS.

February 19, 1875 (18 Stats., 330), leasing, surveys, etc., Senecas.
September 30, 1890 (26 Stats., 558), leasing.
February 20, 1893 (27 Stats., 470), leasing.
June 10, 1896 (29 Stats., 340), leasing.
June 6, 1897 (30 Stats., 69), leasing.
February 28, 1901 (31 Stats., 819), leasing.
March 3, 1901 (31 Stats., 1809), leasing
May 30, 1908 (35 Stats., 535), leasing.
February 21, 1911 (36 Stats., 927), leasing
May 25, 1878 (20 Stats., 535), surveys, Cattaraugus.

Congressional documents relating to leases.

Document.	No.	Congress.	Session.	Volume.	Page.
House Report	2786	Fifty-first	First	21	17636
Senate Report	1650*	do	do	22	19130
Do	2293	Fifty-second	Second	30	26041
Do	27*	Fifty-fourth	do	39	36078
Do	76*	Fifty-fifth	First	40	37430
Do	145*	do	Second	44	40759
House Report	2655	Fifty-seventh	First	55	51405
Do	2020	Sixty-first	Third		
Do	366	Sixty-third	Second		

Those marked with an * contain valuable information. Some of the reports listed are duplicates of prior reports, but are given here for convenient reference. The volume and page references are to "Miscellaneous Indian Documents" on file in the Indian Office Library

STATE COURT DECISIONS RELATING TO LEASES.

[Abbreviations: A. D., appellate division; A. N. C., Abbott's new cases; Hun., reports of the State supreme court.]

Ryan v. Knorr (19 Hun., 540).
Baker v. Johns (38 Hun., 625)
Sheehan v. Mayer (41 Hun, 609).
Sheehan affirmed (129 A. D., 675).
Shongo v. Miller (45 A. D., 339).
Walt v. Jemison (15 A. N. C., 382).
Buffalo, etc., Ry. Co. v. Lowry (75 Hun., 396).
Buffalo affirmed (149 A. D., 576)
Reservation Gas Co. et al. v. Snyder [1]

THE KANSAS AWARD.

Act January 28, 1893 (27 Stats., 426), authority Court of Claims to hear.
Act February 9, 1900 (31 Stats., 27), appropriation to pay judgment.
Act March 3, 1901 (31 Stats., 1077) disposition of proceeds.
Act May 27, 1902 (32 Stats., 263), disposition of proceeds.
Act April 21, 1904 (33 Stats., 205), disposition of proceeds.
Act March 3, 1909 (35 Stats., 800), disposition of proceeds.

[1] Decided Dec. 7, 1914. Not yet reported. Held that oil deposit is tribal rather than individual property.

Congressional documents relating to Kansas award.

Document.	No.	Congress.	Session.	Volume.	Page.
Executive document	Y	Fortieth	Third		
House	751	Forty-sixth	Second	6	4142-4
Do	449	Forty-seventh	First	8	6260-9
Senate miscellaneous	28	do	Second	8	6357
House	7001	do	do	6	7029
Do	672	Forty-eighth	First	11	8079
Do	13	Fiftieth	do	18	14373
Senate miscellaneous	16	do	do	18	14926
Senate	505	do	do	19	15449
House Executive	295	do	do	19	15374
House	36	Fifty-first	do	20	16977
Senate	1260	do	do	22	19088
Senate miscellaneous	46	Fifty-second	do	28	23965
Senate	910	do	do	29	24740
Do	761	Forty-eighth	do	41	38036
House	1661	Fifty-sixth	do	50	47102
Senate	322	do	do	51	48091
Do	61	do	do	52	48563
Do	263	Fifty-eighth	Second	62	55555

Some of the reports are duplicates. Volume and page references are to miscellaneous Indian documents, Indian Office library

COURT DECISIONS RELATING TO THE KANSAS AWARD.

New York Indians v. United States (30 Ct. Claims Repts., 413).
New York Indians v. United States (33 Ct. Claims Repts., 510.)
New York Indians v. United States (40 Ct. Claims Repts., 448).
New York Indians v. United States (41 Ct. Claims Repts., 402).
New York Indians v. United States (170 U. S., 1).
United States v. New York Indians (173 U. S., 464).

THE OGDEN LAND CO.

Act August 15, 1894 (28 Stats., 301).
Act March 2, 1895 (28 Stats., 887).

Congressional documents relating to.

Document.	No.	Congress.	Session.	Volume.	Page.
House	478	Forty-third	First		
Senate executive	72	Fifty-third	Third	34	31161
Do	164	Fifty-fourth	Second	39	36245
House	2391	Fifty-seventh	do	55	51405
Hearings on H. R. 7262		Fifty-eighth	do	58	54115

Documents other than congressional.

	Volume.	Page.
By the Society of Friends	3	2906
Do	37	34375
By the Board of Indian Commissioners	20	16922
By Hon. Daniel Sherman	31	27139
By a special committee (State Assembly No. 40) (1896)	73	63969
By a special committee (State Assembly No. 51) (1889)	41	37883

All of the foregoing do not relate exclusively to the Ogden Land Co. claim, but cover conditions existing generally at the time when prepared. Volume and page references are to Miscellaneous Indian Documents, Indian Office Library.

COURT DECISIONS RELATING TO THE OGDEN LAND CO.'S CLAIM.

Ogden v. Lee (6 Wend., 548).
Fellows v. Lee (5 Den., 628).
Wadsworth v. Buff. Hyd. Asso. (15 Barb., 83).
People v. Pierre (18 Misc., 83).
Blacksmith v. Fellows (7 N. Y., 401).
Fellows v. Blacksmith (19 How. U. S., 366).
New York v. Dibble (21 How. U. S., 366).
The New York Indians (5 Wal. U. S., 761).
Seneca Nation v. Christie (49 Hun., 524).
Seneca Nation v. Christie (126 N. Y., 122).
Seneca Nation v. Christie (162 U. S., 283).
Seneca Nation v. Appleby (127 A. D., 770).
Seneca Nation v. Appleby (196 N. Y., 318).
Jemison v. Bell Telephone Co. (186 N. Y., 493).
New York Indians v. U. S. (30 Ct. Cls., 413).

Unless otherwise specified references are to New York State court reports. Many of the cases hereinafter cited under the Seneca and Tonowanda Tribes also touch on the origin of the Ogden Land Co.'s claim.

UNITED STATES SUPREME COURT CASES

Leading cases of the United States Supreme Court touching on the Indian question generally, especially titles and the power of the Federal Government over their affairs, but not relating specifically to the Indians in New York:

Johnson v. McIntosh (8 Wheat., 543).
Cherokee Nation v. Georgia (5 Pet., 1).
Wooster v. Georgia (6 Pet., 515).
Mitchell v. United States (9 Pet., 711).
The Kansas Indians (5 Wal., 737).
Cherokee Tobacco Case (11 Wal., 616).
United States v. Cook (19 Wal., 591).
United States v. Kagama (118 U. S., 375).
Choctaw Nation v. United States (119 U. S., 1).
Lone Wolf v. Hitchcock (187 U. S., 553).

Supreme Court decisions relating exclusively to the New York Indians:

Fellows v. Blacksmith (19 How., 366).
New York v. Dibble (21 How., 366).
The New York Indians (5 Wal., 761).
Seneca Nation v. Christie (162 U. S., 283).
New York Indians v. United States (170 U. S., 1).
United States v. New York Indians (173 U. S., 464).
See also Benson v. United States (44 Fed., 178).

NEW YORK STATE COURT DECISIONS RELATING TO, ARRANGED BY TRIBES.

Tonawanda.

Jimeson v. Bell Telephone Co. (109 A. D. [illegible]).
Jimeson v. Bell Telephone Co. [illegible] N. Y., 493).
Hatch v. Luckman (64 Misc., 508).*
Hatch v. Luckman (155 A. D., 765).*
Blacksmith v. Fellows (7 N. Y. 3 Sel., 401).
Fellow v. Blacksmith (19 How., 366).
New York v. Dibble (21 How., 366).
People v. Soper (7 N. Y., 425).
Blacksmith v. Tracy (1 Denio, 617).

Tuscarora.

In re Jack (52 Misc., 424).
Peters v. Tallchief (52 Misc., 617).
Peters v. Tallchief reversed (121 A. D., 309).*
Cusick v. Daly (73 Misc., 657).
Cusick v. Daly, reversed (212 N. Y., 183).*
Bates v. Printup (31 Misc., 17).
In re Printup (121 A. D., 322).

Cases marked * will be found to contain much valuable information.

Cayuga.

Cayuga Nation v. Land Commissioners (74 Misc., 154).*
Cayuga Nation v. Land Commissioners, reversed (152 A. D., 543).*
Cayuga Nation v. Land Commissioners, reversal affirmed (207 N. Y., 52).*
Cayuga Nation v. State (99 N. Y., 235).

Montauk.

Pharoh v. Benson (69 Misc., 241).*
Montauk Tribe v. Long Island R. R. Co. (28 A. D., 470).
Johnson v. Long Island R. R. Co. (162 N. Y., 462).

St. Regis.

Terrance v. Crowly (62 Misc., 138).*
St. Regis Indians v. Drum (19 John., 127).

Seneca.

Seneca Nation v. Jimeson (62 Misc., 91).
Silverheels v. Maybee (82 Misc., 48).
Seneca Nation v. Christie (49 Hun., 524).*
Seneca Nation v. Christie (126 N. Y., 122).*
Seneca Nation v. Christie (162 U. S., 283).
Seneca Nation v. Appleby (127 A. D., 770).*
Seneca Nation v. Appleby (196 N. Y., 318).
Dole v. Irish (2 Barb., 639).
Jemison v. Pierce (78 A. D., 9).
Shongo v. Miller et al. (45 A. D., 339).
Ryan v. Knorr (19 Hun., 540).
Seneca Nation v. Lehly (55 Hun., 83).
Jones v. Gordon et al. (51 Misc., 305).
Jimeson v. Lehly (51 Misc., 352).
Jemmison v. Kennedy (55 Hun., 47).
Buffalo, etc., Ry. Co. v. Lowry (75 Hun., 396).
Crouse v. N. Y. & O. R. R. Co. (49 Hun., 576).
Singer Sewing Ma[illegible] 69 Hun., 347).
Seneca Nation v. Hurlbocm (182 N. Y., 493).
People v. Pierce (18 Misc., 83).
Wait v. Jemison (15 Abb. N. C., 382).
Wadsworth v. Buff. Hyd. Asso. (15 Barb., 83)*.
Strong and Gordon v. Waterman (11 Paige, 607).
Fellow v. Denniston (23 N. Y., 420).
The New York Indians (5 Wal., 761).

Onondaga.

George v. Pierce (85 Misc., 105)*.
George v. Pierce, reported in (148 N. Y. Sup., 230).
Onondaga Nation v. Thacher (29 Misc., 428).
Onondaga Nation v. Thacher, affirmed (53 A. D., 561).
Hastings v. Ellis (3 Barb., 492).
Hastings v. Farmer (4 N. Y., 293).

Oneida.

Jackson v. Wood (7 John., 290).
Jackson v. Sharp (14 John., 472).
Jackson v. Goodell (20 John., 188).
Goodell v. Jackson (20 John., 693).
Boylan v. George (133 A. D., 514).
Dana v. Dana (14 John., 181).

Cases marked * will be found to contain valuable information.

Many of the cases cited relate to such matters as tribal and individual property rights, tribal government and customs, inheritance, crimes, police power of the State, right of eminent domain, jurisdiction, State and Federal, etc. A rearrangement of the cases according to their respective subject matters would prove convenient. The number of cases reported, however, is not so great as to render it burdensome to find a few decisions relating to any of the points mentioned, and one case will carry cross-references to other decisions relating to the same subject matter.

JOHN R. REEVES.

O

EXHIBIT C

WASHINGTON, D. C., *December 26, 1914.*

The honorable the COMMISSIONER OF INDIAN AFFAIRS.

SIR: Assistant Commissioner Meritt, being firmly impressed with the necessity of taking some definite action looking to an effective solution of the New York Indian problem, instructed me orally in the early fall of 1913 "to get to the bottom of it," if possible. Later you authorized me in writing to visit the several reservations in that State so as to present existing conditions there. The question has proven of great interest and increasing importance as the investigation progressed. Mr. Meritt's conviction "that something should be done" is undoubtedly correct, as the facts hereinafter presented will show. Present conditions on these reservations are so directly traceable to the time when this country was first occupied by the Europeans that a brief recourse to colonial history is essential.

Early colonists in what is now western New York found the country more or less densely populated by aborigines of various tribes, principally the Senecas, Cayugas, Onondagas, Oneidas, and Mohawks. These five tribes or nations were united in a common league, known among themselves as Ho-de-no-sau-nee, but generally designated by the whites as "Iroquois," and were much feared during the early days. In the Iroquois council the Onondagas, as the founders of the league, kept the central fire; the Mohawks guarded the eastern portal, and the Senecas the western. The Oneidas were stationed between the central fire and the east, while the Cayugas occupied a similar position in the west. One can but pause to wonder if exploration into ancient traditions of these people would not disclose an organization bordering strongly on free masonry.

About 1710 the Tuscaroras, then living in North Carolina, became involved in quarrels with white settlers and adjoining Indian tribes there. Having been severely defeated in battle they migrated to New York and were formally united with the five tribes just mentioned, thus making the Six Nations of New York, by which name these Indians are now most commonly known. At the period of its greatest strength—the latter part of the seventeenth century—the Iroquois league numbered 16,000 souls, and even to this day the union still continues to some extent, although its component membership as to tribes has materially changed.

With the exception of the Oneidas and a part of the Tuscaroras, these Indians sided with the mother country in the Revolution and were left unmentioned and unprovided for in the treaty of peace between Great Britain and the confederated Colonies. Naturally considerable unrest existed among them at the close of the Revolution, due to the fact that in the main they had sided with the losing party in that great struggle. The Mohawks moved to Canada and settled on lands provided for them by the British Government, where a remnant of this tribe still lives. By treaty the Mohawks ceded to the State whatever title they had to any land in New York, and subsequently the St. Regis Indians were formally adopted by the Six Nations in place of the Mohawks.

The Cayugas also sold their land to the State and gradually migrated westward, locating first in the Ohio Valley, but finally removing to the Indian Territory and becoming affiliated with other tribes there. A few Cayugas still remain in New York, residing principally with the Senecas and Tonawandas—the latter an offspring of the Seneca Tribe—being frequently designated "The Tonawanda Band of Seneca Indians." The State paid the Cayugas at the rate of 4 shillings per acre and thereafter sold the land for 16 shillings per acre. About 1853 representatives of the tribe began to petition the State for the difference in price between the one paid to them and that received by the State. Finally, in 1909, the legislative assembly authorized the land commissioner to adjust and settle the claim of the Cayuga Indians against the State for a sum not exceeding $297,131.20, with an additional allowance of $27,131.20 for legal expenses incurred.

The Oneidas also, by various treaties, sold all of their land, except about 350 acres, to the State, and removed to the reservation in Wisconsin procured from the Menominees by treaty with the Federal Government. The 350 acres in New York belonging to the Oneidas have long since been divided in severalty under State laws, and as a tribe these Indians are known no more in that State. Six tribes still remain in New York, to be regarded as of any importance at this time, viz, the Senecas, Tonowandas, Tuscaroras, Onondagas, St. Regis, and Shinnecocks, the latter, however, never having formed a unit in the Six Nations, although at one time they did pay tribute to the Mohawks. A brief statement as to the status of the lands in each reservation is here presented in order that a clearer understanding of the matter may be reached.

The Allegany Reservation, claimed by the Senecas, contains 30,469 acres, and is located on both sides of the Allegany River in Cattaraugus County, N. Y. It is

about 40 miles long and averages from 1 to 3 miles in width. It is a part of the area specifically reserved to the Seneca Indians in the treaty with Robert Morris at "Big Tree" September 17, 1797. This entire reservation is subject to the "preemption right" or "claim" of the Ogden Land Co., to which reference is hereinafter more fully made.

The Cattaraugus Reservation contains 21,680 acres, located principally in Erie County, a small part lying in each of the counties of Cattaraugus and Chautauqua. This reservation was conveyed to the Seneca Indians by Wilhelm Willnick, et al., predecessors of the Ogden Land Co., by agreement dated June 30, 1802 (7 Stats., 70), in return for which the Seneca Indians surrendered to the company certain other lands which had been reserved to them by the treaty at Big Tree. This reservation is also subject to the preemption right of the Ogden Land Co., such right being specifically retained in the agreement referred to.

The Oil Spring Reservation, located partly in Allegany and partly in Cattaraugus Counties, contains only 640 acres. Its name is derived from a muddy pool, about 20 feet in diameter, located near the center of the tract, from which the Indians formerly gathered a sort of crude petroleum locally known as "Seneca oil," and which was used quite extensively by them in early days for medicinal purposes. The Senecas fully understood that this tract was reserved to them in the sale to Robert Morris at Big Tree, but this fact does not appear from an examination of the treaty itself. At any rate, this reserve was included in a sale by Robert Morris to the Holland Land Co., so-called, and several mesne conveyances transpired until by deed dated February 28, 1855, one Philoneus Pattison became the ostensible owner of a part thereof. On taking possession, the Seneca Indians promptly began an action in ejectment against Pattison. A verdict in favor of the Indians was rendered by the lower court; the case was appealed to the supreme court of the State and finally to the court of appeals, both of which affirmed the decision of the trial court, and the Indians have since remained in undisturbed possession. A written opinion of the case does not appear to have been handed down, but the pleadings, transcript of evidence, judgment, and decree of the court are still on file in Little Valley, the county seat of Cattaraugus County.

The Onondaga Reservation contains 6,100 acres and is located in Onondaga County about 5 miles south of the city of Syracuse. Prior to 1793 this reservation embraced something over 65,000 acres. March 11 of that year, however, the Indians sold over three-fourths of their reservation to the State, and by subsequent treaties in 1795, 1817, and 1822 the reservation was reduced to its present area. Under State laws these Indians are authorized to lease land owned or possessed by individuals and small areas within the reservation are so leased. The lands within this reservation are not covered by the claim of the Ogden Land Co.

The Tonawanda Reservation now comprises but 7,549 acres lying partly in Erie, Genesee, and Niagara Counties. Originally it comprised upward of 45,000 acres, being a part of the lands reserved to the Seneca Indians in the sale to Robert Morris at Big Tree. This reservation was conveyed to Thomas Ludlow Ogden and Joseph Fellows by agreement with the Six Nations, dated January 15, 1838 (7 Stats., 550), and the subsequent treaty with the Senecas of May 20, 1842 (7 Stats., 586). The lands embraced within the present reserve were repurchased from Ogden and Fellows for the sum of $100,000, in accordance with article 3 of the treaty with the Tonawanda Indians, dated November 5, 1857 (11 Stats., 735). Title was first taken in the Secretary of the Interior, who held the lands until February 14, 1862, on which date, by deed, they were conveyed to the comptroller of the State of New York "in trust and in fee for the Tonawanda Indians." This settlement effectually extinguished whatever preemption right the Ogden Land Co. ever had in and to the lands within this reservation.

The Tuscarora Reservation lies in Niagara County about 9 miles northeast of Niagara Falls, and contains 6,249 acres. The Tuscarora Indians having been adopted by the Iroquois League as one of the Six Nations, by deed dated March 30, 1808, the Seneca Nation granted 1 square mile (640 acres) to the Tuscarora Indians. (Liber 1, folio 56, Land Records of Niagara County.) It is reported that subsequently the Holland Land Co., assignee of Robert Morris, "ratified" this grant, and gave to the Tuscaroras 1,280 acres more, but no record of any paper title to this effect can be found. At any rate, the Tuscaroras occupy and claim these lands as a part of their present reserve, which are subject to the preemption right of the Ogden Land Co. (7 Stats., 560), although the Indians deny this, basing their claim on a decree of the State court in Buffalo, handed down in 1850. This suit resulted from an agreement with the Federal Government, January 15, 1838, under which the Six Nations were to remove west of the Mississippi River, and in anticipation of their removal the chiefs of the Tuscarora Tribe executed a deed to Thomas Ludlow Ogden and Joseph Fellows, predecessors

of the Ogden Land Co., conveying to said Ogden and Fellows, as owners of the preemptive right, the 1,920 acres last referred to. The deed was placed in the hands of Herman B. Potter, in escrow, pending the performance of certain conditions precedent to delivery. The expected removal failed to materialize and in 1849 Wm. B. Chew et al., chiefs of the tribe, instituted suit against Herman B. Potter and Joseph Fellows (Thomas L. Ogden then being deceased), looking to a surrender and cancellation of the deed. A verdict in favor of the Indians was rendered and the deed canceled by decree of the court, which resulted only in placing the matter in statu quo, as far as the preemptive right of Ogden and Fellows was concerned. The execution of the deed was an admission of the existence of the preemptive right, and the contention of the Indians that the decree of the court canceling the deed also effectually extinguished the right of preemption in the Ogden people does not appear well founded. The records in the case are still on file in the county clerk's office at Buffalo.

About the year 1800 a delegation of Tuscarora Indians visited the governor of North Carolina and negotiated a sale of their lands in that State for approximately $15,000, which money was deposited with the United States in trust. In 1804 Congress authorized the Secretary of War to purchase with this money additional land for these Indians. With these funds 4,329 acres, lying to the south and east of the 1,920 acres already occupied by them, were purchased for the Tuscarora Indians. Title to these lands was taken by the Secretary of War in trust for the Indians, but subsequently (January 2, 1809) the lands were conveyed directly to the Tuscarora Tribe, who now own the fee. (Book "A," p. 5, Niagara County clerk's office.)

The St. Regis Reservation contains 38,890 acres, of which 24,250 acres fall within the Dominion of Canada. The remaining 14,640 acres on the American side lie in Franklin County, N. Y., and were secured to these Indians by treaty with the State, in consideration for which they surrendered certain other lands claimed by them. The Ogden Land Co.'s claim never comprised any part of the lands within this reserve.

The Shinnecock Reservation, containing some 450 acres, is located on a neck of land running into Shinnecock Bay, Long Island. Southampton was an early colonial town, established in the seventeenth century, and the town trustees negotiated with "Shinnecock," chief of the tribe, for a sale of the lands. Tribal tradition has it that the chief sold out to the whites and skipped with the money. While this does not comport with accepted ideas of the honesty and integrity of aboriginal chiefs, yet it is a matter of record that the town trustees of Southampton in the early days gave a lease for a thousand years to the Shinnecock Indians covering some 3,600 acres, known as the Shinnecock Hills and Shinnecock Neck. Matters stood thus until about the middle of the nineteenth century, when the town had developed to such an extent that a more satisfactory arrangement was desired. Accordingly, in 1859 the State authorized the town trustees to negotiate with the Indians for a cession of their leasehold estate. An agreement was reached, under which the Indians surrendered the hills, in exchange for which they received in fee Shinnecock Neck. The agreement is recorded in volume 3 of the town records of Southampton, at page —.

The above covers all of the reservations in New York to be regarded as of any importance at this time, but in passing mention may be made of the Poosepatucks, of mixed Indian and negro descent, who did occupy a small reservation of about 50 acres also on Long Island, near the mouth of the Mastic River, being a part of the tract of 175 acres conveyed to the tribe by Col. William Smith, governor of the Territory, July 2, 1700, "to the intent sayd Indians, their children and posterryte may not want sufficient land to plant on forever." Also the Montauk Tribe who occupied Montauk Point, the northeastern extremity of Long Island, which was included in a patent issued in 1686 by Governor Dongan to "the freeholders and inhabitants of the town of East Hampton." This grant was made subject to the Indian right of occupancy, but also carried "the perpetual and exclusive right to purchase same from the Indians." Within comparatively recent years the remnant of this tribe sold their title to this land to one Benson, and these Indians, as a tribe, no longer exist as such, having individually become absorbed in the body politic. Pharoh v. Benson (89 Miscl., N. Y., 241). These Indians also intermarried so largely in the early days with negroes that their nationality as "Indians" became extinct long ago.

The Cornplanter Reservation in Pennsylvania lies just below the line between New York and the former State. The reservation originally comprised 1,500 acres "granted in fee" by Pennsylvania March 16, 1796 to Cornplanter and his heirs. Subsequently, in 1871, the State authorized the appointment of commissioners to divide these lands in severalty among "Cornplanter's descendants and other Seneca Indians." This was done and the land was divided and allotted to 93 Indians, without power, however, to sell to persons other than descendants of Cornplanter, or other Seneca Indians.

These small reservations, used in common, afforded only a haven of refuge to possibly otherwise homeless persons and for all practical purposes may be eliminated from further consideration. The same might also be said of the Oil Spring Reservation, containing as it does, but 640 acres, retained by the Indians in the early days largely from sentimental reasons.

Conditions on the remaining reservations show a crying need for reform. Naturally one casts about for the reasons why these conditions should have so long been permitted to continue. First among these we find the question of jurisdiction over these Indians, State and Federal. Much needless confusion exists, a pretty general impression prevailing that the State has exclusive jurisdiction. This seems to have arisen from two causes, first, because New York was one of the Thirteen Original Colonies and the "title" to the lands involved never was in the Federal Government, and secondly, because the State has exercised jurisdiction, while the Federal Government, to a large extent, has not. A brief examination of the fundamental principles involved should remove any doubt on this point.

A common cause united the colonists in a supreme effort for independence, and the successful termination of the Revolution, together with the attendant treaty of peace, vested full powers of jurisdiction, sovereignty, and government in the 13 original colonies. Dissension immediately arose to such an extent that 13 independent nations seemed imminent rather than one. The interlacing web represented by the Articles of Confederation was not sufficiently strong to weave the dissenting colonies into a satisfactory whole. The independent colonies had too much power and the central government too little. This is a matter of history, well established. By the adoption of the Federal Constitution the colonies ceded to the General Government certain well-defined powers, functions, and duties, among which we find the regulation of commerce with foreign nations, among the several States, and with the Indian tribes. (Constitution, Art. I, sec. 8.)

After the adoption of the Federal Constitution in 1787 several of the colonies ceded to the Federal Government certain parts of the territory covered by their respective charters from the British Crown. This territory formed the first land the actual title to which was recognized as being in the Federal Government. This area was greatly increased from time to time, as by the Louisiana purchase in 1803, the Floridas in 1819, the Gadsden purchase in 1853, the Alaska purchase in 1867, and others. This vast territory comprises what has since been known as "the public-land States," the title to which was recognized as being in the United States.

New York not having ceded to the Federal Government the lands within her present borders, the actual title is not in the Federal Government, and as to land not otherwise disposed of by the State the title still remains there. Were it not for the fact that we are here dealing with "an Indian problem" the Federal Government would have practically nothing to do with the so-called "reservations" in that State. Having joined with her sister States, however, in the adoption of the Constitution, New York is bound to recognize the powers formally ceded to the nation. One of these is the regulation of commerce with Indian tribes, which surely is broad enough to cover traffic in lands occupied or claimed by them. Again, the admission of power in Indian tribes to barter, without the consent of the Federal Government, such title as they may have to any lands within the geographical limits of the United States, is repugnant to the fundamental principles of sovereignty so essential to the preservation of a nation. This is true, even though the actual title is not in the Federal Government. (Johnson *v.* McIntosh, 8 Wheat., 543; Wooster *v.* Georgia, 6 Pet., 515; Cherokee Nation *v.* Georgia, 5 Pet., 1.) Congress at an early date fully recognized the necessity for this. (Act Mar. 30, 1802; 2 Stats., 143, sec. 12.) Could we afford to admit the right of an Indian tribe to sell their land within our borders to a foreign country?

By acts of Congress and judicial construction the power of the Federal Government over questions dealing with Indians has grown infinitely stronger. Apparently this has been a product of necessity rather than any express delegation of authority to be found in the Federal Constitution. From time to time New York has enacted sundry laws pertaining to the Indians within her borders, has provided schools for their youth, appointed attorneys to protect their interests, and has delegated jurisdiction in some instances to her courts to entertain their complaints. No case has been found denying the right of the State so to do, or that the laws so enacted are unconstitutional. On the other hand, numerous cases could be cited, if necessary, upholding the validity of such laws, where they do not conflict with the Federal Constitution, treaties with Indian tribes, or congressional enactments. (New York *v.* Dibble, 21 How., 366.) In brief, the principle involved may be broadly stated, that all State laws beneficial to Indians will be upheld, while those of a detrimental nature will be scrutinized with greater care.

In internal matters of this kind, wherever the Nation remains passive, then the State of necessity must become active. In truth, the Indians in New York occupy a somewhat peculiar status, in that they may be said to be wards of both the Nation and the State. Jurisdiction seems concurrent rather than exclusive, and in passing it may be said that the State has always been generous in dealing with these people. Judging from concrete results, the Federal Government has manifested but slight interest in the affairs of these Indians. Its greatest shortcoming has been by omission rather than by commission. The New York Indian problem should have been history long since. One hundred and twenty-seven years have passed since the adoption of the Federal Constitution, and we find these people to a large extent in the same position they occupied in the early days, at least in so far as their land tenures are concerned. Apparently the State has waited for the Nation and the Nation for the State. Has it never occurred to either to cooperate?

Originally the Federal Government dealt with the Indian tribes as quasi, or de facto nations, by treaty. Later Congress deemed it incongruous to deal with these people by such formal means as treaties, which implied equality, and directed that thereafter their affairs would be regulated by legislation only. (Act March 3, 1871, 16 Stats., 566.) The power of Congress so to do has been fully recognized, even to the extent of abrogating by legislation the provisions of a prior treaty with an Indian tribe. (United States *v.* Kagama, 118 U. S., 375; Lone Wolf *v.* Hitchcock, 187 U. S., 553.) February 19, 1875 (18 Stats., 330), Congress passed an act to regulate leases by the Seneca Indians in New York. September 30, 1890 (26 Stats., 558), the prior act was amended in certain respects. The control of Congress over the subject matter was most strongly upheld in Ryan *v.* Knorr (19 Hun., 540), and Shongo *v.* Miller (45 A. D., 339). Need more be added to show jurisdiction in the Federal Government over the Indian tribes in New York? The one case of Fellows *v.* Blacksmith (19 Howard, 366), would be amply sufficient to prove this.

Congress having assured the Six Nations peaceful possession of their reservations (7 Stats., 44), and the Supreme Court having denied the State the right to tax their land (The New York Indians, 5 Wall., 761), the hands of the State are effectually tied in so far as working out a feasible solution of the problem is concerned. We have just seen that prior treaties may be superseded by subsequent legislation, but this power rests solely with Congress. Certainly it does not exist in the State. Just when, in what manner, and to what extent this power is to be exercised, therefore, rests in the sound discretion of Congress. Presumably the power will be exercised only after full considerations of humanity and public policy.

It has heretofore been shown that the actual title—the fee—in the St. Regis and Onondaga Reservations is in the State, that of the Tonowanda Reservation is in the comptroller of the State, and as to the Shinnecock and 4,329 acres of the Tuscarora Reservation it is in the respective tribes. Aside from the locus of the actual title, however, we have also found that the Indians' right of possession is an indefeasible one which can not be disturbed without the sanction of the Federal Government. (Fellows *v.* Blacksmith and The New York Indians, supra.) As to the locus of the fee of the Allegany, Cattaraugus, and 1,920 acres of the Tuscarora Reservations, we are confronted with a more difficult problem, these lands being subject to the "claim" of the Ogden Land Co., so-called—a claim of such a peculiar nature that a short recourse to colonial history is again necessary.

By charters in 1628-29 James I, King of England, granted certain land in the new continent to the Plymouth Colony. March 12, 1664, Charles II likewise granted certain land to the Duke of York. Owing to the deficient geographical knowledge of the then new country, the descriptions in these grants were more of less vague, and in many cases overlapped. Massachusetts succeeded to the title of the Plymouth Colony and shortly after the close of the Revolution a dispute arose between that State and New York over the ownership of certain territory aggregating upward of 6,000,000 acres located in the western part of the latter State. The controversy was first submitted to the Continental Congress and a court was appointed to hear and determine the cause. The matter was finally adjusted, however, without resort to the court, a convention for this purpose having been held at Hartford, Conn., December, 1786, New York being represented by 6 commissioners and Massachusetts 10. A compact or agreement was drawn and duly executed December 16, 1786. By this compact New York retained the right of government, sovereignty, and jurisdiction over the disputed territory, but ceded to Massachusetts the right of preemption of the soil from the native Indians, coupled with the power to sell or assign such right.

Massachusetts proceeded promptly to dispose of its title and in April, 1788, Oliver Phelps and Nathaniel Gorman negotiated with that State for the purchase of the entire area for $1,000,000, payable within three years in public paper of the State, a kind of scrip which was then greatly depreciated. Phelps and Gorman failed to

comply in full with their agreement and subsequently Massachusetts brought suit to recover title. A compromise agreement was effected, however, under which Phelps and Gorman obtained a clear title to about 1,900,000 acres of the original area, the remainder being again relinquished to the State. March 8, 1791, Massachusetts conveyed to Robert Morris for $225,000 the land which Phelps and Gorman had failed to acquire. Morris retained 500,000 acres of this land, which thereafter became known as "The Morris Reserve," and by four separate deeds in 1792–93, conveyed the remainder, aggregating 3,600,000 acres, to a company of Amsterdam capitalists, among whom Wilhelm Willnick was the largest owner. These conveyances from Morris were coupled with an agreement on his part to extinguish the Indian title, which he promptly endeavored to do and which finally resulted in the agreement or treaty of Big Tree, September 15, 1797 (7 Stats., 601).

The Amsterdam capitalists subsequently became known as the Holland Land Co., and in 1810 the company conveyed to David A. Ogden certain described lands, embracing an area within which will be found the present Allegany, Cattaraugus, and Tuscarora Reservations. Ogden later associated other capitalists with him and the combination became known as the Ogden Land Co., title to all lands acquired being taken in the name of certain members, in trust for the company, which, however, was not incorporated. Later a trust deed was executed under which the holdings of the company were divided into 20 shares of no specified value. A dispute having arisen among the shareholders, suit was instituted, in which a part of the joint owners were plaintiffs, the remainder being defendants. December 10, 1883, a decree was entered in the Supreme Court of Queens County, N. Y., designating Charles E. Appleby, of New York, a trustee, and William D. Waddington as co-trustee of the concern. Waddington died prior to 1888, leaving Charles E. Appleby sole surviving trustee of the company, who served until the latter part of 1913, when he also died. Who now represents the company in an official or legal capacity is not known, but in 1894 the owners of these 20 shares were reported to be:

	Shares.
Estate of Joshua Waddington	4
Estate of Peter S. Schermerhorn	1
Estate of Thomas Ludlow Ogden	2
Estate of Louisa Troup	1
Estate of Abraham Ogden	1
Estate of Robert L. Tillotson	1
Estate of Duncan P. Campbell	1
Estate of Charlotte Brinckerhoff	1
Estate of James S. Wadsworth	1½
Estate of Ogden Murray	0½
Estate of Benjamin W. Rogers	2
Estate of Robert Bayard	1
Charles E. Appleby	1
Estate of Shaw and Wilson, now held by Bank of England	2
Total	20

The nature and extent of the claim of the Ogden Land Co. still remains to be considered, however. This claim has received various designations, having grown, in the estimation of the company, from an original right of preemption to that of an absolute fee. Many theories have been advanced as to its exact nature and the decisions of the State courts before whom this matter has been brought are not conducive to a clear understanding of the case. Much fruitless labor seems to have been expended in an effort to determine the locus of the fee, presumably due to the old common-law fiction that necessarily the fee must be in some one. That this is merely a fiction, however, is apparent from a moment's consideration. In whom is the fee to an uninhabited and undiscovered island in the Pacific Ocean? On discovery does the fee arise and hail the discoverer as a deliverer?

Ogden *v.* Lee (6 Hill, 546) would indicate that the fee to these lands is in the Seneca Nation, subject to the preemption right ceded to Massachusetts by the State of New York. Fellows *v.* Lee (5 Den., 628) affirmed the decision of the lower court on the ground that the Indian title to land is an absolute fee, and that the preemption right ceded to Massachusetts was simply the right to acquire by purchase whenever the Indians choose to sell. In Seneca Nation *v.* Christie (126 A. D., 322) and Seneca Nation *v.* Appleby (127 A. D., 770) the preemption right to the Ogden Land Co. seems to have matured into what has variously been styled a "fee subject to the Indian right of occupancy," "qualified fee," "naked fee," "ultimate fee," etc. But little satisfaction is obtained from examining these various decisions with a view of deter-

mining just where the fee in these lands lies. Neither does a process of elimination produce a more satisfactory result. Necessarily four parties are to be considered in the matter, the Indians, the Nation, the State, and the Ogden Land Co. The doctrine of discovery, as laid down in Johnson *v.* McIntosh (supra), does not recognize an absolute fee in an Indian tribe, their right being that of possession only. We have heretofore seen that the absolute fee was never placed in the Federal Government; nor is it in the State of New York, the latter having ceded all right and title, except that of sovereignty and jurisdiction, to Massachusetts. Massachusetts parted with whatever title it acquired, and we find the present claimants to be the Ogden Land Co. It is well, therefore, to examine with greater care the compact between Massachusetts and New York. The second and tenth articles read:

"Secondly. The State of New York doth hereby cede, grant, release, and confirm to the said Commonwealth of Massachusetts, and to the use of the Commonwealth, their grantees, and the heirs and assigns of such grantees forever, the right of preemption of the soil from the native Indians, and all their estate, right, title, and property (the right and title of government, sovereignty, and jurisdiction excepted) which the State of New York hath of, in, or to (description of land involved follows).

"Tenthly. The Commonwealth of Massachusetts may grant the right of preemption of the whole or any part of the said lands and territories to any person or persons who by virtue of such grant shall have good right to extinguish by purchase the claims of the native Indians: *Providing, however,* That no purchase from the native Indians by any such grantee or grantees shall be valid unless the same shall be made in the presence of and approved by a superintendent to be appointed for such purpose by the Commonwealth of Massachusetts, and having no interest in such purchase, and unless such purchase shall be confirmed by the Commonwealth of Massachusetts."

In construing the foregoing in Ogden *v.* Lee (supra), the court said:

"In the adjustment of the conflicting claims of the States of Massachusetts and New York to the tract of country which includes the Cattaraugus Reservation, Massachusetts ceded all her right to 'the government, sovereignty, and jurisdiction of the disputed territory,' and New York ceded 'the right of preemption of the soil from the native Indians.' The words which follow—'and all other the estate, right, title, and property which the State of New York hath'—were not intended to enlarge the grant into an unqualified fee. It is impossible to suppose the parties meant to disregard and set aside the Indian title, which they had but the moment before fully recognized by contracting for 'the right of preemption of the soil from the native Indians.' This point is rendered still more clear by a subsequent clause in the deed of cession. By the tenth article the Commonwealth of Massachusetts was authorized to grant 'the right of preemption,' and nothing more; and her grantees were only to acquire 'good right to extinguish by purchase the claim of the native Indians.' * * * Their right (the Indians') is as perfect now as it was when the first European landed on this continent, with the single exception that they can not sell without the consent of the Government. The right of occupancy to them and their heirs forever remains wholly unimpaired. They are not tenants of the State, nor of its grantees. They hold under their own original title. The plaintiffs have acquired nothing but the right to purchase whenever the owners may choose to sell."

The doctrine laid down in the foregoing appears sound. In any event, by eliminating the State and Federal Governments, in neither of whom it seems the fee exists, and placing in juxtaposition the "title" of the Indians against that of the Ogden Land Co., we instantly recognize the stronger—the Indians. The courts of both the Nation and the State have repeatedly denied the right of the assignees of Massachusetts in any manner to interfere with the right of the Indians to the peaceful and continued possession of their soil. We dismiss, therefore, from further consideration any attempt to determine the locus of the fee, and admit, for all intents and purposes, that it lies dormant and will remain dormant until present conditions are changed. Some workable plan under which these conditions may be ameliorated is of far greater import either to the Nation, the State, or the Indians, than any fruitless pursuit of the locus of the fee.

The Indians deny that the Ogden Land Co. has any valid claim to their lands, but the convention between Massachusetts and New York involved upward of 6,000,000 acres and the validity of the original grant to Massachusetts, and the subsequent sale by that State has been too long recognized and upheld by a long line of court decisions to justify any attempt to repudiate the transaction at this late date. The title to millions and millions of dollars worth of property in the western part of New York is based primarily on the convention between the two States. It is not seen how the courts could repudiate it. In fact, it appears to have been confirmed by the National Government. (Seneca Nation *v.* Christie, 162 U. S., 284–285.)

Various attempts have been made from time to time to adjust the claims of the Ogden Land Co., but without success. The act of August 15, 1894 (28 Stats., 301), directed the Secretary of the Interior to investigate the claim of the company, which investigation was had and report submitted to the Fifty-third Congress, third session. (Senate Executive Document No. 52.) Later, by act of March 2, 1895 (28 Stats., 887), the department was authorized to negotiate with the Ogden Land Co. for the purchase of its claim, which investigation was also had and report submitted to Congress under date of February 20, 1897. (House Document No. 309, 54th Cong.) Later, bills were introduced looking to a settlement of the matter (H. R. 12270, 53d Cong., and H. R. 7262, 54th Congress), both of which failed of enactment.

Matters thus stood until about 1905 when the Seneca Indians instituted suit against Charles K. Appleby, surviving trustee, for the purpose of testing the extent and validity of the Ogden Land Co.'s claim. This resulted in a decision by the Supreme Court of the State of New York virtually recognizing the ultimate fee as being in the Ogden Land Co., with right of possession in the Indians. As to the title of the Ogden Land Co., the decision of the court is not of great import; but one suggestion made by the court in its decision is of great interest at this time:

"The affirmance of the judgment (of the lower court) does not establish the proposition that if the plaintiff becomes disintegrated that the defendant's title will vest in possession at once. Allotment among the individual Indians by the plaintiff has been permitted for a considerable period by the National Government. Inheritance is allowed in accordance with the statutes of the State of New York, and conveyances amongst the Indians are also allowed. It may well be held that even though the nation in its tribal capacity should be dissolved, if the individual Indian holds his land by virtue of this recognized method of allotment, that the occupancy will continue to his most remote descendant."

In effect, this would intimate that the courts may find room to hold that allotment of these lands among the Indians will not result in a disintegration of the tribe, or a vesting of the right of the Ogden Land Co., if any such right exists. In other words, the lands may be allotted to individual members of the tribe and still remain subject to the claim or right of the Ogden Land Co. This seems to be the basis on which recent proposed legislation by the National Government is founded (H. R. 18735, 63d Cong., 2d sess.). Whether that contention is sound, remains yet to be seen. In either event, no matter in what form this question is adjusted, the prospect of its ultimately being thrown into the courts for decision is exceedingly strong. The representatives of the Ogden Land Co., when last approached, placed what was regarded as a fictitious value on their claim. If any compulsory method of settlement is invoked, as by condemnation, it would necessitate the institution of proceedings, with the Government acting as party plaintiff. Doubtless if the lands are allotted subject to the right of the Ogden Land Co., representatives of that company would promptly institute suit to test the power of the Federal Government so to do, or the validity of the allotment so made; basing their claim on the theory that the "ultimate fee" rests in them, and the dissolution of the tribal organization by allotment vests full title in the company.

However, it is not seen how the power of the Federal Government to enforce a division of these lands among the tribal membership can be denied. If whatever title the tribe has to specified areas within these reservations is placed by authority of Congress in individual members, who would deny the power of Congress so to do? If such action is had and the Ogden Land Co. or its assignees institute proceedings to test the right of the individual Indians, necessarily the Government must stand behind the Indian to defend his title.

The Indians not being satisfied with the decision found in The Seneca Indians *v.* Appleby (127 A. D., 770), the case was appealed, and the appellate court of New York dismissed the proceedings on the ground that the Indians were without power to sue and that the lower court was without power to try and determine the cause (196 N. Y., 313). This virtually nullified the decision of the lower courts and leaves the matter still at large. After examining the numerous decisions by the State courts relating to this matter, it is with great satisfaction one reviews the last case before the appellate court of that State and finds therein the following:

"Nor is it at all a subject of regret that we find that the action can not be maintained. On the contrary, we think it eminently wise of the legislature not to have authorized a determination now of questions which may not arise until the remote future, and whose determination, when they arise, may be seriously affected by considerations we can not now foresee. * * * The respondent contends that the rights of the Indians will not survive the dissolution of the nation or tribal existence, while the learned judge of the appellate division is of opinion that the rights continue as long as the lands are actually occupied by Indians of the tribe, whether the tribe as an entity

continues to exist or not. * * * The question had much better be left till the nation or tribe becomes disintegrated, when the courts of that day will doubtless be competent to deal with it, as well as with the whole question of what rights, if any, the defendant or his successors in interest have in the lands embraced in these reservations."

Did the framers of the compact between Massachusetts and New York ever dream of the future difficulties being stored up when they conceived the plan of divorcing the right of preemption from that of sovereignty?

The claim of the Ogden Land Co. has stood continuously as an effective stumbling-block to a ready solution of "the New York Indian problem." The company has not heretofore been disposed to place a reasonable value on its claim, and the payment of an exorbitant price should not be considered, in view of the doubtful nature of that claim. Within recent years many of the Indians have manifested a strong tendency to object to any disturbance of that claim. After the decision of the appellate court, holding that they were without capacity to sue, the tribe applied to the State legislature and by that body was granted the requisite authority. The matter was dropped at that point, however, as the Indians began to fear that any disturbance of the claim would result in a speedy allotment in severalty, a dissolution of their tribal organizations, and the assumption of full responsibilities of citizenship. In other words, the claim has acted as a blanket to protect them from these ultimate ends, which they do not appear to desire. As matters now stand they enjoy the full benefits accorded other residents of the State, such as adequate school facilities, excellent highways constructed within their reservations at the expense of the State, yet at the same time their property is exempt from taxation and the Indians are not bound by financial obligations arising under contracts. From a personal or selfish standpoint, therefore, why should they desire a change?

At its own expense the State maintains 33 schools exclusively for Indians and employs 37 teachers therein. If the State is denied the right to tax their lands, should it be expected to support, protect, and educate the Indians? Has the nation been altogether fair to the State in this matter? Should not this be a burden upon the nation rather than the State? If the nation denies financial responsibility, should the State be denied the right to tax or to take such other steps as may be necessary to solve the problem?

By invitation, from time to time, the State legislative assembly has invited these people to divide their lands in severalty, and the courts of the State have respected, as fully as possible, the division so made. Beyond this the State could not go, as the Nation has guaranteed these people peaceful possession of their soil. The State has been without power to compel a division of their lands, as this power is peculiarly vested in the Nation.

March 21, 1888, the State legislative assembly appointed a committee of five to investigate the Indian problem in New York, and the report of that committee, with extensive exhibits, covering some 410 pages of printed matter, was presented to the assembly under date of January 31, 1889. Much valuable data can be gathered from that report, and the specific recommendations made by that committee are not without interest even at this time. They read:

1. That a compulsory attendance school law be enacted.

2. That the legislature request the General Government to take action to extinguish the claim of the Ogden Co. to the lands of the Senecas and that portion of the Tuscaroras covered by it.

3. That the lands of the several reservations be allotted in severalty among the several members of the tribe, with suitable restrictions as to alienation to whites, and protection from judgments and other debts; but such division not to go into effect as to lands affected by the Ogden Co.'s claim until that claim be removed. This allotment in severalty ought not to be limited to a division of the possession of the land, but should comprise a radical uprooting of the whole tribal system, giving to each individual absolute ownership of his share of the land in fee.

4. The repeal of all existing laws relating to the Indians of the State, excepting those prohibiting sale of liquors to them and intrusion upon their lands, the extension of the laws of the State over them, and their absorption into citizenship.

The State subsequently enacted and has with a reasonable measure of success enforced a compulsory attendance school law, but as to the other recommendations they stand to-day practically as when made 26 years ago. How much longer must the State await the pleasure of the Nation in offering a solution of the problem? That present conditions should be permitted to continue indefinitely on these reservations would be a shame upon the Nation and a disgrace to the State. In a majority of these tribes the infusion of white blood has been so great that out of an "Indian" population of over 5,000 in the State one will find scarcely a single full blood, less than 500 half bloods, and a great number with so much white blood that only the closest scru-

tiny of a keen observer will disclose any Indian characteristics. The remnants of the former tribes on Long Island have intermarried so largely with negroes that their present descendants are more nearly negro than Indian. All of these people deserve but scant sympathy, therefore, as "Indians," although any adjustment of their affairs should be based on sound principles of justice and humanity. A large percentage of them have reached a comparatively advanced stage of education and civilization along certain lines. Many of them are progressive, shrewd, keen, business men with large land holdings, fine homes, excellent barns, up-to-date farming implements, and in a number of cases even automobiles. On some of these reservations marriage to a large extent consists of but cohabitation and divorce but separation at pleasure. In the midst of thriving communities, in some cases adjacent to large cities, the continuance of such conditions is abhorrent to the finer sensibilities of civilized mankind. The cause should have been removed long since and no doubt would have been had the power existed in the State to force an effective solution of the problem.

Nothing in the foregoing should be construed as intending to imply that these reservations are hotbeds of iniquity or corruption. Among these people will be found many upright, honorable men and women, who are law-abiding, self-respecting inhabitants, but the lax enforcement of the law on these reservations allows the unruly element full license to do pretty much what they please. Being powerless to dissolve the tribal organizations and to compel a division of the lands among the Indians, the State could only abide in patience the time when either the Nation would remove the obstacles or the Indians voluntarily agree to a relinquishment of their title. Thus the tribes to a large extent have been left to themselves, both by the Nation and the State, in so far as police supervision and internal government is concerned. Doubtless the State has been influenced in its action by the doubtful question of jurisdiction and the superior power of the Federal Government over the subject matter.

One of the most serious difficulties, however, presented in connection with a solution of this matter lies in the fact that to all intents and purposes these reservations were "allotted" years ago. The Indians under their tribal government have divided the lands among themselves; valuable improvements have been erected, and transfers have been made by sale, purchase, gift, or otherwise, until the present claimants are confirmed in their respective holdings by recognition of the tribal officers, by the tribal membership at large, and even by the State courts, who have upheld such transactions. Shrewd members of the various tribes in many cases have acquired land holdings many times in excess of the number of acres to which they would be entitled under a present pro rata division. Naturally, to a man, such owners are opposed to any settlement which would not recognize and confirm their present possession, the title to which they could in many cases prove by inheritance or purchase for valuable considerations. Cases may be found, of course, where the acquisition would not bear the light of close investigation, but in the majority of cases it will be found that rightful inheritance or the payment of adequate consideration has been the basis of the "title" over and above the acreage to which the present owner would be entitled under a pro rata division.

Those members of the tribes who possess no land naturally are in favor of a division of the tribal property. If their right as a member of one of these tribes is worth anything in dollars and cents they want it, and the faction of the tribes favoring a division is composed largely of this class. A few, having in their possession only the approximate number of acres to which they would be entitled in case of a pro rata allotment, or who have a family with sufficient members to absorb the entire area now occupied, would be very glad to receive ultimate title with power to convey, to outsiders, as on practically every reservation such power, coupled with their present title, would practically double the per acre value of their lands which, even at this date, is by no means inconsiderable.

The lands of the St. Regis Reservation are fertile farming lands and many of these Indians are expert dairymen. The Tuscarora Reservation lies within one of the most fertile parts of the State of New York and the lands there are very valuable both for agricultural and fruit-raising purposes. The Shinnecock Reservation on Long Island is not of an exceedingly high value for agricultural purposes, yet these lands are so beautifully situated on Shinnecock Bay—a small arm of the Atlantic Ocean—that to-day they have an actual value of approximately $2,000 per acre for building-site purposes. Many wealthy people from New York City and elsewhere have built fine summer houses in Southampton, which is but 2 miles distant from this reserve and within which unimproved land is worth about $5,000 per acre at this time. On the Onondaga, Tonawanda, Allegany and Cattaraugus Reservations the valley land are very fertile, and have been improved and cultivated for many years past. Any timber of commercial value on the hills within these reservations has been removed

long since and these lands are now mainly valuable for grazing purposes. The average value of the lands within these reservations will closely approximate $60 per acre.

Before any attempt is made to suggest an adjustment of present landholdings an accurate survey of each reservation should be made, the present owner of each acre ascertained, the manner in which title was acquired looked into, and the general conditions studied with a view of offering the most equitable plan, both to the present holders and the tribe at large. In brief, each reservation should be made the subject of a special study and such measures taken as would best fit conditions on that particular reservation. Any broadside legislation applying indiscriminately to all these reservations and designed to affect present landholdings, aside from meeting strenuous opposition, might produce disaster. At present these people are contented, fairly prosperous, and, in a few cases, wealthy to a limited extent. The greatest present need on these reservations is proper police supervision and the enforcement of the law. The peace officers of the State have been chary about enforcing State laws, moved in part by the doubtful question of jurisdiction and possibly more so by the uncertain outcome of any attempt to collect their usual fees.

Each reservation should be provided with an officer with full powers to see that the law is obeyed. The pow ow placed in the hands of the tribal organizations should be promptly curtailed, as, in the past, this power has too frequently been used for selfish purposes or in other cases has not been exercised to compel order and obedience to the laws. In the past th tate has been burdened with practically all expense connected with whatever enf ment of the law has been compelled, all local educational facilities furnished, and yet its hands have been effectually tied in so far as taxation of the property of these people is concerned. The Nation should either untie the knot by turning the entire matter over absolutely to the State or else assume full jurisdiction and effectually enforce it.

In view of the superior jurisdiction and power of the Federal Government over the subject matter, its broader experience in dealing with Indian problems, the urgent need for some remedial legislation and the inability of the State to offer or force a feasible solution, it is suggested that the matter be placed before Congress with recommendations that legislation to accomplish the following results be speedily enacted.

1. Promptly curtail the power and authority now lodged in the respective tribal organizations.

2. Place one or more representatives of the Federal Government on each reservation, with full powers to maintain order and enforce obedience to the laws, such officers to be subordinate to the special agent or other officer in charge of the New York Indians.

3. Declare the Indian reservations in the State of New York to be "Indian country" within the meaning of the Federal statutes prohibiting the introduction of intoxicants into such country.

4. Provide for an accurate survey of the lands within each reservation, so as to determine the present owner or claimant of each acre therein, the time when and manner in which such possession was acquired, and the equitable right of such owner thereto, which should be coupled with an investigation as to present membership of the tribes owning lands and those who are without such means.

Possession of information suggested in the preceding paragraph should enable specific recommendations to be made with a view of suggesting an equitable adjustment of the New York Indian problem.

Appreciating fully the need in the Indian Office of a ready reference to at least some of the many court decisions, congressional documents, and miscellaneous papers relating to the New York Indians, an index of the character indicated has been prepared and attached hereto as an appendix.

Respectfully,

JOHN R. T. REEVES.

APPENDIX.

THE NEW YORK INDIANS.

TREATIES.

October 22, 1784 (7 Stats., 15), with the Six Nations.
January 9, 1789 (7 Stats., 33), with the Six Nations.
November 11, 1794 (7 Stats., 44), with the Six Nations.
December 2, 1794 (7 Stats., 47), Oneidas, Tuscaroras, and Stockbridges.
May 31, 1796 (7 Stats., 55), Seven Nations of Canada.
March 29, 1797 (7 Stats., 61), Mohawks.

EXHIBIT D

10

INDIANS OF NEW YORK

HEARINGS

BEFORE THE

COMMITTEE ON INDIAN AFFAIRS
HOUSE OF REPRESENTATIVES

10

SEVENTY-FIRST CONGRESS

SECOND SESSION

ON

H. R. 9720

MARCH 19 AND APRIL 2, 16, AND 17, 1930

No. 592

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON: 1930

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INDIANS OF NEW YORK

WEDNESDAY, MARCH 19, 1930

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INDIAN AFFAIRS,
Washington, D. C.

The committee met, pursuant to call, at 10.30 o'clock a. m., Hon. Scott Leavitt presiding.

Present: Messrs. Leavitt (chairman), Arentz, Halsey, Evans, Cartwright, and Smith.

The committee had under consideration the following bill:

[H. R. 9720, Seventy-first Congress, second session]

A BILL To provide that certain laws of the United States shall not apply to Indians and Indian reservations within the State of New York

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no provisions of the statutes or laws of the United States shall be deemed to forbid, or to be inconsistent with, the exercise by the State of New York, as to the Indians within that State, resident upon reservations or otherwise, and as to their reservations and property, all the jurisdiction and power possessed by the State over the persons and properties of other citizens: *Provided, however*, That such jurisdiction and power shall not be exercised in derogation of property rights in and to existing reservations, arising under treaties entered into with the sanction or approval of the United States.

The CHAIRMAN. The bill (H. R. 9720) introduced by Mr. Snell of New York provides that certain laws of the United States shall not apply to Indians on reservations within the State of New York. It was called up a week ago to-day and a decision was reached that the hearings would be held to-day, but we received word from some of the Indians that it was inconvenient for them to come here on such short notice. I have taken the responsibility of postponing this hearing for two weeks, because I felt that they should have an opportunity of being present. Mr. Snyder was notified of that meeting date by letter, but I understand that he did not get it.

Mr. SNYDER. No; I did not.

The CHAIRMAN. In view of the fact that you are here, Mr. Snyder, we will give you an opportunity to make a statement which will go into the printed hearings, and that will make it unnecessary for you to return two weeks from to-day unless you desire to come. You may proceed, Mr. Snyder, giving first your name and address.

STATEMENT BY JOHN L. SNYDER, CATTARAUGUS INDIAN RESERVATION, IRVING, N. Y.

Mr. SNYDER. I represent the Council of the Seneca Nation of the Indians in New York.

The CHAIRMAN. Explain just how that council is constituted.

these Indian tribes claiming lands within her borders * * * no protest or opposition thereto has ever been raised, at least in so far as the legislative and executive branches of the Federal Government are concerned.

"The State of New York has always assumed the burden of establishing and maintaining schools for the education of the Indian youth within her borders; has constructed improved highways through the reservations there and to some extent at least has enforced sanitation, health, and other public measures of this kind among these people; all without expense to the Federal Government. In short, the State has heretofore exercised the usual prerogatives of sovereignty and jurisdiction over these Indians, while the Federal Government to a large extent has not. * * * This department has not felt empowered to assume active control of the situation there, such as is now exercised over most of the other Indians of the United States. * * *

"Congress undoubtedly has ample power and jurisdiction over the Indians in New York to enact such legislation as may be deemed necessary in connection with their affairs. Whether that should be by way of increasing Federal activities in their behalf or by strengthening the authority and prerogative of the State in the matter, should be seriously considered. In view of the fact that the State has heretofore always assumed the right to exercise sovereignty and jurisdiction over these people, I am strongly moved to recommend that the activities of the State in this respect be in no manner curtailed.

"Rather, if any legislation by Congress along such lines is now to be had, that it be with a view of removing any doubts that may have heretofore existed with respect to the authority and jurisdiction of the State in the premises."

INDIANS OF NEW YORK

THURSDAY, APRIL 17, 1930

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INDIAN AFFAIRS,
Washington, D. C.

The committee met at 10 o'clock a. m., Hon. Scott Leavitt (chairman) presiding.

The CHAIRMAN. The committee will be in order. The committee was called together this morning to continue the hearings on H. R. 9720, a bill to provide that certain laws of the United States shall not apply to Indians and Indian reservations within the State of New York.

Mr. Manley, I believe you had another witness to present?

Mr. MANLEY. Mr. Chairman and gentlemen of the committee, before I introduce the other witness, there are certain other matters I would like to place in the record. One is a resolution of the New York Legislature, passed, I think, in 1916, wherein they memorialized Congress very much along the lines which we are now speaking of, and I would like to have that read into the record, if I may.

The CHAIRMAN. Without objection, it will be included in the record.

Mr. DE PRIEST. Whom is it from?

The CHAIRMAN. If there is no objection, I will read it. It reads as follows:

Whereas the State of New York for a long number of years past has annually expended large sums of money in the betterment of the Indians within its borders by appropriation for the establishment of separate schools for their benefit, the employment of teachers therein, the construction and maintenance of highways through the Indian reservations, and provided Indian agents and other employees of the State to look after the welfare of the Indians; and

Whereas the State of New York has been denied the right to seek reimbursement for the expenditures so made by taxing the lands within the Indian reservations in the State or of any interest therein; and

Whereas considerable doubt, misunderstanding, and confusion exists and for a long time has existed as to the right or authority of this State in any manner to exercise any jurisdiction over the Indians within its borders or over their affairs, even to the extent of maintaining necessary law and order, police supervision, compulsory school attendance, etc.: Now, therefore, be it

Resolved by the Legislative Assembly of the State of New York, That the Congress of the United States of America be, and it hereby is, respectfully memorialized to enact such Federal legislation as may be necessary to remove any further doubt of the jurisdiction of the State of New York with reference to the Indians within its borders or the right of this State by legislative enactment and otherwise to enforce obedience to its laws by the Indians within its borders whether residing within or without any so-called Indian reservation within this State; and be it further

Resolved, That the governor of this State be, and he hereby is, requested to transmit a copy of this memorial to the President of the United States, the President pro tempore of the United States Senate, the Speaker of the House

of Representatives, the Secretary of the Interior, the chairman of the Committee on Indian Affairs of the United States Senate, and the chairman of the Committee on Indian Affairs of the House of Representatives.

It is dated, according to a note on it, as having been passed by the State Legislature about 1915 or 1916. Without objection, it will be included in the record.

Mr. DE PRIEST. Inasmuch as the representative of the Attorney General told me yesterday he would be glad to place in the record data with regard to the number of miles of railroad that are trespassing on Indian reservations, and through what counties they go, I would like to have that made a part of the hearing also.

Mr. MANLEY. I told Congressman De Priest that I could not furnish that to-day, but I would try to get that information later. That information has to be picked up in the separate counties and separate towns.

The CHAIRMAN. You can have it here within a few days?

Mr. MANLEY. It possibly would take as long as two weeks.

Mr. DE PRIEST. I think it is necessary to have it.

Mr. MANLEY. May I suggest on that point that I can not see how that has any relevancy. The taxes are collected by the local municipality of the State from the railroads, based on the mileage, the amount running through the reservation, and had Congress, when the matter of the leasing of those reservation lands for railroad purposes, was before it in 1875 seen fit to make some other or different provision for taxing that property, the mater was then entirely in its hands. I rather think the matter is now out of its hands, and this is a contract which is binding under the Constitution. However, that may be, the Indians are not in any sense affected by these taxes. As we all know, who know anything about taxation, taxes are paid in, railroad taxes are paid not by the persons who live along the right of way, but by the persons who ride on the trains and pay the fares. The Indians do not in any sense pay these taxes. However, I will furnish the information.

The CHAIRMAN. I think it ought to be stated at this point, for the information of the committee, that as I understand it, there is no Indian reservation in the country over which railroads have been built that receives any annual payment of any kind from the railroads. At the time the railroads are built there is a determining of the damage for the right of way, and so on, and that is paid. Outside of that there is no reservation where any annual payments are made for the use of a right of way for a railroad.

Mr. DE PRIEST. That is quite true, but the State of New York sets up a claim that they are expending $400,000 a year to maintain and support these Indians. I think when we get the report on the taxes they receive from the railroads you will find out that they are receiving from taxes, if not directly, then indirectly, from the different railroads more than they are spending on these Indians.

The CHAIRMAN. That might be true is a great many States.

Mr. DE PRIEST. I appreciate that.

The CHAIRMAN. The two statements, however, should go in the record for the benefit of the committee.

Mr. MANLEY. I also ask to have read into the record a statement which I am authorized to make on behalf of the attorney general

of the State of New York, Mr. Hamilton Ward, so as to have in the record a specific statement of his attitude on this matter.

The CHAIRMAN. I will read it into the record, if there is no objection. It reads as follows:

The Attorney General has authorized placing before your committee the following specific statement of his position relative to H. R. 9720 and the jurisdictional questions involved:

"The State's jurisdiction over its Indian wards is being questioned from time to time in court and otherwise. The State of New York is spending a great deal of money for the aid and education of Indians domiciled on reservations and elsewhere in the State of New York. I feel personally that it would be to the advantage of the Indians to have the question of conflicting jurisdictions settled so far as Congress can settle it. However, I do not urge upon the committee or Congress any particular course, but have requested you and the representatives of the other State Departments to present the situation to the committee for their information."

HAMILTON WARD,
Attorney General for the State of New York.

Mr. MANLEY. Mr. Chairman and gentlemen of the committee, I want to introduce to you as our next and last witness, Dr. Earle A. Bates, professor of anthropology and ethnology at Cornell University, who has recently lectured upon those subjects at Oxford University, and who has received several medals and awards for his distinguished contributions on those subjects. He is known as the author of the Bates plan for the education of backward people. However, I think his contributions upon scientific subjects should not be allowed to place in the background the fact of his great familiarity and acquaintance with this subject, since he probably knows personally more about the Indians in New York State than any other white man now living.

The CHAIRMAN. We shall be glad to hear Doctor Bates.

STATEMENT OF DR. EARLE A. BATES, CORNELL UNIVERSITY, ITHACA, N. Y.

Doctor BATES. Mr. Chairman and gentlemen of the committee, we have 6,500 Indians in the State of New York, living on seven reservations embracing about 87,000 acres of land. Our particular function at Cornell University is to help them along the line of agriculture and home economics.

It so happens in the organization of the University that three of the colleges of Cornell University are State institutions, strictly speaking. While Cornell, in itself, we might say, is a private institution, at the same time we have in it the State college of agriculture and the State college of home economics and the New York State College of Veterinary Science, to carry on special functions in those fields.

For the last nine years we have been authorized as agents for the State of New York to expend a total of about $500,000. The original appropriation to us for Indian extension work was the sum of $10,000. In our sound judgment, and because of lack of knowledge and information and other things on the reservation we turned back to the State of New York $4,000 of the first $10,000 appropriated. Since then we have been operating under a program of $6,000 a year, as shown in the statistical report that Mr. Manley has prepared.

once; probably he might make another agreement. If he is approached with an open mind I think he will come to us with an open mind. Why not ask him the question and assure him of our desire to deal fairly with him?

As I say, there should be some very definite provision, some security, some pledge here other than this little saving clause at the end of this bill.

Mr. MANLEY. Will the committee permit me to ask Mr. Codd a question?

The CHAIRMAN. Yes, sir. You have no objection to Mr. Manley asking you questions, have you?

Mr. CODD. Not at all.

Mr. MANLEY. You spoke of a conference in Buffalo last Sunday in which Attorney General Ward participated.

Mr. CODD. Yes.

Mr. MANLEY. You have heard all the presentation on the part of the State at the hearing to-day and yesterday, have you not?

Mr. CODD. Yes.

Mr. MANLEY. And has that been consistent with our talk on Sunday, or are there some respects on which it was inconsistent?

Mr. CODD. In some respects, Mr. Manley, I would say that the presentation by the proponents has been a little bit farther than Captain Ward and yourself stated at that time. As I understand it Captain Ward stated that he was not particularly interested in the passage of this legislation. Is that right?

Mr. MANLEY. I rather think that is right.

Mr. CODD. He said that this legislation emanated from a desire on the part of the Indian Bureau expressed in letters from Mr. Wilbur or Mr. Rhodes, or somebody connected with them, that legislation be introduced which would clear up the complexity which existed, or something like that.

Mr. MANLEY. I think the reference was to a letter of Mr. Wilbur's.

Mr. CODD. It was something like that; some request had come from Washington,

Mr. MANLEY. There was no suggestion on the part of Attorney General Ward that he was interested in any particular power development, was there?

Mr. CODD. Absolutely none. I do not want any of my remarks to be so construed.

Mr. MANLEY. I ask these questions only because I am informed that Mr. John Snyder, who was also present on that occasion, has come out with a story ascribing some confession on that point to the attorney general.

Mr. CODD. I think I would be with you heart and soul on that subject, Mr. Manley. No, no; I do not think there is any—nothing, absolutely nothing.

The CHAIRMAN. At this point I would like to put in the record the letter to which reference has been made, a letter under date of October 12, 1929. It was a letter written to the chairmen of the Indian Affairs Committees of the Senate and the House. This one happens to be addressed to Senator Frazier:

(Following is a copy in full of Secretary Wilbur's letter:)

OCTOBER 12, 1929.

Hon. LYNN J. FRAZIER,
Chairman Committee on Indian Affairs, United States Senate.

MY DEAR SENATOR FRAZIER: At a hearing before a subcommittee of the Committee on Indian Affairs of the United States Senate, February 27, 1929, it was moved that the Indian Bureau and the Department of the Interior be invited and requested to make a special study of the New York Indian situation and advise the Congress of their legal rights, together with such suggestions for legislation as the Department of the Interior will suggest and recommend.

The situation with respect to the Indians in the State of New York is somewhat peculiar and is entirely different from that of most of the other Indian problems with which this department must deal, particularly those west of the Mississippi River. This is due in large measure to the fact that New York was 1 of 13 original colonies and the legal title to none of the lands in that State is in the United States, other than such as may have been acquired by purchase, or by condemnation for public purposes, as Federal buildings, military posts, etc. Again, shortly after the Revolutionary War, particularly prior to the adoption of our Federal Constitution and ever since that date, under the doctrine of State rights so strongly prevalent in those days, the State of New York has dealt directly with these Indian tribes claiming lands within her borders. In some instances such transactions were had with the sanction of the Federal Government and in others without such sanction other than such as might be implied. That is, as to those transactions between the Indians and the State not expressly sanctioned, no protest or opposition thereto has ever been raised, at least in so far as the legislative and executive branches of the Federal Government are concerned.

The State of New York has always assumed the burden of establishing and maintaining schools for the education of the Indian youth within her borders; has constructed improved highways through the reservations there, and to some extent at least has enforced sanitation, health, and other public measures of this kind among these people, all without expense to the Federal Government. In short, the State has heretofore exercised the usual prerogatives of sovereignty and jurisdiction over these Indians, while the Federal Government to a large extent has not. This may be due in some measure to the fact that the Congress has never expressly directed this or any other department of the Federal Government to assume active control and supervision over the New York Indians such as is found in the act of July 27, 1868 (15 Stat. L. 228), with respect to the Cherokee Indians of North Carolina. Having no such legislation at hand and having no appropriations expressly made available for the purpose of carrying on any extensive activities with respect to the Indians in New York, this department has not felt empowered to assume active control of the situation there, such as is now exercised over most of the other Indians of the United States. This should not be understood to mean that we now recommend or advocate legislation by Congress looking to an enlarged jurisdiction in this department over the Indians of New York, but rather is here pointed out solely for the purpose of disclosing the basic reason why the activities of the Federal Government and of this department with respect to these Indians in the State of New York have been largely passive rather than active.

At sundry times in the past the situation with respect to the Indians in New York has been presented to Congress, either responsive to legislation directing an investigation and report, or else in connection with bills then pending looking to an allotment in severalty of the lands in the reservations in that State. In this connection see the act of August 15, 1894 (28 Stat. L. 301), and Senate Document No. 53, Fifty-third Congress, third session; also House bill 7262, Fifty-eighth Congress, second session, known as the Vreeland bill, and House bill 18733, Sixty-third Congress, known as the Clancy bill, the two bills last mentioned being both designed to provide for an allotment of the lands belonging to these Indians. House Document No. 1590, Sixty-third Congress, third session, containing the report of this department on the bill last mentioned, presented an exhaustive résumé of the situation with respect to the Indians in New York, including an historical outline of the origin and locus of the title to the lands within each of the several Indian reservations in that State. No substantial change has occurred in the situation with respect to any of these reservations since the submission of that report in 1914, and in order to avoid unnecessary

repetition of the facts disclosed by that report, it is suggested that your committee consider the report here made largely as supplemental to the one presented in 1914.

Congress undoubtedly has ample power and jurisdiction over the Indians in New York to enact such legislation as may be deemed necessary in connection with their affairs. Whether that should be by way of increasing Federal activities in their behalf or by strengthening the authority and prerogatives of the State in the matter should be seriously considered. In view of the fact that the State has heretofore always assumed the right to exercise sovereignty and jurisdiction over these people, I am strongly moved to recommend that the activities of the State in this respect be in no manner curtailed.

Rather if any legislation by Congress along such lines is now to be had, that it be with a view of removing any doubts that may have heretofore existed with respect to the authority and jurisdiction of the State in the premises. Legislation by Congress expressly subjecting the Indians in New York to the laws of that State, without impairing any of their property or rights under existing treaties with the United States, would remove from the field of controversy the frequently mooted question of jurisdiction, State or Federal, over these Indians, and would undoubtedly prove helpful, particularly in such matters as the enforcement of marriage and divorce laws of the State, and crimes and misdemeanors committed by the Indians within the existing reservations there. Such legislation, while helpful, would afford only a partial solution of the problem, as it would still leave the property rights of these Indians under existing treaties with the United States to be dealt with. In this connection it may be pointed out that by the treaty of November 11, 1794 (7 Stat. L. 44), with the Six Nations of New York, these Indians were practically guaranteed peaceful possession of their soil until they chose to sell the same "to the people of the United States, who have the right to purchase" (art. 2). Just what is intended by the expression "people of the United States" is not entirely clear; that is, assuming these Indians to be ready to part with their title whether the same is to be sold only to the United States Government or may be sold to the State, or even to nonalien third parties, including individual citizens of the United States, artificial entities organized pursuant to State laws as a corporation or even to unincorporated joint stock companies or associations. In this latter connection, attention is invited to pages 15 to 19, inclusive, of House Document No. 1590, Sixty-third Congress, Third session, with respect to the claims of the Ogden Land Co., successor in interest to the Holland Land Co., in and to the lands embraced in the Allegany, Cattaraugus, and a part of the Tuscarora Reservations in New York.

Frankly, the situation with respect to these Indians is so complex that before offering any definite recommendations as to the form of legislation best calculated to afford an effective solution of the entire problem, and in view of the jurisdiction heretofore exercised by the State of New York over the Indians within her borders, I am moved to suggest that your committee consider the advisability of inviting representatives of the State to present their views with respect to the matter.

We will be glad, of course, to cooperate at all times with any representatives of the State and other parties interested in working out an effective solution of the problem, legislative and otherwise.

Very truly yours,

RAY LYMAN WILBUR.

The CHAIRMAN. Have you anything further, Mr. Codd?

Mr. CODD. I would like to submit this brief for the record.

The CHAIRMAN. Without objection it will be incorporated in the record following your remarks.

(The following brief was submitted by Mr. Codd.)

BRIEF OF THE SIX NATIONS COUNCIL, SENECA COUNCIL, TONAWANDA COUNCIL, TUSCARORA COUNCIL, AND CERTAIN INDIVIDUAL INDIANS OF THE SIX NATIONS CONFEDERACY

(Remonstrance to the proposed act terminating the sovereignty of the United State Government and transferring the same to the State of New York)

H. R. 9720, offered by Mr. Representative Snell, seeks to put an end to the sovereignty or guardianship of the United States over the Six Nations Indians whose organization is said to antedate the discovery of this country. This bill should not receive the approval of your honorable committee. The local press

states was introduced at the suggestion of Attorney General Ward of New York to clarify the situation with respect to the civil law affecting Indians in this State.

This situation is perfectly plain, apparent to everyone well informed on the subject and requires no further clarity. See Eleventh Census, extra bulletin, page 3. The law and facts show reservations of the Six Nations in New York are each and every one independent and in some respects as much sovereignties by treaty and obligation as are the several States. The lands within them, of course, carry with them the conditions of the grant. They are a nation within a nation. They were created and grew more out of fear of the Indian and the desire to get rid of and keep him at peace at any price than as an act of justice. In New York they are a wonder to the curious and the expectant haven of hope to many speculators. This last sums up the situation graphically and may be a reason for much of the present uncertainty, as it is termed.

1. This act serves no useful purpose for the State of New York.
2. It is repugnant to the ideas of the Six Nations Indians.
3. The United States is better able to cope with Indian problems and management than the State of New York.
4. The act seeks to establish on the part of the State of New York a treaty relation with the Six Nations Indians, a power delegated to the United States by the Constitution.
5. Historical aspects of the Six Nations Indians.
6. Political aspects of the Six Nations Indians.
7. Ogden Land Co.'s claims.
8. The proposed act is a one sided avoidance of the guaranties of the treaty of Canandaigua.

1. THIS ACT SERVES NO USEFUL PURPOSE FOR THE STATE OF NEW YORK

The proposed bill serves no useful purpose for the State of New York. The control of the Six Nations can not be an asset for the State authorities. They have no officials constituted, no department organized, no background of history or policy to guide them in the conduct of Indian affairs. Do the State officials seek to place the Indian on the same plane as that of the paleface? As things are at present the seven major crimes, so called are cognizable in the United States courts. Minor infractions of the peace have been successfully dealt with locally by the tribal courts, councils and custom.

To establish departments and officers necessary for State control would be an additional burden on the paleface taxpayer of the State. An unnecessary duplication of effort and one which would lead to innumerable misunderstandings between the Indians and the newly created officials. And to what end? The Indian is now the least of the troubles of our body politic. The Court of Appeals the highest court of New York held, Hastings *v.* Farmer (4 N. Y. 294), There can be no jurisdiction of Indian cases in New York courts. This doctrine clearly enunciated in the early history of New York jurisprudence has been followed down through the records of this court, see Mulkins *v.* Snow (232 N. Y. 47 and on down to a very recent case) Patterson *v.* Seneca Nation (245 N. Y. 437). This latter case showed up a sharp contrast between the paleface and redskin laws on inheritance. The proposed act would cause trouble forthwith on this question as soon as the same was presented.

Let the paleface stay on his own ground and no harm will come to him, and he will not be troubled over jurisdictional questions. The Six Nation Indians welcome all when they come on errands of legitimate business or on a friendly visit. No welcome is more warm or hearty. When the Indian fares forth and is indiscreet he subjects himself to the jurisdiction of the State courts. This situation enunciates clearly that a reservation is just exactly what it is called, a reservation, reserved for the redskin.

2. THE PROPOSED BILL IS REPUGNANT TO THE IDEAS OF THE INDIANS

The proposed bill is repugnant to the ideas of the Indians. The Six Nations have long dwelt in peace and harmony with their paleface neighbors. They are accustomed to the overlordship of the United States, as established by the treaty of Canandaigua. Since 1794 they have had no other guide to follow. They have faithfully followed that treaty and have looked for faithful performance of the duties and obligations taken on by the United States in that document, a contract between their people and the whites.

EXHIBIT E

(Following is a copy in full of Secretary Wilbur's letter:)

OCTOBER 12, 1929.

Hon. LYNN J. FRAZIER,
Chairman Committee on Indian Affairs, United States Senate.

MY DEAR SENATOR FRAZIER: At a hearing before a subcommittee of the Committee on Indian Affairs of the United States Senate, February 27, 1929, it was moved that the Indian Bureau and the Department of the Interior be invited and requested to make a special study of the New York Indian situation and advise the Congress of their legal rights, together with such suggestions for legislation as the Department of the Interior will suggest and recommend.

The situation with respect to the Indians in the State of New York is somewhat peculiar and is entirely different from that of most of the other Indian problems with which this department must deal, particularly those west of the Mississippi River. This is due in large measure to the fact that New York was 1 of 13 original colonies and the legal title to none of the lands in that State is in the United States, other than such as may have been acquired by purchase, or by condemnation for public purposes, as Federal buildings, military posts, etc. Again, shortly after the Revolutionary War, particularly prior to the adoption of our Federal Constitution and ever since that date, under the doctrine of State rights so strongly prevalent in those days, the State of New York has dealt directly with these Indian tribes claiming lands within her borders. In some instances such transactions were had with the sanction of the Federal Government and in others without such sanction other than such as might be implied. That is, as to those transactions between the Indians and the State not expressly sanctioned, no protest or opposition thereto has ever been raised, at least in so far as the legislative and executive branches of the Federal Government are concerned.

The State of New York has always assumed the burden of establishing and maintaining schools for the education of the Indian youth within her borders; has constructed improved highways through the reservations there, and to some extent at least has enforced sanitation, health, and other public measures of this kind among these people, all without expense to the Federal Government. In short, the State has heretofore exercised the usual prerogatives of sovereignty and jurisdiction over these Indians, while the Federal Government to a large extent has not. This may be due in some measure to the fact that the Congress has never expressly directed this or any other department of the Federal Government to assume active control and supervision over the New York Indians such as is found in the act of July 27, 1868 (15 Stat. L. 228), with respect to the Cherokee Indians of North Carolina. Having no such legislation at hand and having no appropriations expressly made available for the purpose of carrying on any extensive activities with respect to the Indians in New York, this department has not felt empowered to assume active control of the situation there, such as is now exercised over most of the other Indians of the United States. This should not be understood to mean that we now recommend or advocate legislation by Congress looking to an enlarged jurisdiction in this department over the Indians of New York, but rather is here pointed out solely for the purpose of disclosing the basic reason why the activities of the Federal Government and of this department with respect to these Indians in the State of New York have been largely passive rather than active.

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repetition of the facts disclosed by that report, it is suggested that your committee consider the report here made largely as supplemental to the one presented in 1914.

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Frankly, the situation with respect to these Indians is so complex that before offering any definite recommendations as to the form of legislation best calculated to afford an effective solution of the entire problem, and in view of the jurisdiction heretofore exercised by the State of New York over the Indians within her borders, I am moved to suggest that your committee consider the advisability of inviting representatives of the State to present their views with respect to the matter.

We will be glad, of course, to cooperate at all times with any representatives of the State and other parties interested in working out an effective solution of the problem, legislative and otherwise.

Very truly yours,

RAY LYMAN WILBUR.

EXHIBIT F

ANNUAL REPORT OF THE SECRETARY OF THE INTERIOR

FOR THE FISCAL YEAR ENDING JUNE 30

1939

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON • 1939

Ethnically, the Rio Grande watershed has no parallel anywhere, being inhabited by pure-blood Indian tribes, an ancient Spanish-American population with much Indian blood, and a more recent population migrated from other parts of the United States. The resources of the watershed, acutely diminished through prolonged overuse, do not suffice for adequate support of the population dependent upon them for immediate subsistence. Yet into this watershed's economy, commercial exploitation has been thrust; and not alone today, but through more than a generation past. Wreckage of the uplands has brought dangerous wreckage of the irrigated lands along the river and has complicated the water-supply problem all the way from the Colorado line to the Gulf of Mexico.

The central task of the Interdepartmental Rio Grande Board is to discover, and through indirection to put into effect, measures giving a permanent future to the native rural populations of the watershed, while correcting, before it is quite too late, the devastating misuse of the lands in the area. Incidentally, a new type of administrative coordination and integration is illustrated by the Interdepartmental Rio Grande Board, applicable in principal to many other regions of the country.

THE FUTURE OF THE INDIAN

The Indian race is no longer vanishing. It is neither dying out nor is it rapidly merging into the white society. Indians as Indians will apparently continue as a part of American life for many years.

Population trends.—The Indian population is still more than holding its own in numbers both in the country as a whole and on most of the reservations.

During the past 10 years, the number of Indians listed on current census rolls at Federal agencies has increased at the rate of approximately 1.2 percent per year. This compares favorably with an average annual increase for the population at large, as estimated by the Bureau of the Census as of July 1, 1938, of only 0.7 percent over the past 8 years.

The total Indian population of the United States under the jurisdiction of the Office of Indian Affairs as of January 1, 1939, was 351,878. As of January 1, 1938, the number was 342,497, denoting an increase of 9,381. This increase is due in part to the inclusion of 3,000 unenrolled Navajo in Arizona and of 2,126 Chippewa recently organized in Michigan and an additional 1,157 in Wisconsin. In addition to this Indian population, the Indian Office has under its jurisdiction the education and medical relief of approximately 30,000

natives of Alaska—a total responsibility, therefore, for the welfare of more than 380,000 Indians and Eskimo citizens.

Indian Population in Continental United States Under Jurisdiction of the Office of Indian Affairs, by State, January 1, 1939*

State	Number	Percent of total	State	Number	Percent of total
Total reported	351,878	100.0	Nebraska	4,687	1.3
			Nevada	5,395	1.5
Arizona	[1] 49,893	14.2	New Mexico	36,489	10.4
California	[2] 23,131	6.6	New York	6,628	1.9
Colorado	873	.2	North Carolina	3,427	1.0
Florida	581	.2	North Dakota	11,401	3.2
Idaho	4,209	1.2	Oklahoma	97,394	27.6
Iowa	471	.1	Oregon	4,785	1.4
Kansas	2,088	.6	South Dakota	28,578	8.1
Louisiana	[3] 104	(4)	Texas	330	.1
Michigan	[5] 4,530	1.3	Utah	2,197	.6
Minnesota	16,136	4.6	Washington	13,913	4.0
Mississippi	1,974	.6	Wisconsin	[6] 13,624	3.9
Montana	16,583	4.7	Wyoming	2,382	.7

*See the Statistical Supplement to the Commissioner's Annual Report for population by tribe.
[1] Includes an estimate of 3,000 unenrolled Navajos under the Navajo central agency.
[2] Decrease due to a new estimated figure for unenrolled population.
[3] Revised estimate.
[4] Less than 1/10 of 1 percent.
[5] Increase due to the enrollment of 2,126 recently organized Chippewa.
[6] Includes approximately 1,000 recently organized Indians in Wisconsin.

Within the continental limits of the United States almost half of the entire Indian population is found in the three States of Oklahoma, Arizona, and New Mexico, in that order.

Another ten States contain about 48 percent of all the Indians in the United States. The remainder of the Indian population is widely scattered with less than 2 percent of the aggregate number in any one State.

The rate of increase is now following an accelerating upward trend. Should the rate of growth for the past quarter century continue for another 25 years, Indians in the United States will number well over 400,000. While this is proportionately a very insignificant figure, it nevertheless presages a very serious pressure of Indian population upon existing reservation lands. Already this pressure is being felt in the Navajo jurisdiction and in others where prospects of acquiring additional lands are not too hopeful.

Assimilation.—Most previous data have tended to confirm the general impression that the Indian is losing his racial identity. The full-blooded population seemed doomed to diminish and finally to disappear, if only through mixed marriages.

Doubt of the inevitability of this trend is raised by detailed analysis recently made by the T. C.-B. I. A.[1] in cooperation with the

[1] Technical Cooperation—Bureau of Indian Affairs, a unit of the Soil Conservation Service which makes surveys of Indian reservations for the use and guidance of the Indian Office.

UNITED STATES DEPARTMENT of the INTERIOR

STATISTICAL SUPPLEMENT to the ANNUAL REPORT of the COMMISSIONER of INDIAN AFFAIRS

FISCAL YEAR ENDED JUNE 30, 1939

ERRATA

Page 2 in upper caption to the right of "See Table" change XII to XI.
Page 2 in footnote 1/ change 684,332 to 983,091 and Jicarilla to Navajo.

Page 3 under "Regular employees (No. of positions)" the figures are based on salary list as of July 1, 1939 and not Fiscal Year 1939. The "total reported" figure of 8,412 thereunder change to 8,362, and add footnote that this figure excludes 13 FWA and 21 Rehabilitation employees. In line "Washington Office" change 356 to 322. Line "Paiute" delete the figure 16 as these employees were included at other agencies.
Pages 3 and 22 under "CCC-ID expended and obligated" are actual expenditures up to August 31, 1939 from funds appropriated for fiscal year 1939.

Page 28 under "Regular positions" change "No. authorized" from 8,412 to 8,362 and "salaries" from $13,772,487 to $13,675,147. In the same columns change "Washington Office" from 356 to 322 and $840,300 to 765,520.
Page 28 under "CCC-ID, Civilian" the figures represent the actual number employed on June 30, 1939. The average number employed during the fiscal year are "Total" 748, "Indian" 357, and "White" 391.

Page 29 line "Paiute" delete the figures 16 and $22,560 respectively from first two columns as these were included in Carson, Uintah and Ouray and Western Shoshone Agencies.

Page 30 change footnote 2/ to read "excludes" instead of "includes".

Page 31 line Iowa under "Tribal" add footnote 1/ to 3,253.
Page 31 line "Kansas" under "Jan. 1, 1939, Total" change 36,764 to 34,609 and under "Trust Allotted" change 34,864 to 33,519.
Page 31 line "Nebraska" under "Total" change 74,774 to 75,919 and under "Trust allotted" change 63,284 to 64,429.
Page 31 change footnote 1/ to read "Includes 3,253 acres taxable tribal land".

Page 32 line "Iowa: Sac and Fox" under "Tribal" change footnote 3/ to 4/.

Page 33 line "Rocky Boy's" under "Total area" change footnote 5/ to 7/.
Page 33 line "Wyoming, Wind River" under "Total area" the figure is 2,029,503. The inserted figure 8/ is the number of the footnote in the next column.

Page 34 line "Tulalip" add footnote 10/ to 52,288 under "Total area" and also to 50,207 "Trust Allotted".

Page 37 line "Hualapai" under "Total area" delete footnote 2/ on 496,526 and insert footnote 2/ on 699,822 under "Used by Indians".

Page 38 line "Kansas" under "used by Non-Indians" add footnote 20/ to 22,474, also line "Iowa" under "used by Indians" and "used by Non-Indians" add footnote 20/ to 757 and 200 respectively.

Page 39 footnote 1/ delete last four words "the land use table" and substitute "Table X, page 40".
Page 39 footnote 2/ change 494,947 to 494,611.
Page 39 footnote 16/ add after the last word "Colorado" the words "River Agency, total".
Page 39 footnote 19/ for the last word "total" substitute the word "breakdown".

Page 41 after line "North and South Dakota" insert "Standing Rock".

Page 42 line "Fort Peck, Idle" under "Other" add footnote 19/ to figure 79,550.

Page 44 lines "Yakima" and "Non-Indian" under "Total land in acres" add footnote 1-b/ to 588,621.

Page 51 footnote 1/ following the last word "pending" and colon and insert 1-b/, "also includes duplication of 3,253 acres agricultural land used by both Indians and Non-Indians".

Page 55 line "Jicarilla" under "Total area" change 648,332 to 684,332.

Page 56 footnote 6/ change 52,040 to 52,460.

CONTENTS

Table I. SUMMARY OF STATISTICS

See Table	III.	IX.			XII.			XIII.
Jurisdiction	Indian population under jurisdiction Office Indian Affairs Jan. 1, 1939	Lands Under Jurisdiction of Office of Indian Affairs (acres) Total area including Government owned Jan. 1, 1939	Tenure Jan. 1, 1939 Tribal	Tenure Jan. 1, 1939 Trust allotted	Used by Indians Calendar year 1938 Total	Used by Indians Calendar year 1938 Cultivated	Used by Indians Calendar year 1938 Grazed, pastured or used for wild hay	Estimated per capita income of Indians on selected reservations Cal. year 1938
Total reported....	381,861	1/54,839,278	35,402,440	17,594,376	2/34,018,875	387,727	31,701,965	$178.84
1. Blackfeet	4,426	1,297,306	103,524	1,151,782	362,287	3/	3/	216.12
2. Carson	6,123	769,964	679,013	88,134	542,547	3/	3/	146.74
3. Cherokee	3,427	57,705	57,320	-	56,824	4,115	3,855	134.30
4. Cheyenne and Arapaho	2,911	183,047	1,908	170,874	17,210	5,606	11,604	155.55
5. Cheyenne River	3,546	1,662,365	637,849	980,128	474,613	2,231	472,097	167.51
6. Chicago Warehouse	-	-	-	-	-	-	-	-
7. Chilocco School	-	8,580	-	-	8,115	4,285	3,830	-
8. Choctaw	2,075	9,035	-	-	8,833	3,898	5,535	3/
9. Colorado River	2,106	891,046	274,521	16,270	27,367	4,387	23,000	165.92
10. Colville	4,197	1,316,057	968,824	344,296	80,550	12,063	68,487	289.16
11. Consolidated Chippewa	13,384	228,549	79,549	148,554	18,502	5,356	3,388	143.66
12. Consolidated Ute	513	817,989	778,162	39,378	532,675	2,122	530,836	140.11
13. Crow	2,237	2,120,063	280,359	1,838,645	190,624	5,637	184,987	356.07
14. Crow Creek	1,608	322,486	19,527	268,418	55,593	978	54,309	150.94
15. Five Civilized Tribes	72,626	1,532,254	98,189	1,433,555	3/	3/	3/	3/
16. Flandreau School	348	2,501	2,020	-	1,620	1,340	280	3/
17. Flathead	3,142	628,034	394,279	232,552	147,900	9,533	137,767	199.06
18. Fort Apache	2,845	1,664,872	1,664,872	-	1,185,729	2,501	1,191,228	189.53
19. Fort Belknap	1,562	628,602	65,711	537,361	78,689	4,671	73,390	210.39
20. Fort Berthold	1,767	574,854	21,545	548,657	271,990	1,207	270,783	131.41
21. Fort Hall	2,002	476,341	127,678	347,143	278,519	17,159	161,360	256.14
22. Fort Peck	2,882	1,265,650	109,223	1,075,049	103,939	10,875	92,462	193.69
23. Fort Totten	1,030	54,707	80	51,478	21,517	4,746	11,771	202.76
24. Grand Ronde-Siletz	1,190	20,208	2,621	17,058	19,857	463	5,523	111.29
25. Great Lakes	7,156	206,257	27,494	147,856	43,838	1,775	42,503	134.52
26. Haskell Institute	-	1,000	-	-	-	-	-	-
27. Hoopa Valley	1,928	112,938	65,234	87,704	112,666	934	30,176	167.39
28. Hopi	3,339	Included in Navajo						83.61
29. Jicarilla	733	743,902	389,575	354,327	684,332	1,260	683,072	247.98
30. Keshena	2,314	231,680	231,680	-	224,690	2,392	7,733	350.24
31. Kiowa	6,924	490,537	1,600	482,766	43,045	25,166	17,566	184.61
32. Klamath	1,461	1,002,594	862,701	139,893	342,000	5,870	336,130	812.59
33. Menominee Mills	-	-	-	-	-	-	-	-
34. Mescalero	771	474,240	474,240	-	463,800	2,300	461,500	346.82
35. Mission	6,996	263,104	248,131	14,748	117,465	2,946	109,719	202.86
36. Navajo	48,235	16,594,776	14,906,101	705,584	16,584,096	37,665	16,546,431	104.13
37. New York	6,698	-	-	-	-	-	-	3/
38. Northern Idaho	2,232	200,803	44,854	154,211	19,822	4,250	15,572	159.32
39. Osage	3,672	438,789	643	438,086	77,301	15,761	61,540	1,015.40
40. Paiute	676	221,507	222,127	1,360	212,228	1,420	209,802	108.16
41. Pawnee	3,229	134,167	3,252	130,905	9,590	5,210	4,287	165.00
42. Phoenix Sanatorium	-	51	-	-	131	65	66	-
43. Phoenix School	-	187	-	-	-	-	-	-
44. Pierre School	-	336	-	-	-	-	-	-
45. Pima	6,351	465,169	342,335	122,834	450,087	24,068	425,514	134.84
46. Pine Ridge	9,003	2,047,602	241,967	1,758,273	446,354	18,117	392,185	170.31
47. Pipestone School	591	3,836	3,836	-	-	-	-	3/
48. Potawatomi	2,088	34,754	80	34,664	12,270	7,520	4,750	164.50
49. Quapaw	3,525	34,797	1,342	33,895	13,955	5,148	8,807	3/
50. Red Lake	2,161	406,436	406,086	-	262,945	1,945	11,000	190.99
51. Rocky Boy's	725	55,680	55,680	-	47,704	882	45,542	132.93
52. Rosebud	8,891	1,116,509	17,856	1,069,882	345,175	10,482	333,298	142.36
53. Sac and Fox Sanatorium	471	1,331	3,853	-	2,536	883	220	3/
54. Sacramento	11,859	212,687	67,530	145,157	36,119	600	35,509	169.10
55. Saint Louis Warehouse	-	-	-	-	-	-	-	-
56. Salem School	-	-	-	-	-	-	-	-
57. San Carlos	3,082	1,610,237	1,610,118	-	1,564,666	384	1,541,869	229.86
58. San Francisco Warehouse	-	-	-	-	-	-	-	-
59. San Xavier Sanatorium	-	85	-	-	-	-	-	-
60. Sells	6,200	2,861,258	2,813,496	41,762	2,781,912	13,307	2,768,605	140.15
61. Seminole	581	60,574	60,574	-	36,494	150	27,551	178.29
62. Sequoyah School	-	725	-	-	-	-	-	-
63. Shawnee	4,837	65,927	825	65,026	29,315	9,787	19,503	150.00
64. Shawnee Sanatorium	-	237	-	-	30	30	-	-
65. Sherman Institute	-	256	-	-	-	-	-	-
66. Sioux Sanatorium	-	-	-	-	-	-	-	-
67. Sisseton	2,903	118,883	-	118,153	5,928	1,703	4,225	119.91
68. Standing Rock	4,136	1,131,461	209,637	913,275	149,139	3,635	130,940	109.84
69. Tacoma Sanatorium	-	-	-	-	-	-	-	-
70. Taholah	3,065	211,766	27,872	183,873	21,980	236	1,400	276.66
71. Tomah	8,684	29,521	16,891	10,864	3/	3/	3/	3/
72. Tongue River	1,606	444,157	206,686	234,775	267,874	6,100	207,894	186.18
73. Truxton Canyon	1,139	499,145	497,505	840	700,687	149	650,500	202.86
74. Tulalip	3,582	52,288	2,081	50,207	12,209	2,327	6,132	3/
75. Turtle Mountain	6,747	30,573	-	30,381	29,501	1,894	27,607	131.66
76. Uintah and Ouray	1,317	380,893	289,284	83,447	138,899	4,337	134,562	183.85
77. Umatilla	1,349	153,011	13,973	138,873	25,339	1,999	23,211	200.96
78. United Pueblos	12,683	1,827,503	1,331,280	-	1,707,865	26,723	1,661,142	3/
79. Wahpeton School	-	262	-	-	-	-	-	-
80. Warm Springs	785	562,640	426,418	129,637	258,592	2,899	255,693	296.11
81. Western Shoshone	756	289,681	289,681	-	178,047	3/	3/	190.02
82. Wind River	2,382	2,029,503	1,833,119	189,278	782,092	12,972	767,920	205.34
83. Winnebago	4,687	74,774	11,490	63,284	19,939	6,938	5,178	105.65
84. Yakima	2,972	1,112,792	759,207	353,585	369,084	9,365	359,719	3/
85. Alaska	29,983	-	-	-	-	-	-	3/
86. Washington Office	-	-	-	-	-	-	-	-
87. At large	-	-	-	-	-	-	-	-
88. Supervisory and sundry	-	-	-	-	-	-	-	-

1/ Includes 1,842,462 acres of "Government owned" land, 684,332 acres are at Jicarilla and 496,223 acres at United Pueblos.

2/ Includes 1,082,881 acres data for type of use not available, also 783,169 acres used for timber operations and 63,133 acres used for other purposes.

OF OFFICE OF INDIAN AFFAIRS 1938 - 39

VII. Personnel Fiscal year 1939		V. Funds expended and obligated during fiscal year 1939 (dollars)						
Regular employees (No. of positions)	Temporary and part time employees (number)	Emergency funds: P.W.A. expended	Emergency funds: CCC-ID expended and obligated	Emergency funds: Rehabilitation expended and obligated	Emergency funds: Total expended and obligated	Regular expenditures total	Total expended and obligated	Jurisdiction
8,412	4,681	$3,683,852	$6,773,495	$1,603,839	$12,061,186	$31,031,505	$43,092,691	Total reported
91	2	28,822	151,662	99,955	280,439	528,883	809,322	1. Blackfeet
151	124	160,179	96,110	392,750	649,039	729,173	1,378,212	2. Carson
85	100	26,482	62,320	-	88,802	222,932	311,734	3. Cherokee
88	11	31,596	68,869	41,000	141,465	299,203	440,668	4. Cheyenne and Arapaho
132	111	40,712	207,306	55,625	303,643	391,080	694,723	5. Cheyenne River
40	12	-	1,553	-	1,553	60,220	61,773	6. Chicago Warehouse
83	43	1,391	10,109	-	11,500	235,040	246,540	7. Chilocco School
47	1	6,910	18,218	21,500	46,628	118,997	165,625	8. Choctaw
46	18	143,435	27,762	-	171,197	1,410,767	1,581,964	9. Colorado River
68	29	7,571	198,854	-	206,425	290,217	496,642	10. Colville
87	-	15,730	208,143	45,000	268,873	548,082	816,955	11. Consolidated Chippewa
79	10	7,930	[illegible]	-	60,593	311,276	371,869	12. Consolidated Ute
55	1	111,180	76,184	-	187,364	342,400	529,764	13. Crow
51	-	157,323	72,974	27,900	258,197	192,673	450,870	14. Crow Creek
464	353	48,905	291,217	128,994	469,116	1,762,545	2,231,661	15. Five Civilized Tribes
62	12	1,899	24,999	21,500	28,398	269,496	297,894	16. Flandreau School
33	54	102,213	108,597	-	208,810	480,173	688,983	17. Flathead
117	3	38,984	159,932	25,950	211,866	406,977	618,343	18. Fort Apache
45	6	9,393	83,854	-	93,247	207,960	301,207	19. Fort Belknap
72	42	105,445	79,213	1,000	185,658	198,856	384,514	20. Fort Berthold
62	35	7,209	39,087	-	46,296	221,177	267,473	21. Fort Hall
53	45	33,185	197,404	39,475	270,064	403,713	673,777	22. Fort Peck
57	14	25,646	32,035	-	57,681	165,382	223,063	23. Fort Totten
9	2	-	49,662	19,800	29,462	24,595	54,057	24. Grande Ronde-Siletz
75	20	6,263	193,397	84,000	283,660	416,620	700,280	25. Great Lakes
64	62	-	-	-	-	260,245	260,245	26. Haskell Institute
28	9	-	37,026	20,800	57,826	93,597	151,423	27. Hoopa Valley
113	37	-	4/	-	4/	237,780	237,780	28. Hopi
67	-	22,993	43,791	-	66,784	227,806	294,589	29. Jicarilla
21	33	55,708	49,540	-	105,248	160,835	266,083	30. Keshena
160	41	28,935	108,457	-	137,392	620,159	757,551	31. Kiowa
64	-	24,767	74,763	-	99,530	319,367	418,897	32. Klamath
13	284	-	-	-	-	482,775	482,775	33. Menominee Mills
54	24	28,820	50,023	-	78,843	189,679	268,523	34. Mescalero
66	49	35,133	129,724	-	164,857	215,295	380,152	35. Mission
1,095	479	541,620	527,555	5/ 32,750	1,101,925	2,852,225	3,954,150	36. Navajo
5	-	-	51,421	-	51,421	19,685	71,106	37. New York
67	33	26,838	45,351	-	72,189	190,779	262,968	38. Northern Idaho
75	13	-	98,070	-	98,070	347,175	445,245	39. Osage
16	-	1,425	32,638	-	34,063	109,130	143,193	40. Paiute
84	4	5,242	74,207	-	79,449	218,082	297,531	41. Pawnee
57	9	-	-	-	-	85,676	85,676	42. Phoenix Sanatorium
64	-	47,776	3,504	-	51,280	279,232	330,512	43. Phoenix School
30	50	3,523	11,084	-	14,607	125,610	140,217	44. Pierre School
128	149	63,718	32,870	1,000	97,588	476,707	574,295	45. Pima
267	143	124,855	244,167	79,233	448,255	761,663	1,209,918	46. Pine Ridge
50	-	21,575	19,994	19,795	61,364	222,063	283,427	47. Pipestone School
16	20	[illegible]	[illegible]	-	67,044	137,945	204,989	48. Potawatomi
45	-	17,895	[illegible]	19,800	72,538	151,170	223,708	49. Quapaw
42	3	19,903	97,367	-	117,270	346,570	463,840	50. Red Lake
32	1	20,957	71,005	25,300	117,262	141,080	258,342	51. Rocky Boy's
188	105	165,275	[illegible]	76,717	490,950	651,355	1,142,305	52. Rosebud
47	-	-	4,991	-	4,991	98,085	103,076	53. Sac and Fox Sanatorium
42	-	37,488	22,527	-	60,015	489,978	549,993	54. Sacramento
22	8	-	-	-	-	44,268	44,268	55. Saint Louis Warehouse
54	40	18,753	7,293	-	26,046	201,335	227,381	56. Salem School
85	46	215,618	160,936	-	376,554	595,389	971,943	57. San Carlos
6	3	-	-	-	-	9,015	9,015	58. San Francisco Warehouse
15	3	-	-	-	-	37,963	37,963	59. San Xavier Sanatorium
100	52	37,408	192,956	-	230,364	263,277	493,641	60. Sells
8	8	-	39,589	-	39,589	51,560	91,149	61. Seminole
49	9	-	-	-	-	134,774	134,774	62. Sequoyah
26	-	-	68,222	-	68,222	118,180	186,402	63. Shawnee
39	2	-	-	-	-	95,326	95,326	64. Shawnee Sanatorium
82	23	-	-	-	-	238,264	238,264	65. Sherman Institute
41	2	-	-	-	-	126,625	126,625	66. Sioux Sanatorium
31	43	-	44,447	20,000	64,447	118,407	182,854	67. Sisseton
94	90	343,136	214,610	52,387	610,133	330,277	940,410	68. Standing Rock
86	18	-	-	-	-	223,972	223,972	69. Tacoma Sanatorium
34	9	-	74,908	24,298	99,206	123,820	223,026	70. Taholah
24	-	1,405	29,869	41,017	72,291	129,765	202,056	71. Tomah
63	18	251,947	85,637	25,300	362,884	278,469	641,353	72. Tongue River
49	68	-	54,886	-	54,886	142,300	197,186	73. Truxton Canyon
28	5	15,625	9,650	40,500	65,775	105,272	171,047	74. Tulalip
74	54	-	51,808	38,993	90,798	278,137	368,932	75. Turtle Mountain
98	15	26,075	61,780	-	87,855	297,175	385,030	76. Uintah and Ouray
18	3	-	11,954	-	11,954	76,255	88,209	77. Umatilla
494	281	205,765	192,583	25,000	423,348	1,215,380	1,638,728	78. United Pueblos
40	46	-	-	-	-	118,678	118,678	79. Wahpeton School
55	29	22,475	65,392	15,000	102,867	212,710	315,577	80. Warm Springs
32	-	52,636	36,613	-	89,249	184,317	273,566	81. Western Shoshone
71	-	-	119,391	-	119,391	344,412	463,803	82. Wind River
66	17	-	98,415	39,500	137,915	328,810	466,725	83. Winnebago
49	49	83,160	103,050	-	186,210	347,761	533,971	84. Yakima
434	76	-	-	-	-	1,341,230	1,341,230	85. Alaska
356	-	-	114,353	-	114,353	-	114,353	86. Washington Office
561	1,078	-	316,015	-	316,015	6/	316,015	87. At large
-	-	-	-	-	-	7/ 2,168,797	2,168,797	88. Supervisory and sundry

3/ Data not available.
4/ Included in Navajo.
5/ Includes Hopi.
6/ Included in "Supervisory and sundry."
7/ Includes Washington Office.

Table III. INDIAN POPULATION IN CONTINENTAL UNITED STATES
Under Jurisdiction of the Office of Indian Affairs by State, Jurisdiction, Reservation, Tribe, Sex, and Residence, January 1, 1939*

Source: 1939 Annual Statistical Report, page 1.

State, jurisdiction, reservation, and tribe**	Total Indian Population	Population on current census rolls										
		Total		Residing at jurisdiction where enrolled			Residing at another jurisdiction			Residing elsewhere		
		Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female
Total Indian population	351,878	126,585	122,455	211,856	105,462	103,394	5,623	2,720	2,903	31,561	15,403	16,158
ARIZONA	49,898	24,180	22,718	44,962	23,209	21,753	358	170	198	1,568	801	767
Colorado River Agency, see also under California	1,231	671	560	772	427	345	31	15	16	428	229	199
Cocopah Reservation (Cocopah)	44	24	20	36	21	15	3	1	2	5	2	3
Colorado River Reservation	835	459	385	662	360	302	17	10	7	156	80	76
(Chemehuevi)	312	152	160	221	108	113	...	...	...	91	44	47
(Mojave)	516	294	222	440	251	189	15	9	6	61	34	27
(Other Tribes)	7	4	3	1	1	...	2	1	1	4	2	2
Fort Mojave Reservation (Mojave)	352	197	155	74	46	28	11	4	7	267	147	120
Fort Apache Agency and Reservation (Apache)	2,848	1,508	1,340	2,809	1,490	1,319	13	6	7	26	12	14
Hopi Agency and Reservation (Hopi)	3,339	1,738	1,601	3,225	1,684	1,541	11	4	7	103	50	53
Navajo Agency, see also under New Mexico and Utah	25,623	11,658	10,965	22,581	11,637	10,944	19	9	10	23	12	11
Enrolled population (Navajo)	22,623	11,658	10,965	22,581	11,637	10,944	19	9	10	23	12	11
Non-enrolled population, 1939 estimate (Navajo)	3,000	...	...	...	...	...	...	...	...	...	...	...
Paiute Agency, see Nevada and Utah												
Kaibab Reservation (Paiute)	85	50	35	82	49	33	...	...	...	3	1	2
Pima Agency	6,351	3,256	3,095	6,094	3,142	2,952	144	50	94	113	64	49
Fort McDowell Reservation (Mojave-Apache)	197	105	92	172	92	80	8	4	4	17	9	8
Gila River Reservation	4,828	2,472	2,356	4,669	2,396	2,273	70	27	43	89	49	40
(Maricopa)	360	165	195	356	164	192	3	...	3	1	1	...
(Pima)	4,301	2,221	2,080	4,152	2,150	2,002	62	24	38	87	47	40
(Other tribes)	167	86	81	161	82	79	5	3	2	1	1	...
Maricopa or Ak-Chin Reservation (Papago)	178	94	84	178	94	84	...	...	...	...	...	...
Salt River Reservation	1,148	585	563	1,075	560	515	66	19	47	7	6	1
(Pima)	1,039	524	506	971	504	467	52	14	38	7	6	1
(Other tribes)	118	61	57	104	56	48	14	5	9	...	...	...
San Carlos Agency and Reservation (Apache)	3,082	1,566	1,516	2,919	1,475	1,444	89	48	41	74	43	31
Sells Agency	6,200	3,139	3,061	5,726	2,914	2,812	6	3	3	468	222	246
Gila Bend Reservation (Papago)	112	66	46	95	56	39	...	...	...	17	10	7
Papago Reservation	5,575	2,811	2,764	5,137	2,602	2,535	1	1	...	437	208	229
(Papago)	5,518	2,777	2,741	5,101	2,583	2,518	1	1	...	416	193	223
(Pima)	27	12	15	21	9	12	...	...	...	6	3	3
(Other tribes)	30	22	8	15	10	5	...	...	...	15	12	3
San Xavier Reservation (Papago)	513	262	251	494	256	238	5	2	3	14	4	10
Truxton Canyon Agency	1,139	594	545	754	391	363	55	35	20	330	168	162
Camp Verde Reservation (Apache)	403	218	185	166	84	82	30	24	6	207	110	97
Havasupai Reservation (Havasupai)	213	122	91	209	120	89	...	...	...	4	2	2
Hualapai Reservation (Walapai)	461	226	235	341	168	173	4	3	1	116	55	61
Yavapai Reservation (Yavapai)	62	28	34	38	19	19	21	8	13	3	1	2

See footnotes at end of table

CALIFORNIA	23,131	4,474	4,363	6,985	3,619	3,366	92	40	52	1,760	815	945
Carson Agency, see Nevada	1,473	726	747	1,383	682	681	6	3	3	104	41	63
Fort Independence Reservation	72	39	33	72	39	33	...	...	...	...	...	...
(Paiute)	68	37	31	68	37	31	...	...	...	...	...	...
(Shoshone)	4	2	2	4	2	2	...	...	...	...	...	...
Alpine County (Washo) 1/	65	33	32	59	30	29	6	3	3	...	...	...
Inyo County	899	429	470	797	388	409	...	...	...	102	41	61
(Paiute)	748	353	395	663	320	343	...	...	...	85	33	52
(Shoshone)	146	74	72	131	66	65	...	...	...	15	8	7
(Other tribes)	5	2	3	3	2	1	...	...	...	2	...	2
Mono County	437	225	212	435	225	210	...	...	...	2	...	2
(Maidu)	3	3	...	3	3	...	...	...	...	...	...	...
(Paiute)	366	184	182	365	184	181	...	...	...	1	...	1
(Shoshone)	14	5	9	14	5	9	...	...	...	...	...	...
(Washo)	54	33	21	53	33	20	...	...	...	1	...	1
Colorado River Agency, see Arizona												
Fort Yuma Reservation (Yuma)	875	455	420	771	400	371	6	4	2	98	51	47
Hoopa Valley Agency	1,928	936	992	1,454	719	735	9	5	4	465	212	253
Hoopa Valley Reservation	1,543	748	801	1,239	606	633	9	5	4	295	131	164
(Hoopa)	586	308	278	510	274	236	9	5	4	67	29	38
(Klamath)	957	434	523	729	332	397	...	...	...	228	102	126
Rancherias	385	194	191	215	113	102	...	...	...	170	81	89
Bear River (Bear River)	22	11	11	18	9	9	...	...	...	4	2	2
Blue Lake (Blue Lake)	65	33	32	48	17	23	...	...	...	25	16	9
Crescent City (Smith River)	44	18	26	3	1	2	...	...	...	41	17	24
Eel River (Miami)	145	76	69	78	45	33	...	...	...	67	31	36
Smith River (Smith River)	109	56	53	76	41	35	...	...	...	33	15	18
Mission Agency	6,996	1,575	1,421	2,082	1,154	928	10	4	6	904	417	487
Augustine Reservation (Mission)	16	10	6	13	7	6	...	...	...	3	3	...
Cabazon Reservation (Mission)	29	18	11	22	12	10	3	2	1	4	4	...
Cahuilla Reservation (Mission)	103	49	54	58	27	31	1	...	1	44	22	22
Campo Reservation (Mission)	135	68	67	120	57	63	1	1	...	14	10	4
Capitan Grande Reservation (Mission)	166	85	81	152	81	71	...	...	...	14	4	10
Cuyapaipe Reservation (Mission)	3	1	2	1	...	1	...	...	...	2	1	1
Inaja Reservation (Mission)	32	18	14	30	16	14	...	...	...	2	2	...
Laguna Reservation (Mission)	5	2	3	5	2	3	...	...	...	...	...	...
La Jolla Reservation (Mission)	232	127	105	139	87	52	1	...	1	92	40	52
La Posta Reservation (Mission)	3	1	2	2	1	1	...	...	...	1	...	1
Los Coyotes Reservation (Mission)	87	52	35	71	45	26	...	...	...	16	7	9
Manzanita Reservation (Mission)	65	28	37	56	26	30	...	...	...	9	2	7
Mesa Grande Reservation (Mission)	235	126	109	157	89	68	1	...	1	77	37	40
Mission Creek Reservation (Mission)	22	10	12	15	7	8	...	...	...	7	3	4
Morongo Reservation (Mission)	306	165	141	187	116	71	...	...	...	119	49	70
Pala Reservation (Mission)	216	114	102	143	82	61	1	1	...	72	31	41
Palm Springs Reservation (Mission)	50	24	26	49	24	25	...	...	...	1	...	1
Pauma Reservation (Mission)	64	34	30	42	23	19	...	...	...	22	11	11
Pechanga Reservation (Mission)	220	113	107	101	56	45	...	...	...	119	57	62
Rincon Reservation (Mission)	188	103	85	98	58	40	...	...	...	90	45	45

Table III. INDIAN POPULATION IN CONTINENTAL UNITED STATES
Under Jurisdiction of the Office of Indian Affairs by State, Jurisdiction, Reservation, Tribe, Sex, and Residence, January 1, 1939* - Continued

State, jurisdiction, reservation, and tribe**	Total Indian Population	Population on current census rolls									
		Total		Residing at jurisdiction where enrolled			Residing at another jurisdiction			Residing elsewhere		
		Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female
CALIFORNIA--continued												
Mission Agency--continued												
San Manuel Reservation (Mission)	41	21	20	27	14	13	...	...	...	14	7	7
San Pasqual Reservation (Mission)	9	4	5	9	4	5	...	...	...	...	...	...
Santa Rosa Reservation (Mission)	53	32	21	28	17	11	...	...	...	25	15	10
Santa Ynez Reservation (Mission)	84	39	45	16	10	6	...	...	...	68	29	39
Santa Ysabel Reservation (Mission)	265	140	125	215	121	94	...	...	...	50	19	31
Soboba Reservation (Mission)	126	60	66	107	51	56	...	...	...	19	9	10
Sycuan Reservation (Mission)	36	15	21	35	15	20	...	...	...	1	...	1
Torres-Martinez Reservation (Mission)	205	116	89	184	106	78	2	...	2	19	10	9
Un-enrolled Indians, 1939 estimate	4,000	...	...	...	...	...	...	...	...	...	...	...
Sacramento Agency	11,859	782	783	1,315	664	651	61	24	37	189	94	95
Fort Bidwell Reservation (Paiute)	125	75	50	90	53	37	11	6	5	24	16	8
Modoc County other than Fort Bidwell Reservation (Paiute)	401	196	205	267	134	133	...	...	...	134	62	72
	197	53	54	15	9	6	...	...	...	92	44	48
(Pit River)	294	143	151	252	125	127	...	...	...	42	18	24
Round Valley Reservation (tribes not available)	843	413	439	789	389	400	27	11	16	27	13	14
Tule River Reservation (tribes not available)	196	98	98	169	85	84	23	7	16	4	3	1
All other Indians under Sacramento Agency, but not enumerated on present rolls, 1939 estimate	10,294	...	...	...	...	...	...	...	...	...	...	...
COLORADO	873	448	425	850	435	415	12	5	7	11	8	3
Consolidated Ute Agency, see also under Utah	873	448	425	850	435	415	12	5	7	11	8	3
Southern Ute Reservation (Ute)	414	216	198	386	206	180	10	5	5	8	5	3
Ute Mountain Reservation (Ute)	459	232	227	454	229	225	2	...	2	3	3	...
FLORIDA: Seminole Agency and Reservation (Seminole)	581	278	303	581	278	303	...	...	...	...	...	...
IDAHO	4,209	2,076	2,133	3,568	1,761	1,807	197	100	97	444	215	229
Fort Hall Agency and Reservation, see also under Utah	1,810	956	914	1,640	838	802	50	27	23	180	91	89
(Bannock)	347	171	176	271	134	137	13	4	9	63	33	30
(Shoshone)	1,513	780	733	1,360	700	660	36	22	14	117	58	59
(Other tribes)	10	5	5	9	4	5	1	1	...	...	...	...
Northern Idaho Agency, see also under Washington	2,135	1,010	1,125	1,742	822	920	129	64	65	264	124	140
Coeur d'Alene Reservation (Coeur d'Alene)	608	287	321	428	203	225	21	9	12	159	75	84
Kootenai Reservation (Kootenai)	111	55	56	97	49	48	...	...	...	14	6	8
Nez Perce Reservation (Nez Perce)	1,416	668	748	1,217	570	647	108	55	53	91	43	48
Western Shoshone Agency and Reservation, see Nevada	204	110	94	186	101	85	18	9	9	...	...	...
(Paiute)	129	72	57	112	64	48	17	8	9	...	...	...
(Shoshone)	75	38	37	74	37	37	1	1	...	...	...	...
IOWA: Sac and Fox Agency and Reservation (Sac and Fox of the Mississippi)	471	234	237	424	214	210	30	9	21	17	11	6

KANSAS	2,088	1,080	1,008	1,412	732	680	84	43	41	592	305	287
Potawatomi Agency	2,088	1,080	1,008	1,412	732	680	84	43	41	592	305	287
Iowa Reservation (Iowa)	539	293	246	312	171	141	25	14	11	202	108	94
Kickapoo Reservation (Kickapoo)	342	170	172	319	153	166	1	1	...	22	16	6
Potawatomi Reservation (Potawatomi)	1,077	557	520	721	380	341	12	6	6	344	171	173
Sac and Fox Reservation (Sac and Fox of the Missouri)	130	60	70	60	28	32	46	22	24	24	10	14
LOUISIANA: Choctaw Agency (Chitimacha), see Mississippi.	104	...	...	...	...	...	...	...	...	...	...	...
MICHIGAN	4,530	296	283	557	282	275	1	1	...	21	13	8
Great Lakes Agency, see Wisconsin	1,096	72	73	143	70	73	1	1	...	1	1	...
Bay Mills Community (Chippewa), estimated	100	...	...	...	...	...	...	...	...	...	...	...
Hannahville Community (Potawatomi)	145	72	73	143	70	73	1	1	...	1	1	...
Keweenaw Bay Indian Community, estimated 2/	851	...	...	...	...	...	...	...	...	...	...	...
Tomah Agency, see Wisconsin	3,434	...	...	...	...	...	...	...	...	...	...	...
Isabella Reservation (Chippewa)	434	224	210	414	212	202	...	...	...	20	12	8
Scattered Indians not on census rolls, 1939 estimate.	3,000	...	...	...	...	...	...	...	...	...	...	...
MINNESOTA	16,136	8,105	8,031	11,747	6,027	5,720	441	211	230	3,948	1,867	2,081
Consolidated Chippewa Agency	13,384	6,702	6,682	9,562	4,900	4,662	392	193	199	3,430	1,609	1,821
Bois Fort or Nett Lake Reservation (Chippewa)	675	330	345	454	218	236	2	1	1	219	111	108
Fond du Lac Reservation (Chippewa)	1,314	688	626	756	402	354	13	5	8	545	281	264
Grand Portage Reservation (Chippewa)	314	162	212	279	132	147	...	...	...	95	30	65
Greater Leech Lake Reservation (Chippewa)	2,101	1,093	1,008	1,864	985	881	63	31	32	174	79	95
White Earth Reservation (Chippewa)	5,541	4,239	4,302	5,873	2,998	2,875	314	156	158	2,354	1,085	1,269
Purchased Lands or Mille Lac Reservation (Chippewa)	379	190	189	336	167	169	...	...	...	43	23	20
Pipestone School Jurisdiction (Sioux)	591	298	293	187	102	85	9	2	7	395	194	201
Red Lake Agency and Reservation (Chippewa)	2,161	1,105	1,056	1,998	1,025	973	40	16	24	123	64	59
MISSISSIPPI: Choctaw Agency (Choctaw), see also under Louisiana	1,974	991	983	1,974	990	984	3	1	2	...	...	...
MONTANA	16,583	8,445	8,138	14,346	7,403	6,943	472	239	233	1,765	803	962
Blackfeet Agency and Reservation (Blackfeet)	4,426	2,272	2,154	3,837	1,986	1,851	43	23	20	546	263	283
Crow Agency and Reservation (Crow)	2,237	1,135	1,102	2,050	1,040	1,010	37	9	28	200	86	114
Flathead Agency and Reservation (Salish and Kootenai)	3,142	1,592	1,550	2,465	1,284	1,181	98	60	38	579	248	331
Fort Belknap Agency and Reservation	1,562	809	753	1,421	743	678	34	18	16	107	50	57
(Assiniboin)	704	362	342	658	334	324	16	9	7	38	19	19
(Gros Ventre)	858	447	411	771	407	364	18	9	9	69	31	38
Fort Peck Agency and Reservation	2,882	1,440	1,442	2,482	1,255	1,227	149	68	81	251	117	134
(Assiniboin)	1,597	802	795	1,365	697	668	79	37	42	153	68	85
(Sioux)	1,285	638	647	1,117	558	559	70	31	39	98	49	49
Rocky Boy's Agency and Reservation	728	375	353	620	318	302	44	26	18	64	31	33
(Chippewa)	487	244	243	398	198	200	37	20	17	52	26	26
(Cree)	194	98	96	183	91	92	7	6	1	4	1	3
(Other tribes)	47	33	14	39	29	10	...	...	...	8	4	4
Tongue River Agency and Reservation	1,606	822	784	1,521	779	742	67	35	32	18	8	10
(Cheyenne)	1,601	818	783	1,516	775	741	67	35	32	18	8	10
(Sioux)	5	4	1	5	4	1	...	...	...	...	...	...
NEBRASKA	4,687	2,441	2,246	3,332	1,726	1,606	376	187	189	979	528	451
Winnebago Agency	4,687	2,441	2,246	3,332	1,726	1,606	376	187	189	979	528	451
Omaha Reservation (Omaha)	1,730	910	820	1,453	752	701	37	21	16	240	137	103
Ponca Reservation (Ponca)	395	193	202	200	101	99	11	4	7	184	88	96
Santee Reservation (Sioux)	1,294	678	616	731	381	350	223	106	117	340	191	149
Winnebago Reservation (Winnebago)	1,268	660	608	948	492	456	105	56	49	215	112	103

Table III. INDIAN POPULATION IN CONTINENTAL UNITED STATES
Under Jurisdiction of the Office of Indian Affairs by State, Jurisdiction, Reservation, Tribe, Sex, and Residence, January 1, 1939* - Continued

State, jurisdiction, reservation, and tribe* *	Total Indian Population	Population on current census rolls										
		Total		Residing at jurisdiction where enrolled			Residing at another jurisdiction			Residing elsewhere		
		Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female
NEVADA	5,395	2,676	2,719	5,016	2,493	2,523	316	156	160	63	27	36
Carson Agency, see also under California	4,650	2,296	2,354	4,363	2,163	2,200	242	113	129	45	20	25
Fallon Reservation	244	127	117	239	125	114	1	1	...	4	1	3
(Paiute)	161	90	71	159	89	70	1	1	...	1	...	1
(Shoshone)	83	37	46	80	36	44	...	...	...	3	1	2
Fort McDermitt Reservation (Paiute)	265	154	111	213	109	104	47	22	25	5	3	2
Pyramid Lake Reservation	550	281	269	537	274	263	10	5	5	3	2	1
(Paiute)	536	274	262	523	267	256	10	5	5	3	2	1
(Other tribes)	14	7	7	14	7	7	...	...	...	...	...	...
Summit Lake Reservation (Paiute)	52	24	28	43	20	23	3	2	1	6	2	4
Walker River Reservation	505	262	243	477	245	232	27	17	10	1	...	1
(Paiute)	426	218	208	398	201	197	27	17	10	1	...	1
(Shoshone)	79	44	35	79	44	35	...	...	...	...	...	...
Non-reservation Paiute Area	1,006	464	542	970	450	520	33	12	21	3	2	1
(Paiute)	873	402	471	849	394	455	22	7	15	2	1	1
(Shoshone)	49	21	28	41	18	23	8	3	5	...	...	...
(Washo)	79	37	42	76	35	41	2	1	1	1	1	...
(Other tribes)	5	4	1	4	3	1	1	1	...	...	...	...
Non-reservation Shoshone Area, northeastern Nevada	860	412	448	784	375	409	74	36	38	2	1	1
(Paiute)	17	10	7	17	10	7	...	...	...	...	...	...
(Shoshone)	843	402	441	767	365	402	74	36	38	2	1	1
Non-reservation Shoshone Area, southern Nevada 1/	586	289	297	572	281	291	9	6	3	5	2	3
(Cherokee)	3	2	1	3	2	1	...	...	...	...	...	...
(Paiute)	136	63	73	127	57	70	9	6	3	[illegible]	[illegible]	[illegible]
(Pueblo)	9	5	4	9	5	4	...	...	...	...	...	...
(Shoshone)	438	219	219	433	217	216	...	...	...	5	2	3
Non-reservation Washo Area	582	303	279	570	284	286	38	12	26	14	7	7
(Paiute)	63	35	28	63	35	28	...	...	...	...	...	...
(Washo)	487	251	236	435	232	203	38	12	26	14	7	7
(Other tribes)	32	17	15	32	17	15	...	...	...	...	...	...
Paiute Agency, see Arizona and Utah	193	91	102	182	87	95	...	...	...	11	4	7
Moapa River Reservation (Paiute)	155	75	80	147	72	75	...	...	...	8	3	5
Las Vegas Tract (Paiute)	38	16	22	35	15	20	...	...	...	3	1	2
Western Shoshone Agency and Reservation, see also under Idaho	552	289	263	471	243	228	74	43	31	7	3	4
(Shoshone)	453	232	221	392	199	193	59	32	27	2	1	1
(Other tribes)	99	57	42	79	44	35	15	11	4	5	2	3
NEW MEXICO	36,489	18,783	17,706	36,002	18,524	17,478	74	30	44	413	229	184
Jicarilla Agency and Reservation (Apache)	733	373	360	724	369	355	8	4	4	1	...	1
Mescalero Agency and Reservation (Apache)	771	377	394	758	367	391	4	3	1	9	7	2
Navajo Agency, see Arizona and Utah (Navajo)	22,302	11,306	10,996	11,301	10,985	8	3	3	5	8	2	6

United Pueblos Agency	12,683	6,727	5,956	12,234	6,487	5,747	54	20	34	395	220	175
Acoma Pueblo (Pueblo)	1,210	612	598	1,188	598	590	...	...	...	22	14	8
Cochiti Pueblo (Pueblo)	314	169	145	301	162	139	...	...	...	13	7	6
Isleta Pueblo (Pueblo)	1,189	641	548	1,170	630	540	...	...	...	19	11	8
Jemez Pueblo (Pueblo)	703	362	341	703	362	341	...	...	...	...	...	...
Laguna Pueblo (Pueblo)	2,493	1,290	1,203	2,213	1,147	1,066	28	8	20	252	135	117
Nambe Pueblo (Pueblo)	135	68	67	126	63	63	...	...	...	9	5	4
Picuris Pueblo (Pueblo)	99	50	49	92	47	45	1	...	1	6	3	3
Pojoaque Pueblo (Pueblo)	22	12	10	22	12	10	...	...	...	...	...	...
Sandia Pueblo (Pueblo)	133	66	67	133	66	67	...	...	...	...	...	...
San Felipe Pueblo (Pueblo)	654	352	302	654	352	302	...	...	...	...	...	...
San Ildefonso Pueblo (Pueblo)	141	72	69	140	71	69	...	...	...	1	1	...
San Juan Pueblo (Pueblo)	589	292	297	556	273	283	11	5	6	22	14	8
Santa Ana Pueblo (Pueblo)	267	153	114	267	153	114	...	...	...	...	...	...
Santa Clara Pueblo (Pueblo)	444	227	217	402	206	196	12	5	7	30	16	14
Santo Domingo Pueblo (Pueblo)	920	535	385	920	535	385	...	...	...	...	...	...
Sia Pueblo (Pueblo)	216	117	99	214	115	99	...	...	...	2	2	...
Taos Pueblo (Pueblo)	799	403	396	791	402	389	...	...	...	8	1	7
Tesuque Pueblo (Pueblo)	135	72	63	135	72	63	...	...	...	...	...	...
Zuni Pueblo (Pueblo)	2,229	1,234	986	2,207	1,221	986	2	2	...	11	11	...
NEW YORK: New York Agency, 1939 estimate	6,698	...	...	...	...	...	...	...	...	...	...	...
(Cayuga)	206	...	...	...	...	...	...	...	...	...	...	...
(Oneida)	286	...	...	...	...	...	...	...	...	...	...	...
(Onondaga)	663	...	...	...	...	...	...	...	...	...	...	...
(Poospatuck)	40	...	...	...	...	...	...	...	...	...	...	...
(Seneca)	2,717	...	...	...	...	...	...	...	...	...	...	...
(Shinnecocks)	175	...	...	...	...	...	...	...	...	...	...	...
(St. Regis)	1,600	...	...	...	...	...	...	...	...	...	...	...
(Tonawanda Seneca)	611	...	...	...	...	...	...	...	...	...	...	...
(Tuscarora)	400	...	...	...	...	...	...	...	...	...	...	...
NORTH CAROLINA: Cherokee Agency and Reservation (Eastern Cherokee)	3,427	1,796	1,631	2,314	1,224	1,090	17	9	8	1,096	563	533
NORTH DAKOTA	11,401	5,789	5,612	7,588	3,868	3,720	239	117	122	3,574	1,804	1,770
Fort Berthold Agency and Reservation	1,787	875	892	1,679	832	847	20	10	10	68	33	35
(Arikara)	657	318	339	618	303	316	4	1	3	34	14	20
(Gros Ventre)	759	378	381	749	388	361	11	4	7	29	16	13
(Mandan)	351	179	172	341	171	170	5	5	...	5	3	2
Fort Totten Agency and Devils Lake Reservation (Sioux)	1,030	523	507	920	466	454	56	29	27	54	28	26
Sisseton Agency and Reservation, see South Dakota (Sioux)	49	30	19	49	30	19	...	...	...	...	...	...
Standing Rock Agency and Reservation, see also under South Dakota (Sioux)	1,808	889	919	1,653	814	839	53	25	28	102	50	52
Turtle Mountain Agency and Reservation (Chippewa)	6,747	3,472	3,275	3,287	1,726	1,561	110	53	57	3,350	1,693	1,657
OKLAHOMA	97,394	12,396	12,372	18,366	9,237	9,129	712	364	348	5,690	2,795	2,895
Cheyenne and Arapaho Agency and Reservation (Cheyenne and Arapaho)	2,911	1,516	1,395	2,598	1,346	1,252	116	62	54	197	108	89
Five Civilized Tribes Agency, Bureau of the Census, 1930	72,626	...	...	...	...	...	...	...	...	...	...	...
(Cherokee)	40,904	...	...	...	...	...	...	...	...	...	...	...
(Chickasaw)	4,685	...	...	...	...	...	...	...	...	...	...	...
(Choctaw)	16,641	...	...	...	...	...	...	...	...	...	...	...
(Creek)	8,507	...	...	...	...	...	...	...	...	...	...	...
(Seminole)	1,789	...	...	...	...	...	...	...	...	...	...	...

Table III. INDIAN POPULATION IN CONTINENTAL UNITED STATES
Under Jurisdiction of the Office of Indian Affairs by State, Jurisdiction, Reservation, Tribe, Sex, and Residence, January 1, 1939* - Continued

State, jurisdiction, reservation, and tribe* *	Total Indian Population	Population on current census rolls									
		Total		Residing at jurisdiction where enrolled			Residing at another jurisdiction			Residing elsewhere		
		Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female
OKLAHOMA--continued												
Kiowa Agency, see also under Texas	6,594	3,205	3,389	6,539	3,178	3,361	14	7	7	41	20	21
Kiowa Reservation	5,022	2,442	2,580	4,974	2,419	2,555	11	5	6	37	18	19
(Apache)	346	180	166	344	179	165	1	1	...	1	...	1
(Comanche)	2,332	1,136	1,196	2,312	1,127	1,185	2	...	2	18	9	9
(Kiowa)	2,344	1,126	1,218	2,318	1,113	1,205	8	4	4	18	9	9
Wichita Reservation	1,572	763	809	1,565	759	806	3	2	1	4	2	2
(Caddo)	1,019	503	516	1,014	500	514	1	1	...	4	2	2
(Delaware)	145	66	79	145	66	79	...	...	...	...	...	...
(Wichita)	408	194	214	406	193	213	2	1	1	...	...	...
Osage Agency and Reservation (Osage)	3,672	1,857	1,815	2,034	1,049	985	8	6	2	1,630	802	828
Pawnee Agency	3,229	1,646	1,583	2,561	1,322	1,239	209	105	104	459	219	240
Kaw Reservation (Kaw)	525	272	253	304	161	143	44	21	23	177	90	87
Oakland Reservation (Tonkawa)	92	26	26	40	20	20	4	3	1	8	3	5
Otoe Reservation (Pawnee)	814	418	396	629	324	305	72	36	36	113	58	55
Pawnee Reservation (Pawnee)	996	507	489	796	419	377	56	25	31	144	63	81
Ponca Reservation (Ponca)	842	423	419	792	398	394	33	20	13	17	5	12
Quapaw Agency	3,525	1,709	1,816	1,773	877	896	317	160	157	1,435	672	763
Eastern Shawnee Reservation (Shawnee)	292	131	161	179	87	92	22	11	11	91	33	58
Miami Reservation (Miami)	292	147	145	120	64	56	2	2	...	170	81	89
Ottawa Reservation (Ottawa)	433	224	209	231	119	112	12	7	5	190	98	92
Peoria Reservation (Peoria)	385	180	205	165	79	86	35	21	17	179	80	99
Quapaw Reservation (Quapaw)	570	270	300	347	159	188	19	12	7	204	99	105
Seneca Reservation (Seneca)	763	376	387	427	210	217	152	76	76	184	90	94
Wyandotte Reservation (Wyandotte)	790	381	409	391	169	142	72	31	41	417	191	226
Shawnee Agency	4,837	2,463	2,374	2,861	1,485	1,396	48	24	24	1,928	974	954
Iowa Reservation (Iowa)	110	53	57	109	53	56	...	...	...	1	...	1
Kickapoo Reservation (Mexican Kickapoo)	268	139	129	238	124	114	...	...	...	30	15	15
Potawatomi Reservation (Citizen Potawatomi)	2,911	1,469	1,442	1,130	565	565	19	8	11	1,762	896	866
Sac and Fox Reservation (Sac and Fox)	589	449	440	766	393	373	15	7	8	108	49	59
Shawnee Reservation (Shawnee)	659	353	306	618	330	288	14	9	5	27	14	13
OREGON	4,785	2,323	2,462	3,631	1,808	1,823	329	172	157	825	343	482
Grande Ronde-Siletz Agency	1,190	605	585	919	481	438	32	19	13	239	105	134
Grande Ronde Reservation	377	193	184	257	139	118	18	11	7	102	43	59
(Clackamas)	82	37	45	50	27	23	9	5	4	23	5	18
(Rogue River)	60	35	25	46	28	18	...	...	...	14	7	7
(Umpqua)	63	28	35	45	19	26	...	...	...	18	9	9
(Other tribes)	172	93	79	116	65	51	9	6	3	47	22	25
Siletz Reservation	480	240	240	366	185	181	6	1	5	108	54	54
(Chasteceta)	33	14	19	27	13	14	...	...	...	6	1	5
(Galice Creek)	42	23	19	38	20	18	...	...	...	4	3	1
(Joshua)	46	23	23	15	9	6	...	...	...	31	14	17

(Klamath)	65	37	28	49	27	22	...	...	...	16	10	6
(Megumodon)	55	28	27	39	18	21	...	...	...	16	10	6
(Rogue River)	48	27	21	41	22	19	1	1	...	6	4	2
(Tututni)	39	13	26	36	12	24	...	...	...	3	1	2
(Other tribes)	152	75	77	121	64	57	5	...	5	26	11	15
Fourth Section Allottees (Public Domain)	333	172	161	266	157	139	8	7	1	29	8	21
(Cherokee)	18	12	6	18	12	6	...	...	...	...	...	...
(Klamath)	55	26	29	46	22	24	3	3	...	6	1	5
(Kus)	56	26	30	52	23	29	1	1	...	3	2	1
(Rogue River)	75	39	36	71	35	33	...	...	...	4	1	3
(Tututni)	18	7	11	7	4	3	...	...	...	11	3	8
(Umpqua)	42	23	19	36	19	17	3	3	...	3	1	2
(Other tribes)	69	39	30	66	39	27	1	...	1	2	...	2
Klamath Agency and Reservation	1,461	703	758	1,151	584	567	55	30	25	275	109	166
(Klamath)	853	408	445	681	341	340	10	6	4	162	61	101
(Modoc)	334	158	176	248	115	128	27	14	13	84	29	55
(Paiute)	193	75	78	121	60	61	18	10	8	14	5	9
(Pit River)	124	58	66	88	48	38	...	...	...	28	10	18
(Shasta)	7	4	3	...	...	...	...	...	...	7	4	3
Umatilla Agency and Reservation	1,349	641	708	906	444	462	179	93	86	268	108	160
(Cayuse)	375	168	207	311	144	167	42	19	23	22	5	17
(Paiute)	149	84	65	116	65	51	32	18	14	1	1	...
(Umatilla)	119	41	78	96	34	62	14	5	9	9	2	7
(Walla Walla)	633	317	316	322	173	149	79	48	31	232	96	136
(Other tribes)	73	31	42	61	28	33	12	3	9	...	...	...
Warm Springs Agency and Reservation	785	374	411	675	319	356	63	30	33	47	25	22
(Paiute)	66	32	34	46	20	26	13	9	4	7	3	4
(Tenino) (Warm Springs)	444	200	244	408	181	227	23	12	11	13	7	6
(Wasco)	238	125	113	202	109	93	16	5	11	20	11	9
(Other tribes)	37	17	20	19	9	10	11	4	7	7	4	3
SOUTH DAKOTA	28,578	14,631	13,947	24,524	12,669	11,855	1,154	551	603	2,900	1,411	1,489
Cheyenne River Agency and Reservation (Sioux)	3,546	1,841	1,705	2,969	1,561	1,408	272	144	128	305	136	169
Crow Creek Agency	1,608	810	798	1,311	673	638	146	55	91	151	82	69
Crow Creek Reservation (Sioux)	986	481	505	853	423	430	65	19	46	68	39	29
Lower Brule Reservation (Sioux)	622	329	293	458	250	208	81	36	45	83	43	40
Flandreau School Jurisdiction (Sioux)	348	189	159	176	100	76	39	22	17	134	67	67
Pine Ridge Agency and Reservation (Sioux)	9,003	4,672	4,331	8,072	4,131	3,941	205	97	108	726	344	382
Rosebud Agency	8,891	4,574	4,317	7,994	4,144	3,850	253	116	137	644	314	330
Rosebud Reservation (Sioux)	6,811	3,529	3,282	6,475	3,352	3,123	79	37	42	257	140	117
Yankton Reservation (Sioux)	2,080	1,045	1,035	1,519	792	727	174	79	95	387	174	213
Sisseton Agency and Reservation, see also under North Dakota (Sioux)	2,854	1,468	1,386	2,025	1,067	958	132	61	71	697	340	357
Standing Rock Agency and Reservation, see North Dakota (Sioux)	2,328	1,177	1,151	1,978	993	985	107	56	51	243	128	115
TEXAS: Kiowa Agency, see Oklahoma, 1939 estimate (Alabama and Coushatta)	330	...	...	...	...	...	...	...	...	...	...	...
UTAH	2,197	1,124	1,073	2,102	1,080	1,022	30	18	12	65	26	39
Consolidated Ute Agency, see Colorado												
Allen Canon Sub-Agency (Ute)	40	22	18	40	22	18	...	...	...	...	...	...
Fort Hall Agency, see Idaho												
Washakie Sub-Agency (Shoshone)	132	62	70	132	62	70	...	...	...	...	...	...

Table III. INDIAN POPULATION IN CONTINENTAL UNITED STATES
Under Jurisdiction of the Office of Indian Affairs by State, Jurisdiction, Reservation, Tribe, Sex, and Residence, January 1, 1939* - Continued

State, jurisdiction, reservation, and tribe*	Total Indian Population	Population on current census rolls									
		Total		Residing at jurisdiction where enrolled			Residing at another jurisdiction			Residing elsewhere		
		Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female
UTAH--continued												
Navajo Agency, see Arizona and New Mexico	310	162	148	310	162	148	...	...	...	...	...	...
(Navajo)	306	159	147	306	159	147	...	...	...	...	...	...
(Paiute)	4	3	1	4	3	1	...	...	...	...	...	...
Paiute Agency, see also under Arizona and Nevada	385	202	183	371	191	180	12	10	2	25	11	14
Goshute Reservation (Goshute)	155	75	80	155	75	80	...	...	...	...	...	...
Kanosh Reservation	25	12	13	23	11	12	...	...	...	2	1	1
(Paiute)	5	3	2	3	1	2	...	...	...	2	2	...
(Ute)	20	9	11	20	10	10	...	...	...	...	...	...
Koosharem Reservation (Ute)	27	13	14	26	13	13	...	...	...	1	...	1
Paiute Reservation (Paiute)	21	12	9	15	9	6	...	...	...	6	3	3
Shivwits Reservation (Paiute)	96	48	48	91	47	44	1	...	1	4	1	3
Skull Valley Reservation (Goshute)	39	22	17	28	17	11	1	...	1	10	5	5
Sandy Homestead (Paiute)	6	4	2	4	2	2	...	...	...	2	1	1
Cedar City Church Property (Paiute)	29	16	13	29	16	13	...	...	...	...	...	...
Uintah and Ouray Agency and Reservation (Ute)	1,317	676	641	1,285	643	642	22	18	10	10	15	5
WASHINGTON	17,913	8,840	9,073	9,646	4,824	4,822	202	80	122	3,565	1,736	1,829
Colville Agency	4,197	2,101	2,096	3,518	1,805	1,713	164	40	124	515	256	259
Colville Reservation (Colville)	3,291	1,663	1,628	2,877	1,483	1,394	114	28	86	300	152	148
Spokane Reservation (Spokane)	886	421	467	641	322	319	50	12	38	215	104	111
Northern Idaho Agency, see Idaho												
Kalispel Reservation (Kalispel)	97	50	47	83	45	38	14	5	9	...	...	...
Taholah Agency	3,065	1,398	1,667	1,510	796	714	23	13	10	1,532	589	943
Chehalis Reservation (Chehalis)	58	29	29	26	14	12	11	6	5	21	9	12
Makah Reservation (Makah)	421	226	195	312	163	149	2	...	2	107	63	44
Nisqually Reservation (Nisqually)	60	36	24	52	32	20	...	...	...	8	4	4
Ozette Reservation (Ozette)	1	1	...	1	1	...	...	...	...	...	...	...
Quinaielt Reservation	1,817	899	918	899	447	452	14	11	3	904	441	463
(Chehalis)	111	53	58	67	24	43	...	...	...	44	29	15
(Quileute)	288	145	143	255	127	128	1	1	...	32	17	15
(Quinaielt)	1,271	637	634	566	289	277	12	9	3	693	339	354
(Upper Chinook)	123	52	71	4	4	...	1	1	...	118	47	71
(Other tribes)	24	12	12	7	3	4	...	...	...	17	9	8
Skokomish Reservation	229	110	109	185	100	85	5	1	4	29	9	20
(Clallam)	2	1	1	...	...	...	2	1	1	...	...	...
(Skokomish)	217	109	108	185	100	85	3	...	3	29	9	20
Squaxin Island Reservation (Squaxin)	31	15	16	15	9	6	2	1	1	14	5	9
Estimate of un-enrolled members of Cowlitz, Chinook, and other tribes	500	...	...	...	...	...	...	...	...	...	...	...

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Tulalip Agency	3,582	1,779	1,803	2,102	1,030	1,072	15	5	10	1,465	744	721
Lummi Reservation (Lummi)	676	345	331	560	286	274	...	...	...	116	59	57
Muckleshoot Reservation (Muckleshoot)	195	90	105	183	83	100	1	...	1	11	7	4
Port Madison Reservation (Suquamish)	167	84	83	151	79	72	3	...	3	13	5	8
Puyallup Reservation (Puyallup)	318	152	166	29	12	17	...	...	...	289	140	149
Swinomish Reservation (Swinomish)	312	144	168	302	139	163	...	...	...	10	5	5
Tulalip Reservation (Snohomish)	671	315	356	472	220	252	5	1	4	194	94	100
Public Domain (Clallam)	778	497	371	5	1	2	...	...	...	775	406	369
Public Domain (Nooksak)	244	124	120	226	114	112	2	2	...	16	8	8
Public Domain (Skagit)	221	118	103	176	96	80	4	2	2	41	20	21
Yakima Agency and Reservation (Yakima)	2,972	1,404	1,568	2,433	1,148	1,285	46	17	29	493	239	254
WISCONSIN	13,624	6,171	6,118	9,742	4,938	4,804	421	191	230	2,126	1,042	1,084
Great Lakes Agency, see also under Michigan	6,060	2,376	2,349	3,354	1,680	1,674	118	69	49	1,253	627	626
Red River Reservation (Chippewa)	1,229	635	594	699	365	334	25	15	10	505	255	250
Crandon Sub-Agency (Potawatomi)	300	164	136	287	154	133	3	2	1	10	8	2
Lac Courte Oreilles Reservation (Chippewa)	1,675	816	859	1,377	674	703	38	19	19	260	123	137
Lac du Flambeau Reservation (Chippewa)	889	427	462	690	333	357	5	2	3	194	92	102
Red Cliff Reservation (Chippewa)	632	334	298	361	154	147	47	31	16	284	149	135
Rice Lake Band of Chippewa, 1939 estimate	221	...	...	...	...	...	...	...	...	...	...	...
Mole Lake Band of Chippewa, estimate	179	...	...	...	...	...	...	...	...	...	...	...
St. Croix Band of Chippewa 3/	935	...	...	...	...	...	...	...	...	...	...	...
Keshena Agency and Menominee Reservation (Menominee)	2,314	1,174	1,140	2,215	1,135	1,080	19	5	14	80	34	46
Tomah Agency, see also under Michigan	5,250	2,621	2,629	4,173	2,123	2,050	284	117	167	793	381	412
Oneida Reservation (Oneida)	3,311	1,662	1,649	2,438	1,259	1,179	158	65	93	715	338	377
Stockbridge Reservation (Stockbridge-Munsee)	450	231	219	450	231	219	...	...	...	...	...	...
Public Domain Allotments (Winnebago)	1,489	728	761	1,285	633	652	126	52	74	78	43	35
WYOMING	2,382	1,206	1,174	2,186	1,121	1,069	53	26	27	139	61	78
Wind River Agency and Wind River or Shoshone Reservation	2,382	1,206	1,174	2,186	1,121	1,069	53	26	27	139	61	78
(Arapaho)	1,198	624	574	1,164	607	557	18	10	8	16	7	9
(Shoshone)	1,184	584	600	1,022	514	512	35	16	19	123	54	69

*These data do not represent the actual number of Indians residing in each state but the number under the jurisdiction of Indian Agencies located in the respective states, either enrolled at Agency offices or estimated by Agency Superintendents.

**Names of tribes enclosed in parentheses ( ).

1/ Population as of January 1, 1938.

2/ An economic survey was made in 1937 of the Keweenaw Bay Indian Community, consisting of L'Anse, Lac Vieux Desert, and Ontonagon reservations, and 851 individuals listed.

3/ The population as based on applications received for enrollment in 1938.