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IN THE SENATE OF THE UNITED STATES.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING

A copy of an agreement with the Yuma Indians, with a report from the Commissioner of Indian Affairs and accompanying papers.

MARCH 21, 1894.—Referred to the Committee on Indian Affairs and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, March 19, 1894.

SIR: I have the honor to transmit herewith copy of an agreement concluded December 4, 1893, by and between Washington J. Houston, John A. Gorman, and Peter R. Brady, commissioners on the part of the United States, and the principal men and other male adults of the Yuma Indians in the State of California.

This agreement was considered by the Commissioner of Indian Affairs as shown by the accompanying report dated 28th ultimo, and a draft of a bill was prepared by his office ratifying the agreement. In this draft provision was made for an appropriation of $60,000 for the construction of a levee along the bank of the Colorado River to protect the lands to be allotted and sold, said sum to be reimbursed to the United States from the sale of lands.

The Department being of opinion that the Indians should not be charged with the construction of this levee at this time and not until surveys and estimates as to the expediency and cost of constructing a levee or levees to protect these lands are considered, I have amended the draft of the bill submitted, omitting therefrom the appropriation for construction of levees and requesting an appropriation of $2,000 (reimbursable) for examination, survey, and estimates of cost of said levee or levees and the bill as amended is respectfully transmitted with request for favorable consideration.

Very respectfully,

HOKE SMITH,
Secretary.

The PRESIDENT OF THE SENATE.

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DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 28, 1894.

SIR: Under date of October 19, 1893, you appointed, under the provisions of the act of Congress approved March 3, 1893 (27 Stat., 612), "to enable the Secretary of the Interior to negotiate with any Indians for the surrender of portions of their respective reservations, any agreement thus negotiated being subject to subsequent ratification by Congress," a commission to negotiate with the Yuma Indians in California for the cession to the United States of such portions of their reservation as they might be willing to cede.

January 24, 1894, the commissioners submitted their report accompanied by an agreement concluded with said Indians December 4, 1893.

By the first section of said agreement the Indians surrender and relinquish to the United States all their rights, title, claim, and interest in and to and over the tract of country in San Diego County, Cal., known as the Yuma Indian Reservation, and therein fully described.

Article II provides that each and every Yuma Indian shall be entitled to select and locate upon said reservation and on adjoining sections 5 acres of land, which shall be allotted to such Indian in severalty.

Article III provides that the allotments shall be made at the cost of the United States by a special agent appointed by the Secretary of the Interior for the purpose, under such rules and regulations as he may prescribe, and within sixty days after such special agent shall appear upon said reservation, and give notice to the Indians that he is ready to make such allotments. In case any Indian shall fail to make his selection within the sixty days the special agent is to make a selection for him.

When all of said allotments are made and approved all of the residue of said reservation which may be subject to irrigation, except as otherwise provided, shall be disposed of as follows:

The Secretary of the Interior shall cause said lands to be surveyed and subdivided into tracts of 10 acres each and shall cause the same to be appraised by a board consisting of an Indian inspector, a special Indian agent, and the agent in charge of the Yuma Indians, who shall appraise said lands and report their proceedings to the Secretary of the Interior; and when the appraisement has been approved that said Secretary shall cause the lands to be sold at public sale to the highest bidder for cash at not less than the appraised value, after having given at least sixty days' public notice of the terms, time, and place of sale by publication in at least two newspapers of general circulation; any lands remaining unsold are to be re-offered for sale at any subsequent time in the same manner, and if not sold at second offering for want of bidders, the Secretary may sell the same at private sale at not less than the appraised value.

Article IV provides that the money realized from the sale of the lands shall be placed in the Treasury of the United States, to the credit of said Yuma Indians, and the same, with interest thereon at 5 per centum per annum, shall at all times be "subject to appropriation by Congress, or to application by order of the President for the payment of water rents, building of levees, irrigating ditches, laterals, the erection and repair of buildings, purchase of tools, farming implements and seeds, and for the education and civilization of said Yuma Indians."

Article V provides for the issuance of patents to the allottees, substantially as provided in the general allotment act of February 8, 1887 (24 Stats., 388).

Article VI provides that all lands in said reservation that can not be irrigated are to be opened to settlement under the general land laws of the United States.

Article VII excepts from the operation of the agreement a tract of land including the buildings situate on the hill on the north side of the Colorado River, formerly Fort Yuma, now used as an Indian school, so long as the same shall be used for religious, educational, and hospital purposes for said Indians, and also land sufficient for a farm for said school, not to exceed in all 320 acres.

Article VIII provides that the agreement shall be in force from and after its approval by Congress.

The agreement is signed by Washington J. Houston, John A. Gorman, and Peter R. Brady, commissioners on the part of the United States, and by 203 male adult Indians, the total number of such male adults being reported at 251.

The Yuma Indian Reservation in California was established by Executive order of January 9, 1884, and is estimated to contain 45,889 acres.

According to the report of the commission the Indians number 706.

The commissioners estimate that about 18,000 acres can be placed under water, of which some 3,600 acres will be required for allotment, leaving some 14,400 to be appraised and sold, and some 27,500 acres of non-irrigable land to be restored to the public domain. They state that there is no better land anywhere than this will be when placed under water, and are of the opinion that an average of $50 per acre may be obtained for say 12,000 acres, giving the Indians a fund of some $600,000. They believe that if anything like this quantity of land is sold at anything like the price indicated, the interest on the prospective trust fund will be ample for all the purposes to which it is to be applied under the agreement.

By the act of February 15, 1893 (27 Stats., 456), a right of way was granted to the Colorado River Irrigation Company for an irrigating canal through the reservation to the extent of the ground occupied by the water of the canal and its adits and laterals, and 50 feet on each side of the marginal limits thereof. It is the land under this proposed canal which is to be allotted to the Indians, and appraised and sold for their benefit.

The commissioners state that the Southern Pacific Railroad obtained the right of way in 1879, and was operating its road through the present Yuma Reservation long before the Executive order of January 9, 1884, was promulgated; that the great flood of the spring of 1891, which swept everything off the reservation, made it necessary for the company to change its line, which it did, locating it a short distance from the old line, but upon higher ground; that in view of the construction of the proposed canal and the fact that only the lands under the canal will be of value, the change is a most beneficial one for the Indians and the Government, as much more land is available for sale and allotment; and that the present higher and more elevated railroad bed will serve as a permanent levee, protecting all who may locate under it from the floods of the future.

Since the Indians are satisfied, the traveling public, the Government, and in fact all interests are benefited, they recommend that the present line of the road, as shown on a map accompanying their report, be approved by legislation if necessary, and that the right to the abandoned roadbed be condemned and used hereafter as a wagon road.

The commissioners report that a portion of the land retained by the

Indians will be subject to overflow during the summer rises of the Colorado, as well as a portion of that which they cede to the Government, and that the Government should take steps to prevent this overflow by building levees.

They explain that the river is fed by the melting snows of the mountains of Colorado, Wyoming, and Utah; that it attains its greatest height in the summer season, generally about the last of June; that the bottom land along the stream is intersected by a number of bayous or lagoons extending from the river at irregular intervals; that when the annual rise in the river takes place, these lagoons, although ordinarily perfectly dry, fill with water, and through them the entire bottom land is covered with water at a season of the year when crops should in that climate be ripening; and that it is evident that if nothing is done to prevent this inundation all the efforts which can be possibly made towards putting the Yuma Indians in the way towards earning their own living will prove largely futile. They recommend that the Government take steps to have the reservation lands leveed so as to prevent overflow, and that, as it is so important to the success of the undertaking, it should be taken in hand at as early a day as practicable. "The Government should of course construct these works, and provision should be made for their early inauguration."

Under date of February 14, 1894, Commissioner John A. Gorman, in response to a request from this office for further information, submitted a supplemental report, in which he states that he finds it impossible to give an approximate estimate of the probable cost of the construction of a levee, or levees, that will permanently protect the lands in question from overflow.

He states that Mr. French, of this city, formerly employed as a surveyor on the irrigating canal through the Yuma Reservation, says that in the month of January, 1893, he made a topographical survey of the west bank of the Colorado River from the Pot Holes (near the northeast corner of the reservation) to the west end of the Southern Pacific Railroad bridge, opposite Yuma, Ariz. On a map accompanying Mr. Gorman's report some of the sloughs, he states, are accurately drawn while others are mere guess work. As a rough estimate, Mr. French thinks that between 300,000 and 350,000 yards of earth will have to be moved, at about 14 cents per yard. This would amount at the highest estimate to $49,000.

Mr. Gorman recommends that an item appropriating $2,000 be inserted in the bill ratifying the agreement, to be expended in making surveys and estimates of the cost of a levee that will permanently protect the lands of the Yuma Reservation from the overflow of the Colorado River at high water.

Under date of December 27, 1893, G. M. Knight, of Yuma, Ariz., addressed a communication to Capt. John Mullen, by whom it was referred to this office, in which he states that last summer a Belgian company determined to take water out of the Colorado, above the reservation on the California side, and bring it into Mexico to irrigate lands in that Republic; that they found they would have to cross the reservation and applied to Congress for a right of way over it, which they got upon condition that they would give the Indians water on the reservation; that they next concluded to turn the ditch onto the desert, instead of Mexico, and in order to avoid giving water to the Yuma Indians according to contract had a commission appointed to treat with the Indians for the surrender of their reservation; that this commission has by threats induced a large number of Indians to sign the

paper which they presented, the contents of which the Indians had no knowledge of; that after the paper was signed they told the Indians that each family was to have 5 acres with water, and that the balance was to be sold for their benefit; and that after the Indians found how much land was in an acre they became dissatisfied with the amount, as they say they can not live on that amount, provision only being made or 400 at 5 acres each, while there are 1,600 Indians to be supported.

He stated that he had little faith in the commission or its honesty of purpose (except old P. Brady) who is easy fooled.

He also stated that the reservation contains 45,889 acres, while the commission represented it to be only about 13,000 acres.

This communication having been referred to the members of the commission for reply, each of the commissioners emphatically denied all the material allegations of Mr. Knight.

It may be remarked that Mr. Knight appears to be uninformed as to the provisions of the agreement. Each *person*, not each family, is to have 5 acres. All the Yuma Indians belonging to the reservation are to receive that amount, not 400 only. The commission estimated the number at 706, but in the agreement there is no limit placed upon the number of those entitled to allotments. The commission does not represent the number of acres in the reservation as 13,000. It states that there are about 18,000 acres which may be irrigated by the water of the proposed canal, of which 14,000 acres should be sold. It also states there are about 28,000 acres which are not irrigable and which should be restored to the public domain.

The agreement appears to have been properly explained to the Indians and to have been freely executed by them. I believe the ratification of this agreement will be of great benefit to these Indians; and have therefore prepared the draft of a bill to ratify and confirm the same.

From the report of the commission it seems to be evident that the construction of a levee along the bank of the Colorado is an absolute necessity to protect the lands of the Indians from overflow and to enable them to receive full benefit thereof, as without the levee they can raise only late crops after the floods have subsided. It would also appear that the value of the lands to be sold would be greatly enhanced by the building of this levee, and that the amount to be derived from the sale of the lands would thereby be greatly increased.

In view of these facts I am of the opinion that provision should be made in the act of ratification for the construction of such levee, the lands not to be appraised until after the completion of the levee. As the Indians will be greatly benefited and the fund increased by much more than the cost, such cost should I think ultimately be defrayed by them.

The agreement provides that the fund shall be subject to appropriations for *inter alia* the construction of levees, and there is nothing therein which limits such levees to the lands retained by the Indians.

The amount required for this purpose has not been definitely ascertained but such information as has been furnished indicates that $60,000 will be sufficient. This amount can be advanced by the Government to be refunded from the proceeds of the sale of lands.

I have accordingly embodied a section in the proposed bill appropriating that amount for the construction of necessary levees, to be reimbursed as above, and providing that such levees shall be constructed before the lands are appraised.

I concur in the recommendation of the commission relative to the change of the right of way of the Southern Pacific Railroad and have incorporated a section to carry the same into effect.

I transmit two copies of this report, and of the agreement, and correspondence referred to.

Very respectfully, your obedient servant,

FRANK C. ARMSTRONG,
Acting Commissioner.

The SECRETARY OF THE INTERIOR.

WASHINGTON, D. C., *January 24, 1894.*

SIR: The commissioners appointed by you to negotiate with the Yuma Indians in California for the cession to the United States of portions of their reservation under the provision of the act of Congress approved March 3, 1893 (27 Stats., 612), now have the honor to report an agreement with said Indians, which is inclosed herewith. The Yuma Reservation in California was established by Executive order of January 9, 1884, and its boundaries are described in the agreement and accompanying map. Portion of the Fort Yuma Military Reservation is included within the boundaries of the present Indian Reservation, having been abandoned by the War Department for military purposes and transferred to the control of the Department of the Interior to be used for Indian purposes. A school conducted by the Government, and in charge of the Sisters of St. Joseph, is in operation in the old barracks, and at present has an attendance of 182 Indian children. The commission had great difficulty in ascertaining, even approximately, the actual number of Indians belonging to the Yuma tribe. The reports of the Commissioner of Indian Affairs and your letter of instructions place the number at about 1,000. Some old residents of that section, who have been in daily contact with them for years, stated that they did not believe there were over 400—others 500—and so on all the way up to 900; and we did not meet one, whose opinion was worth considering, who did not say that there were less than 1,000 Yuma Indians.

The census rolls, if accurate at the time they were made, were found worthless for the purpose of the commission, as neither name nor number could be identified when put to the test, except in the case of the school children and the more prominent of the male adult Indians. Many of the females are without known names, and those who have change them when fancy suggests. When the name is pronounced the ear of the enumerator is his only guide, and no two in the past appear to have heard alike. Identification by former census rolls, therefore, was out of the question.

There were, six years ago, about 1,100 Yuma Indians, so Dr. Cotter, formerly physician and clerk of the Yuma Indian School, and now a resident of the city of Yuma, informs the commission. He says he made a careful census about that time, but that since his enumeration was made, epidemics of grippe, pneumonia, measles, and smallpox and the Indian medicine man have caused great mortality among the Indians. Miss Mary O'Neil (Rev. Mother Ambrosia), who has been superintendent of the Yuma Indian School for the past eight years, corroborates Dr. Cotter.

The Yuma Indians cremate their dead, and not a grave, save that of a white man, is found upon their reservation. They never mention the name of their dead, nor do they want others to, hence there was no

way, through them, of ascertaining who had died since the census was taken. We were, therefore, obliged to disregard all former census rolls, lists, etc., and proceeded to take a new census with the following result:

Males over 18 years of age	251
Males in school	122
Boys, including infants out of school	35
Total	408
Females over 18 years old	208
Females in school	60
Females, including infants	30
Total	298
Total males and females	706

We were informed that the epidemics before mentioned proved more fatal to the females than the males, which accounts for the disparity in their number. A similar inequality is apparent in the number of children of school age, equal exertion having been made to get both sexes into school, yet the number of males in attendance is double that of the females.

The commissioners met and talked with Chief Pama and some of his captains shortly after their arrival at Yuma, and at the chief's request fixed November 24, as the date of the council.

On that day more than half of the adult Indians met the commissioners in council, but as their regular interpreter was absent attending court at Phœnix little progress was made. Indian Agent Estudillo informed the commissioners that some of the Indians spoke and understood Spanish, and as he could speak both languages, he would, through an Indian named Huteloma, interpret whatever the commissioners and Indians had to say.

A petition largely signed by the Indians, addressed to the President and Congress, asking for the appointment of a commission, was shown and interpreted to the Indians, and they were asked if they had signed the same. To this they replied that it was their petition, that they fully understood it, and were glad the commissioners had come to meet them. The Indians were then told about the grant of the right of way through the reservation that Congress had made to the Colorado Irrigating Canal, and they said that they knew of the proposed canal and were glad it was going to be built, as they could then get water all the year around and would not have to rely upon the overflow of the Colorado River.

It was apparent that the matter of the canal had often been discussed by the Indians, and that from observation of irrigated lands on the other side of the river from the reservation they knew the benefit the canal would be to them.

The question of acreage was then considered, and the commissioners, feeling that the Indians might not understand the quantity of land contained in an acre, measured off an acre of land and pointed out same to them. We then asked them how many acres each head of a family should have, and how much land each of the single Indians, old and young, would need, and told them to carefully consider the matter. The Indians conferred among themselves for some time, and not appearing to be able to reach a conclusion, we asked them if they did not think 10 acres for each head of a family and 5 acres for each of the others would be sufficient? Chief Pama said the Indians wanted

time to think over the matter and that they wanted Bill Mojave, their interpreter, present when they answered. The Indians were then told to take ample time to consider the question, as it was an all-important one to them, and that the council would adjourn and await the return of Bill Mojave, the interpreter. We told them that as it was uncertain when Bill would return, we would like to have the chief and a committee of the Indians accompany the commission on a trip over the reservation, so the Indians could point out that portion of the reservation, under the water of the proposed canal, upon which they would prefer to have their allotments.

The greater part of the week following was spent in conference with the chief and delegations of the Indians and in going over the reservation inspecting land. Learning that there was a possibility of the interpreter being kept at Phœnix court for some time, we telegraphed the U. S. district attorney, who consented to allow him to return to Yuma provided we would pay his, the interpreter's, expenses. This the commission was obliged to do, and when we informed the chief that the interpreter was on his way home he sent out runners to all points of the reservation to tell the Indians to meet Monday morning, December 4.

At this second council of the Indians, the largest, we were informed, ever held by the Yumas, Bill Mojave, the interpreter, was present. The proceedings of the former council were referred to, and also the talks at the various conferences, and the interpreter was told to explain to the Indians that the ideas, terms, and conditions of the commissioners and the Indians had been incorporated into an agreement, which would be read and fully explained to them.

The accompanying agreement was then read and its provisions discussed. The interpreter told the Indians that the agreement was ready for the signatures of the Indians and all who were in favor of it should step up to the table and sign his name or make his mark. As we were about taking the names the chief said he had something to say. He said he had not much to say, but "that they would like to have the sisters get the hill and land to make their homes there because teaching the children it is a help to us, * * * and let them have a half section of land."

The commissioners once more called the attention of the Indians to article 7 of the agreement and assured them we would see to it that their wishes in regard to the sisters and the school and half section of land would be respected.

The Indians then began signing, Chief Pama being the first to make his mark, followed by the captains and other male adult Indians to the number of 203.

Ex-Chief Miguel and 8 Yuma Indians were in the Los Angeles jail, and as he had formerly been chief of the Indians and at the present time a leader of a faction of them, the commission thought it but proper to visit him and get his views. Walter Averspun, his interpreter, who is also in jail, told the ex-chief and the other Indians of the object of the visit of the commission and asked them their wishes in regard to taking their land in allotments. They all were in favor of doing so. They also said they knew of the proposed canal and hoped it would soon be built.

Of all the known male adult Indians (a total of 251) 203 signed the agreement; those in jail expressed their satisfaction with its terms, and the commission believes that of the remaining 40, many of whom

are at work off the reservation, nearly all would have signed had they been present.

It will require about 3,600 acres of land to cover the allotments to the Indians, and as there are about 18,000 acres of the reservation which may be irrigated by the water of the proposed Colorado Irrigating Company's canal, about 14,000 acres should, if the agreement is approved by Congress, be sold as suggested in article 3 of said agreement.

While opinions varied as to many matters connected with the work of this commission, there was but one in regard to the value of the land on this reservation which could be brought under the water of the canal, and that is, that there is no better land anywhere. The soil is a sandy loam which has been annually enriched by the overflow of the Colorado River. Only small patches of it have been cultivated by the Indians in the past, and that in the most primitive manner, yet enough has been done to demonstrate its great fertility. To those unfamiliar with lands of the kind in question, 5 acres per capita may appear to be a small allowance, yet we found in portions of California that a farm of that size, and under irrigation was, in many instances, profitably supporting a whole family. Following precedent, our first idea was to recognize heads of families, and to give to each male head of a family, 10 acres of land; but we discovered that among these Indians, except in rare cases, such a thing as a marital obligation is unknown, and that separation and abandonment were common occurrences. So there was but one way to protect the interests of the women and that was to put her, so far as her share of the land was concerned, on an equal footing with the men, and we therefore suggested to all—men, women, and children—an equal allotment, which was agreed to.

Prices of land in that part of the country, as elsewhere, are influenced by water supply and distance from town and communication. All that is required to give the land on this reservation all those advantages is the completion of the projected irrigating canal.

It is adapted to growing the cereals, fruits, vegetables, alfalfa, seven crops of which may be cut annually, and is first-class citrus land. Upon the opposite side of the river where conditions of soil and climate are similar all fruits ripen from two to six weeks ahead of what have hitherto been considered the earliest sections of California. The commission heard many different ideas expressed as to the cash value of an acre of this land varying from $25 to $100 and upward, and there appeared to be such a diversity of opinion we concluded not to attempt, even by suggestion, to determine the matter at this time, and incorporated in the agreement a provision that when all the allotments shall have been made to the Indians the residue of the reservation subject to irrigation shall be surveyed and subdivided into tracts of 10 acres each, and such tracts or subdivisions shall be appraised by a board composed of an Indian inspector, special Indian agent, and the agent in charge of the Yuma Indians. We believe that a board of appraisers made up as stated will do justice to the Indians and the Government; they are now in the service and, of course, disinterested, and will do the work expeditiously.

The commission concluded that the best way to dispose of that portion of the reservation which may be irrigated is to subdivide it into 10-acre tracts and, under the direction of the Secretary of the Interior, after notice by publication, sell it at auction. This will give the man of small means an opportunity to purchase and will prevent

persons from getting this valuable land and holding it for speculative purposes.

If only 12,000 acres of this land be sold, and if $50 an acre, on an average, is realized, a fund of $600,000 will be created. The disposition of the fund, no matter what the amount may be, was very thoroughly discussed with the Indians, and the conclusion arrived at is fully set forth in article 4 of the agreement. The commission felt that it would be better to have the money placed to the credit of the Indians in the Treasury of the United States, and that this money and the interest thereof should be at all times subject to appropriation by Congress, or to application by order of the President, for the payment of water rent, building of levees, irrigating ditches, laterals, the erection and repair of buildings, purchase of tools, farming implements, and for their education and civilization. If anything like the quantity of this land is sold, and if it brings anything like the price expected, the commission believes that the interest on the prospective trust fund will be ample for all the purposes mentioned. A reference to article 5 of the agreement will show that careful provision was made for the protection of the allotments of the Indians for the period of twenty-five years.

The number of acres contained in this reservation is nearly 46,000, about 28,000 of which can not be irrigated by the water of the proposed canal. The surveyors in running their line for the canal evidently ran it with the view of covering every acre of the reservation upon which it was possible to place water, and the agreement in article 6 provides that "all lands upon said reservation that can not be irrigated are to be open to settlement under the general land laws of the United States."

The commission recommends that the allotments to the Indians be made east of the line dividing sections 25 and 26, 23 and 24, 14 and 13, 11 and 12, and in contiguous tracts or subdivisions. We think it is for their best interest to locate them in a body and near the headwaters of the canal, or about where the natural flow of the water of the canal appears above the ground.

The commission consulted with Mr. Chas. R. Rockwood, the chief engineer of the Colorado River Irrigation Company, for the purpose of ascertaining what lands the company proposed to bring under water and have him indicate the proposed route of the canal. The map of definite location of the canal forwarded by the Indian Office to the commission, and which is herewith returned, accurately represents the survey of said canal and we recommend its approval, as the line or route thereon indicated is, in our opinion, the very best that can be run on the reservation.

In this connection it may be observed that the act granting the right of way to the Colorado River Irrigating Company made no provision as to the time when work was to begin on their projected canal. The commission is of the opinion that there should have been some limit in this respect in that act, but as none was made we would suggest that in the bill ratifying the agreement a provision in that direction should be inserted.

We entered into no negotiation with the irrigation company as to the terms and conditions upon which the company will supply the Indian occupants of the land situated on the lower side of the canal with sufficient water for all domestic and agricultural purposes and purposes of irrigation, but obtained from Mr. John C. Beatty, its general manager, the following proposition:

DEAR SIR: In complying with your request that I make a proposition on behalf of the company which I represent for supplying water for the Yuma Indians, for the land which your commission have selected for them under the Colorado River Irrigation Company's canal in California, I have to say that, in consideration of the right of way which has been granted our canal through the Indian reservation, I am willing to give the Indians a perpetual water right to the lands awarded to them in severalty.

I will agree to deliver water to the Indians for those lands at an annual water rental of $2 per annum per acre for the land under cultivation, provided that the total acreage paid for shall not be less than one-half the land held by the Indians under your treaty with them.

JOHN C. BEATTY,
First Vice-President and General Manager,
Colorado River Irrigation Company.

The second section of the act granting the right of way to aforesaid company provided that the rights granted in the act are upon the express condition that the grantee or grantees shall, at all time during the continuance thereof, furnish the occupants of the land with sufficient water on such terms and under such rules and regulations as shall be prescribed by the Secretary of the Interior.

The opinion of the commission is that the terms of Mr. Beatty's proposition are fair and reasonable, and should be accepted.

Article 7 excepts from the operation of the agreement a tract of land, including the buildings situated on the hill on the north side of the Colorado River, formerly Fort Yuma, now used as an Indian school, so long as the same shall be used for religious, educational, and hospital purposes for said Indians; and a further grant of land adjacent to the hill is set aside as a farm for said school; the school site and farm not to exceed in all one-half section of land, or 320 acres.

Before the Indians agreed to the cession of any portion of their reservation, and before one would sign the agreement, they asked that the Sisters of Saint Joseph be given the buildings and land mentioned in article 7. We ascertained that the sisters of that order have had charge of that school for the past eight or nine years; that they have labored faithfully, patiently, and under many difficulties to civilize and Christianize the Indian. That a higher civilization is not found among the Yumas is no fault of theirs, or of the Indians themselves, but entirely due to the conditions surrounding them. Should the accompanying agreement become a law, and the irrigating canal built, we believe that there is a bright future for the Yuma Indians; and since it is their wish that the sisters remain with them, to teach their children, to nurse their sick, and look after their spiritual welfare, the commission feels that their desire in regard to the school and half section of land should be respected, and suggests that the bill submitted to Congress asking for the ratification of the agreement contain a provision that will carry the same into effect.

The Southern Pacific Railroad obtained the right of way in 1879, and was operating its road through the present Yuma reservation long before the executive order of January 9, 1884, establishing the reservation was promulgated. The great flood of the spring of 1891, which swept everything off the face of the reservation, made it necessary for the company to change its line, which it did, locating it a short distance from the old line, but upon higher ground. In view of the construction of the proposed canal, and the fact that only the lands under the canal will be of value, the change is a most beneficial one for the Indians and the Government, as much more of such land is available for sale and allotment.

The present higher and more elevated railroad bed will serve as a permanent levee, protecting all who may locate under it from the floods of the future. Since the Indians are satisfied, the traveling public, the Government, and, in fact, all interests benefited, the commission recommends that the present line of road, as shown by the accompanying map, be approved by legislation if necessary, and that the right to the abandoned roadbed be condemned and it be used hereafter as a wagon road.

A portion of the land retained by the Indians will be subject to overflow during the summer rises of the Colorado, as well as a portion of that which they cede to the Government, and the Government should take steps to prevent this overflow by building levees. A word of explanation as to the rise and fall of the river and the character of the land under the proposed canal of the Colorado River Irrigation Company may be well in this connection. The river is fed by the melting snows of the mountains of Colorado, Wyoming, and Utah, and attains its greatest height in the summer season, generally about the last of June, being at its lowest in the winter. The bottom land along the stream is intersected by a number of bayous or lagoons extending from the river at irregular intervals. When the annual rise in the river takes place these bayous, though ordinarily perfectly dry, fill with water. and through them the entire bottom land is covered with water at a season of the year when crops should, in that climate, be ripening. It is evident that if nothing is done to prevent this inundation all the efforts which can possibly be made toward putting the Yuma Indians in the way toward earning their own living will prove largely futile. We, therefore, recommend that the Government take steps to have the reservation lands leveed, so as to prevent overflow, and this work is so important to the success of the undertaking that it should be taken in hand at as early a day as practicable. The Government should, of course, construct these works, and provision should be made for their early inauguration.

It should be stated in this connection that the lands reserved for the Indians by this treaty are no more subject to this overflow than those which the Indians cede. Portions of the lands comprised in their present reservation which lie near the river and under the line of the proposed canal, excepting those under the new railroad bed, are liable to this overflow during the summer rise, so that the Indians are placed at no disadvantage to which they are not now subjected by the terms of the agreement.

The Yuma Indians are at present under the Indian agent of the Mission Tule River (consolidated) Agency, whose office is at Colton, nearly 200 miles distant.

When the allotment provided for in the agreement shall have been made a farmer having a knowledge of irrigation, horticulture, and farming generally as carried on in that section should be appointed to look after the interests of these Indians.

We received, through G. M. Knight, attorney for the widow and guardian of the minor children of A. E. De Corse, deceased, the inclosed application for land in severalty. Mrs. De Corse is a full-blood Yuma Indian, who married a white man by the name of De Corse.

Mrs. Hodges occupies a tract of land on the reservation and was there long before the reservation was established. She has receipts running back many years showing that she has paid taxes on same. Hall Hanlon, the Yeager estate, and perhaps others also, claim rights to land within the boundaries of the present reservation.

The thanks of the commission are especially due to Mr. Thomas Gates, Judge Van Derwerker, Dr. Hefferman, Dr. Cotter, Indian Agent Estudillo and the sisters in charge of the school, for valuable assistance rendered.

Very truly, yours,

WASHINGTON J. HOUSTON,
JOHN A. GORMAN,
PETER R. BRADY,
Commissioners.

The SECRETARY OF THE INTERIOR.

Application for land in severalty.

TERRITORY OF ARIZONA, *County of Yuma, ss:*

G. M. KNIGHT, being first duly sworn, says:

That he is the duly appointed and qualified and acting guardian of the persons and estate of the minor children of A. E. De Corse, deceased, a white male American, by his wife Lucy De Corse, an Indian woman of the Yuma tribe of Indians, the said widow being still living and residing with her said minor children in the village of Yuma, county of Yuma, Territory of Arizona.

That the respective names and ages of the said minor children are as follows, to wit:

Henry P. De Corse, aged 19 years.
Charles De Corse, aged 17 years.
Samuel De Corse, aged 16 years.
George De Corse, aged 13 years.
Benjamin De Corse, aged 9 years.
Josephine De Corse, aged 3 years.

That the said Lucy DeCorse, mother of said children, is aged 38 years. That each and all of said minors and their said mother, are still living and residing in the village of Yuma, county and Territory aforesaid.

That said widow has continuously resided in said village and county with her husband and children, at all times since her said marriage to her said husband in the year A. D. 1874.

That her said marriage with her said deceased husband was performed according to the Indian custom, by and with the consent of Pasqual, chief of the Yuma tribe of Indians, and in his presence and in the presence of affiant.

That at said marriage, in the presence of affiant, the said Pasqual, as chief of the Yuma tribe of Indians, acknowledged said Lucy, so married, to be a Yuma Indian, of his tribe.

That both of her parents were dead, and by reason thereof he consented and approved of said marriage.

That at the time of said marriage, the said A. E. DeCorse, deceased, was a practicing physician and surgeon, in the said village, county, and Territory, and so remained up to time of his death, June 1, A. D. 1891.

That on the 23d day of June, A. D. 1891, by and at the request of said widow and minor children, affiant was appointed by the Hon. F. L. Ewing, probate judge of the county of Yuma, Ariz., a joint guardian, with said widow, of the persons and estates of said minors, and thereafter on the 25th day of June letters of guardianship was duly issued to him, and that at all times thereafter he was, and still is the qualified and acting guardian of said minor children.

That he is also, the duly authorized attorney of the said widow, Lucy DeCorse, aforesaid.

That as said attorney for said widow, and as guardian for said minors, for them and each of them and in their behalf, affiant claims a right, in and to the lands set aside by the United States of America as a reservation for the Yuma Tribe of Indians.

That said claim is made by virtue of the Indian blood of said tribe in said widow and her said children.

Wherefore affiant prays: That land be set aside in severalty from said Yuma Indian Reservation, for the exclusive use, maintenance, and benefit of the said widow and her said children, and all of them, under the laws, rules and regulations, of the United States of America, relating to Indians in such cases, made and provided.

And your petitioner will ever pray.

Dated at Yuma, county of Yuma and Territory of Arizona, this 22d day of November, A. D. 1893.

G. M. KNIGHT,
Joint guardian of minor children of A. E. De Corse, deceased, and also as attorney for Lucy De Corse, widow of said deceased.

Subscribed and sworn to before me this 22d day of November, A. D. 1893.
[SEAL.] F. L. EWING,
Probate Judge, County of Yuma, Territory of Arizona.

I hereby certify that G. M. Knight, described in the foregoing instrument as the joint guardian of the minor children of A. E. De Corse, deceased, is at this time joint guardian of said minor children of A. E. De Corse, deceased, and is also attorney of Lucy De Corse, widow, mother of said minor children of A. E. De Corse, deceased, as appears by records of this court.

Witness my hand and the seal of this court this 22d day of November, A. D. 1893.
[SEAL.] F. L. EWING,
Clerk of Probate Court, County of Yuma, Territory of Arizona.

To the President and the Congress of the United States:

We, the members of the Yuma tribe of Indians, have this day signed articles of agreement providing for the opening of our reservation in the State of California, on the Colorado River, to white settlement, except a portion of the same which we wish to have reserved for our use, and divided in severalty among us. We desire to accompany this document with one of less formal character, giving some of the reasons for our action.

We claim to be a peaceable people, and believe we can if necessary secure the indorsement of our white neighbors as to our character for integrity, willingness, and ability to work. We have now been associated with the whites for a third of a century, and have not only looked upon them as our brothers but to regard them as teachers as well; and have tried to improve our opportunities by learning from them lessons of thrift. We have, we think, succeeded to the extent that if given the opportunity we could improve our fortunes if thrown upon our own individual resources, and furnished some of the appliances and conveniences necessary in tilling the soil.

It is a fact probably known to your honorable selves, or, if not known, easy of verification, that the Government of the United States does not aid the Yumas in anyway except by maintaining a school among them, of which they try to show their appreciation by sending their children to it.

We have been assured by those in position to know that in the matter of Government aid we have been dealt with less liberally than almost any other Indian tribe. We have often found it very difficult to get food for ourselves, our squaws, and our children, for the reason that nature provides very little to our hands spontaneously, and we have never received any assistance in helping ourselves. The greater part of our reservation is desert land, and the remainder of it would be such but for the fact that it lies on the low bottom land of the Colorado River, and is overflowed once a year. The water from this overflow does not as a rule subside before the 15th of July. After it subsides we plant small crops of melons, corn, squash, and the like, when we secure the seed for the same, and thus obtain a meager supply of food for the winter and spring. But as we have no appliances for leveling the land or tilling the soil, and as we are compelled to plant very late, and then can secure no water for irrigation, our crops are necessarily poor. Consequently we often feel a desire for food which we have no means of supplying.

Owing to the desert character of our land game is very scarce, and we can not count upon a forest to supply us with food as can many of the tribes more liberally dealt with than ours has been. We, the men of the Yuma tribe, pride ourselves upon our willingness to work with our hands, and are confident that our white neighbors will bear testimony to our character as a people in this respect. We have been told that in many other Indian tribes the men consider it a degradation to be compelled to earn a living by manual labor, and that most Indians require their women to do the greater part of the labor that is done. This is not true of the Yumas. We believe our white neighbors will confirm our statements that we are always willing to work at anything offered. We do not spend the money we get in drink, but use it to piece out our crops and to secure food and clothing for ourselves and families. The white population is, however, very sparse in this vicinity, and it is impossible for more than a small portion of us to secure employment at a time. Small wonder, then, that with scant crops and scantier wages, with which to supply our wives, sisters, and daughters with food, many of them depart from the path of virtue.

From this course we would save them as we would ourselves from poverty if the means were supplied us. We believe if furnished with a small tract of land, with water to irrigate it and with the means of cultivating, we could improve our for-

tunes to the extent of securing at least all the necessaries of life. We believe from what we hear that if a portion of the land now embraced in our reservation could be thrown open to settlement an irrigating ditch would be built through the reservation, which is not practicable off our reservation in this vicinity. If this ditch could be built it would improve our chances of securing labor while building and among settlers after its completion, and also furnish us with water for our land. With water the land is very fertile and produces all sorts of vegetables and melons as well as fine fruits. We have noticed that our white neighbors across the river on the Arizona side raise fine crops, and on account of the climate get their fruits early, so that they bring large prices and they are compelled to cultivate only very small tracts to make a living and more. As it is the white man has his watermelon ripe by the first of June. We must wait for ours until September. So it is with other products of the soil because we have to wait on the river for our irrigation. While with water the soil is fertile, nothing will grow without irrigation, for there is no rain. Hence we want the ditch built so that we can get water and have early and large crops like our white friends. We are willing to give up a large part of our reservation because as it is it is worthless to us, if we can have small tracts set apart for our use. We do not want a great deal of land, for we have noticed that the white man who in this country has small holdings, 5 and 10 acres, and cultivates his land well, is the most successful and the most certain to have what he wants and have it when he wants it.

These are some of the reasons why we have a great desire to cede some of our lands. We have lived among the white people for many years and have in many respects adopted their ways. We have learned to work. We believe if our people had small homes of their own, such as they could care for, they would improve rapidly and soon take on the manners of civilization. We only ask that a part of our lands be given us in severalty and under a ditch, and that the proceeds of the sales of the lands of our reservation not appropriated to our use as above be set apart as a fund for our benefit.

The present generation of Yumas have in every way tried to obey the laws of the United States and show their respect for the National Government. We believe our present request to be reasonable and earnestly pray that it may be granted.

Captain Jose Palmer, x.
Captain Chino, x.
Captain Kelly, x.
Captain Juan Manchado, x.
Captain Tom, x.
Fred, x.
Menier Questi, x.
Seni Quimetz, x.
Squom Menu, x.
Squor Homor, x.
Manuel Squalanda, x.
Eva Quor, x.
Mahat Nehi, x
Padro Quro, x
Mavill Vah, x.
Qusonaural, x.
Ahphip, x.
Parrohin, x.
Qual Quo, x.
Ahact Scorr, x.
Ahout Terimairr, x.
Yunha, x.
Supor Burro, x.
Buato Por, x.
Jaun Vapor, x.
El Coromietz, x.
Chipa Ehiha, x.
Teni Moni, x.
Jaun Townsend, x.
Zera Turrohah.
Alla Zeha, x.
Metz Comodah, x.
Ollein, x.
Quarreir, x.
Muldin Yahm, x.
Sehumahi, x.
Ravill, x.
Quinta, x.

Squanziha, x.
Sa Ra Hila, x.
Harol escerra, x.
Mehi Razahr, x.
Tom Tozuorha, x.
Zerahalzeratz, x.
Pizatz, x.
Papel, x.
Colozahl, x.
Qui Quivau, x.
Tom, x.
Ezra Quitz, x.
Harmazer, x.
Oto Burro, x.
Zero Pocurro (policeman), x.
Joe (policeman), x.
Zero Palcot, x.
Espau Zeta, x.
Medi Horacopet, x.
Cohl, x.
Hansoma, x.
Hota Hotka, x.
Rentz Comitz, x.
Ramudar Acom, x.
Muhau Comahar, x.
Tuzrazetta, x.
Mi Hoha, x.
Jim (policeman), x.
Herro Mohilko, x.
Hotzil Verruh, x.
Tatzin Quinneo, x.
Mohiam, x.
Zohimmah, x.
Hanoh Hitz, x.
Sars, x.
Mi Sau, x.
Mekin Munhu, x.
Carilnitz, x.

Carrotz, x.
Zer Valzuatz, x.
Ha Tat, x.
Ehiahumi, x.
Morzah, x.
Mi Curroh, x.
Hito Pa Yuna, x.
Zeta, x.
Zelpa Curroh, x.
Burro Quot, x.
Euhok, x.
Eshile, x.
Humo To Mitz, x.
Avahr Quorhil, x.
Ha Hale, x.
Quierra Humar, x.
Hopok, x.
Paucho (policeman), x.
Zerro Hatkin, x.
Zerro Hatkuimo, x.
Atkit, x.
Alhi, x.
Zerra Hamil, x.
Esparo Hulduk, x.
Nuno, x.
Zeta Kerra, x.
O' Taskerata, x.
Suplo Ohi, x.
Sun Mahio, x.
Muhi Ezildom, x.
Elli Mahm, x.
Zuatzu, x.
Hautpocuro, x.
Rescor, x.
Cosa, x.
Ocupo. x.
Rempouq, x.
Urra Rutz, x.

I, O. F. Townsend, a notary public in and for the county of Yuma, Arizona, do hereby certify that the foregoing named are members of the Yuma tribe of Indians, and that the names of each were signed by them and by their authority. That I have been intimately acquainted with said Indians for many years, and that they are anxious to take lands in severalty.

Given under my hand and seal of office this 27th day of July, 1893.

[SEAL.] O. F. TOWNSEND,
Notary Public.

Articles of agreement made and entered into on the Fort Yuma Indian Reservation, county of San Diego, California, on the part of the Yuma Indians.

ARTICLE I.

The said tribe of Yuma Indians on the Fort Yuma Indian Reservation, county of San Diego, California, hereby cede, convey, transfer, and relinquish forever and absolutely without any reservation whatever, all their claim, title, and interest of every kind and character in and to the lands embraced in the Fort Yuma Indian Reservation in the county of San Diego, California.

ARTICLE II.

In consideration of the cession recited in the foregoing article, the United States are requested to allot in said tract of country to every member of said Yuma tribe of Indians such a quantity of land under the circumstances the Secretary of the Interior may deem for the best interest of said Indians, or such an amount as Congress may fix, to be selected, held, and owned by us in severalty; and that the father, if he be dead the mother shall have the right to select a like amount of land under the same instructions for each of his or her children under the age of eighteen years, and that the Commissioner of Indian Affairs, or some one appointed by him, shall select a like amount of land for each orphan child.

ARTICLE III.

All allotments herein shall be selected and made within sixty days from the ratification of this agreement by the Congress of the United States, and should any Indian refuse to make his or her selection of land in such time, then the allotting agent in charge shall make such selection within thirty days thereafter, and a certificate of said allotting agent shall at once be issued to each Indian upon his selection of the selection for them of their allotments.

ARTICLE IV.

When said allotments shall be completed as aforesaid, and approved by the Secretary of the Interior, the titles thereto shall be held in trust for the benefit of the allottees, respectively, for the period of five (5) years, and at the expiration of said five years the title thereto shall be conveyed in fee simple to the allottees, or their heirs, free from all encumbrances.

The President of the United States may, in his discretion, extend the said period of five years to a period of five years more.

ARTICLE V.

It is further agreed that the land not allotted be opened to white settlement under the desert land laws, and sold to applicants thereunto at one dollar and twenty-five cents (1.25) per acre, the sum realized from such sales to be annually divided into two equal parts; one part to be paid annually to said Indians severally on a census to be taken by the allotting agent at the time of making the allotments, and one part to be used for the support, maintenance, and improvement of the Fort Yuma Indian School, under such regulations as may be prescribed by the Secretary of the Interior.

In witness whereof we, members of the Yuma tribe of Indians, have hereunto set our hands and seals this 24th day of July, A. D. 1893, after this agreement was fully and completely explained to us, and after we have fully understood the same, this said agreement having been prepared under the direction of our headmen representing each of us.

Captain Jose Palmer, x.	Captain Tom, x.	Squom Miner, x.
Captain Chino, x.	Fred, x.	Squor Hornor, x.
Captain Kelly, x.	Menier Questi, x.	Manuel Squalanda, x.
Captain Jaun Mauchado, x.	Seni Quimetz, x.	Eva Quor, x.

Mahat Nehi, x.
Ollein, x.
Quarrier, x.
Mulden Yahrn, x.
Schumahi, x.
Ravill, x.
Quinta, x.
Squauzihal, x.
La Ra Hila, x
Heral Esceora, x.
Padro Quro, x.
Marill Vash, x.
Qusonamuh, x.
Ahphip, x.
Parrohui, x.
Qual Quo, x.
Ahait Scow, x,
Ahacit Tenenairr, x.
Yunha, x.
Supar Qurro, x.
Quato Par, x.
Jana Vupor, x.
El Coromitz, x.
Chipa Ehiha, x.
Teni Moni, x.
Jana Townsand, x.
Zera Turrohah, x.
Mitz Comodah, x.
Reitz Comitz, x.
Ramudar Acorn, x.
Muhau Comahor, x.
Tuzrazetta, x.
Mi Hoha, x.
Jim (policeman), x.

Mehi Razahr, x.
Tom Tozuorha, x.
Zerahalzeratz, x.
Pizatz, x.
Papel, x.
Colozuhl, x.
Qui Quivan, x.
Ton, x.
Esra Quitz, x.
Hornrezer, x.
Ota Quro, x.
Zero Porcuro (policeman), x.
Joe (policeman), x.
Zero Polcot, x.
Espau Zeta, x.
Medi Horacapet, x.
Alla Zeha, x.
Cohl, x.
Hansom, x.
Hato Hatka, x.
Ha Hale, x.
Quiewa Humar, x.
Hapah, x.
Pancho (policeman), x.
Zewo Hatkin, x.
Zorro Hatkimmo, x.
Herro Mahilko, x.
Hatzel Venuh, x.
Tatzin Quinmo, x.
Mohiam, x.
Zohimmah, x.
Hanah Hitz, x.
Lars, x.
Mi Sau, x.

Mekin Munhu, x.
Carrilmitz, x.
Carrotz, x.
Zer Valquatz, x.
Ha Tat, x.
Ehiahumi, x.
Morzah, x.
Mi Carroh, x.
Hita Pa Yuma, x.
Zeta, x.
Zetpa Curroh, x.
Rurro Quot, x.
Euhok, x.
Eshili, x.
Humito Mitz, x.
Avahr Quorhil, x.
Urra Rutz, x.
Athit, x.
Alhi, x.
Zerra Hanril, x.
Espara Hulduk, x.
Nuni, x.
Zeta Kerra, x.
O Taskerata, x.
Supto Ohi, x.
Sum Mahio, x.
Mahi Ezildom, x.
Elli Mahm, x.
Juatzu, x.
Hauspocuro, x.
Resero, x.
Casa, x.
Ocupo, x.
Rempouq, x.

I, O. F. Townsend, a notary public in and for the county of Yuma, Ariz., do hereby certify that the foregoing named are members of the Yuma tribe of Indians, and that the names of each were signed by them and by their authority. That I have been intimately acquainted with said Indians for many years, and that they are anxious to take lands in severalty.

Given under my hand and seal of office this 27th day of July, 1893.

[SEAL.] O. F. TOWNSEND,
Notary Public.

FRIDAY, *November 24, 1893.*

The council met at 10 o'clock a. m. and called to order by Chairman Houston.

In the absence of Bill Mohave Chief Palma said the Indians would be satisfied to have the proceedings interpreted in Spanish, and named Santiago Gustemate, an Indian, whose Indian name is Hut e lo me, as interpreter, who was to communicate their wishes through Indian Agent Estudillo.

Chairman Houston suggested that they first be informed of a petition, marked Exhibit A, filed in Indian Office under file No. 41004 (Inclosure No. 2), 1893. The petition was shown the Indians, and they were asked if they had signed same and Chief Palma said they understood the paper and had signed it, and that they wanted their lands divided as the paper states. The interpreter was told to explain to the Indians that the commissioners were sent here by the Interior Department, or Government, to treat with them about their lands as requested in the petition, and that the commission was ready to hear all that they might have to say on the subject.

The Indians were asked if they knew anything about the ditch or canal company going to put a ditch through their reservation and that it was the purpose to allot them lands below the ditch, giving every Indian his own land. Chief Palma answered, yes; he understands they are going to build the canal, but wants to know how soon they are going to work on it and when they are going to have it finished. Chairman Houston told interpreter to tell them he was informed by Chief Engineer Rockwood that work would be commenced about the 1st of December and pushed as quickly as circumstances would admit. The interpreter did so and Chief Palma said he understands it and is satisfied.

The interpreter was told to tell the Indians that it was the purpose if they desired it to allot them lands below the ditch so that they could get water on it, instead of waiting for the river to overflow, and that each one would own his own farm, and they were told to indicate how many acres each wanted.

Chief Palma replied that he understands it and is very much pleased to have the lands set aside to them and that others had promised to divide their lands before and did not do it, but hoped and believed this commission will do it.

Commissioner Brady then, with Agent Estudillo measured off an acre of land on the parade ground and showed the chief and Indians what an acre of land is and they were asked if they fully understood it, to which they replied that they did.

The chief was then asked how many acres each man should have, and the interpreter was told to ask the chief to submit an offer of 10 acres to each head of the family and 5 acres to each child under 18 years of age, and ask them if they would be satisfied with that quantity of land. The question was put to a vote, after being fully explained and discussed, and they all said they were satisfied. The interpreter was then told to explain to the Indians that the Indians would only require a portion of the lands below the ditch and they were asked if they were willing that the remainder of the lands be deeded to the Government for their benefit and sold, the money to be used to help them on their new farms, to pay water rents, buy seeds, to educate their children. The chief said the Indians wanted to take time to consider the matter, and wanted to have Bill, the interpreter, present. Commission adjourned to wait for the return of Bill. The Indians then returned to their feast and were told that they would be notified when we would want them again, which would be as soon as we could get Bill Mojave back from Phœnix; that while waiting for the interpreter's return the commission would like to have the chief and a delegation accompany the commission on a trip over the reservation, so that the Indians might select the lands upon which they desired to locate, and that the commissioners would adjourn the council until the return of the official interpreter.

Council convened December 4, 1893, at council hall, on the reservation.

The interpreter was told to tell the chief and the Indians that commission was ready to hear anything they had to say. The chief replied he wanted to hear what the commissioners had to say. The agreement was then read by sections and interpreted to the Indians. The interpreter was then told to ask the chief and the Indians if they understood the agreement and if he had any objection to its provisions, and he replied they had not and were satisfied. They were then asked when they would be ready to sign, and he replied they were ready.

The interpreter was told to ask them if they had anything more to say before signing and the chief said he had.

The chief said he had not much to say, but they would like to have the sisters get the hill and land and to make their home there, because teaching the children it is a help to us—the sisters and let them have a half section of land to them for the school. Chairman Houston said provision was made in section 7 of the agreement, which had been read to them. The commissioners then, through the interpreter, asked the Indians to file past and make their marks or sign their names, and only male Indians over 18 years of age need sign.

Bill, the interpreter, was told to stand by table and explain to each Indian as he passed what he was doing and to witness the work.

The Indians began signing before 11 o'clock and continued until half-past 12, when the feast was given them. At 2 o'clock the commissioners again met and the Indians resumed signing, continuing until 5 o'clock. Only one Indian appeared to have any objection to signing. The interpreter fully explained the matter to him and obtained his signature. The interpreter was told to tell the Indians who had not yet signed that they would be given an opportunity the following day. Over 190 signatures were obtained at this meeting and the following day nine others appeared and signed.

We, the commissioners of the Yuma commission, hereby certify to the fact that the above is a correct report of the proceedings of the two councils of the commissioners and the Yuma Indians.

WASHINGTON J. HOUSTON,
Chairman.
JOHN A. GORMAN,
P. R. BRADY.

I also add my certificate to the correctness of the proceedings as set forth above.

BILL MOJAVE,
Official Interpreter.

Articles of agreement made and entered into this 4th day of December, A. D. 1893, at Fort Yuma, on what is known as the Yuma Indian Reservation, in the county of San Diego, State of California, by Washington J. Houston, John A. Gorman, and Peter R. Brady, commissioners on the part of the United States, appointed for the purpose, and the Yuma Indians:

ARTICLE 1. The said Yuma Indians, upon the conditions hereinafter expressed, do hereby surrender and relinquish to the United States all their right, title, claim, and interest in, and to, and over the following described tract of country in San Diego County, California, established by Executive order of January 9, 1884, which describes its boundaries as follows:

"Beginning at a point in the middle of the channel of the Colorado River, due east of the meander corner to sections 19 and 30, township 15 south, range 24 east, San Bernardino meridian; thence west on the line between sections 19 and 30 to the range line between townships 23 and 24 east; thence continuing west on the section line to a point which, when surveyed, will be the corner to sections 22, 23, 26, and 27 in township 15 south, range 21 east; thence south on the line between sections 26 and 27, in township 15 south, range 21 east, and continuing south on the section lines, to the intersection of the international boundary, being the corner to fractional sections 34 and 35, in township 16 south, range 21 east; thence easterly on the international boundary to the middle of the channel of the Colorado River; thence up said river, in the middle of the channel thereof, to the place of beginning, be, and the same is hereby, withdrawn from settlement and sale and set apart as a reservation for the Yuma and such other Indians as the Secretary of the Interior may see fit to settle thereon: *Provided, however,* That any tract or tracts included within the foregoing described boundaries, to which valid rights have attached under the laws of the United States, are hereby excluded out of the reservation hereby made.

"It is also hereby ordered that the Fort Yuma military reservation, be, and the same is hereby, transferred to the control of the Department of the Interior, to be used for Indian purposes in connection with the Indian reservation established by this order, said military reservation having been abandoned by the War Department for military purposes."

ARTICLE II. Each and every member of said Yuma Indians shall be entitled to select and locate upon said reservation and in adjoining sections five acres of land, which shall be allotted to such Indian in severalty. Each member of said band of Indians over the age of 18 years shall be entitled to select his or her land, and the father or, if he be dead, the mother shall select the land herein provided for each of his or her children who may be under the age of 18 years; and if both father and mother of the child under the age of 18 years shall be dead, then the nearest of kin over the age of 18 years shall select and locate his or her land; or if such person shall be without kindred, as aforesaid, then the Commissioner of Indian Affairs, or some one by him authorized, shall select and locate the land of such child.

ARTICLE III. That the allotments provided for in this agreement shall be made at the cost of the United States by a special agent appointed by the Secretary of the Interior for the purpose, under such rules and regulations as the Secretary of the Interior may from time to time prescribe; and within sixty days after such special agent shall appear upon said reservation and give notice to the said Indians that he is ready to make such allotments; and if anyone entitled to an allotment hereunder shall fail to make his or her selection within said period of sixty days, then such special agent shall proceed at once to make such selection for such person or persons, which shall have the same effect as if made by the person so entitled; and when all of said allotments are made and approved then all of the residue of said reservation which may be subject to irrigation, except as hereinafter stated, shall be disposed of as follows: The Secretary of the Interior shall cause the said lands to be regularly surveyed and to be subdivided into tracts of ten acres each, and shall cause the said lands to be appraised by a board of three appraisers composed of an Indian inspector, a special Indian agent, and the agent in charge of the Yuma Indians, who shall appraise said lands, tracts, or subdivisions, and each of them, and report their proceedings to the Secretary of the Interior for his action thereon; and when the appraisement has been approved the Secretary of the Interior shall cause the said lands to be sold at public sale to the highest bidder for cash, at not less than the appraised value thereof, first having given at least sixty days' public notice of the time, place, and terms of sale immediately prior to such sale, by publication in at least two newspapers of general circulation, and any lands or subdivisions remaining unsold may be reoffered for sale at any subsequent time in the same manner, at the discretion of the Secretary of the Interior; and if not sold at such second offering, for want of bidders, then the Secretary of the Interior may sell the same at private sale at not less than the appraised value.

ARTICLE IV. That the money realized by the sale of the aforesaid lands shall be placed in the Treasury of the United States, to the credit of the said Yuma Indians, and the same, with interest thereof at 5 per centum per annum, shall be at all times subject to appropriation by Congress, or to application by order of the President for the payment of water rents, building of levees, irrigating ditches, laterals, the erection and repair of buildings, purchase of tools, farming implements and seeds, and for the education and civilization of said Yuma Indians.

ARTICLE V. Upon the approval of the allotments provided for herein by the Secretary of the Interior, he shall cause patents to issue therefor in the name of the allottees, which patents shall be of the legal effect and declare that the United States does and will hold the land thus allotted for the period of twenty-five years in trust for the sole use and benefit of the Indians to whom such allotments shall have been made, or in case of his or her decease of his or her heirs or devisees according to the laws of California, and that at the expiration of said period the United States will convey the same by patent to said Indian, or his heirs, or devisees, as aforesaid in fee, discharged of said trust, and free of all incumbrance whatsoever.

And if any conveyance shall be made of the lands set apart and allotted as herein provided, or any contract made touching the same before the expiration of the time above mentioned, such conveyance or contract shall be absolutely null and void. And during said period of twenty-five years, these allotments and improvements thereon shall not be subject to taxation for any purpose, nor subject to be seized upon any execution or other legal process, and the law of descent and partition in force in California shall apply thereto.

ARTICLE VI. All lands upon said reservation that cannot be irrigated are to be open to settlement under the general land laws of the United States.

ARTICLE VII. There shall be excepted from the operation of this agreement a tract of land including the buildings situate on the hill on the north side of the Colorado River, formerly Fort Yuma, now used as an Indian school, so long as the same shall be used for religious, educational, and hospital purposes for said Indians; and a further grant of land adjacent to the hill is hereby set aside as a farm for said school; the grant for the school site and the school farm not to exceed in all one-half section or 320 acres.

ARTICLE VIII. This agreement shall be in force from and after its approval by the Congress of the United States.

In witness whereof we have hereunto set our hands and seals the day and year first above written.

WASHINGTON J. HOUSTON, [SEAL.]
JOHN A. GORMAN, [SEAL.]
PETER R. BRADY, [SEAL.]
Commissioners on the part of the United States.

BILL MOJAVE.

1. Chief Me ta pa am, his x mark (Jose Palmer), seal.
2. Ma le vah, his x mark, Capt. Juan Mauchado, seal.
3. Mat coup, his x mark, Capt. Tom, seal.
4. Ka wan na cum, his x mark, Capt. Chino, seal.
5. Scha char, his x mark, seal.
6. Et sar yar wat, his x mark, seal.
7. Kol cu ran, his x mark, seal.
8. Ou rau cu ra, his x mark, seal.
9. Mes ce tu rel, his x mark, seal.
10. Co mo how, his x mark, seal.
11. Sa pu suk, his x mark, seal.
12. A wit ut, his x mark (Chino), seal.
13. Su mil tu ha, his x mark, seal.
14. Cul a sa, his x mark, seal.
15. Co mitch hu sau, his x mark, seal.
16. Co al, his x mark, seal.
17. Net cor mitz, his x mark, seal.
18. Com e tole u sin, his x mark, seal.
19. O cauk u rau, his x mark, seal.
20. Wo cau un yu, his x mark, seal.
21. Poc can ma hun, his x mark, seal.
22. Etchor ca po cot, his x mark, seal.
23. Han o puts cu rau, his x mark, seal.
24. O mil, his x mark, seal.
25. Qua heil pa, his x mark, seal.
26. Sum e dom, his x mark (Chappo), seal.
27. Oh to gu rau, his x mark (James), seal.
28. Mo ca dunk, his x mark (Joan Town), seal.
29. Hara ma sa, his x mark (Jim), seal.
30. Sco whum, his x mark, seal.
31. Mut u sa cew, his x mark, seal.
32. Yar a cu pet, his x mark, seal.
33. Tu whan, his x mark, seal.
34. Te nau cu wils, his x mark, seal.
35. To kits cu rau, his x mark, seal.
36. Oh tel su rim, his x mark, seal.
37. Haut tu ker, his x mark, seal.
38. Hau shaw, his x mark Fred, seal.
39. Met au ma au, his x mark, seal.
40. Um pah qu rau, his x mark, seal.
41. Haut na yum, his x mark, seal.
42. Hon yo pot nu ya, his x mark, seal.
43. Tu sau cu yel, his x mark, seal.
44. Mul yah, his x mark, seal.
45. Oh pas mu how, his x mark, seal.
46. Es pou a ma hot e, his x mark, seal.
47. Po cu rau, his x mark (George Escal seal.
48. Er a thou, his x mark, seal.
49. Es hi a who, his x mark, seal.
50. Ca ya cu su, his x mark, seal.
51. So hur mar, his x mark, seal.

52. Sol hal yu wits, his x mark, seal.
53. A cu yal e, his x mark, seal.
54. Mot mu hil, his x mark, seal.
55. Ma re cau puts, his x mark, seal.
56. Cho hil, his x mark, seal.
57. Oh co el, his x mark, seal.
58. Ae u tha, his x mark, seal.
59. Oh ma u co, his x mark, seal.
60. Mat um sa u way, his x mark, seal.
61. Hau co mut, his x mark, seal.
62. Oh sets cu worm, his x mark, seal.
63. To ra ne cum, his x mark, seal.
64. E hal nu hau, his x mark, seal.
65. Ser quit quer, his x mark, seal.
66. Au cau qu ru, his x mark, seal.
67. Cha la co, his x mark (Jim), seal.
68. So cuts cu rau, his x mark, seal.
69. Jim, his x mark, seal.
70. A spau tu el, his x mark, seal.
71. So pish ya, his x mark, seal.
72. Au no chets, his x mark, seal.
73. Se cam ta, his x mark, seal.
74. Ca mou su ca, his x mark, seal.
75. Hon a ma tu, his x mark, seal.
76. Hot a when, his x mark, seal.
77. Ach uch, his x mark, seal.
78. Oh yer sum, his x mark, seal.
79. Cau sah, his x mark, seal.
80. Ne ya co wha, his x mark, seal.
81. Co pah hu han, his x mark, seal.
82. To men yo, his x mark, seal.
83. Au chu no re ah, his x mark, Pauch, seal.
84. To ca mu wal, his x mark, seal.
85. Es cu nor u wah, his x mark, seal.
86. Mo ca u wa, his x mark, seal.
87. Ka ua ck, his x mark, seal.
88. A theil, his x mark, seal.
89. A hil what a ha, his x mark, seal.
90. Mes hi up, his x mark, seal.
91. Au che au quo to el, his x mark, seal.
92. Oh rau um yer, his x mark, seal.
93. Jer au mal, his x mark, seal.
94. Cut u cus e mal, his x mark, seal.
95. Ka fay, his x mark, seal.
96. Ea sas, his x mark, seal.
97. Se yer no, his x mark, seal.
98. So mits cu yau, his x mark, seal.
99. So men u hau, his x mark, seal.
100. Paup el, his x mark, seal.
101. Hat pau yet e chil, his x mark, seal.
102. Co pue, his x mark, seal.
103. Oh u wam, his x mark, seal.
104. E yau, his x mark, seal.
105. Hot a what i, his x mark, seal.
106. Au pul cu ri, his x mark, seal.
107. Ah nul yau, his x mark, seal.
108. Oh tau wa, his x mark, seal.
109. Et spau cu rau, his x mark, seal.
110. Cau tu pah, his x mark, seal.
111. Te nau yum a, his x mark, seal.
112. U yahn, his x mark, seal.
113. Pil yu dou, his x mark, seal.
114. Co mu tolz, his x mark, seal.
115. Se nu cul su nor, his x mark, seal.
116. Ho suh, his x mark, seal.
117. Orau cu sew, his x mark, seal.
118. Spin au pi, his x mark, seal.
119. Joseph Hamer, seal.
120. Co sau nu rau, his x mark, seal.
121. Yo men how, his x mark, seal.
122. Ca pay, his x mark, seal.
123. Ho nu ya, his x mark, seal.
124. Sau ta lay, his x mark, seal.
125. El hau chil, his x mark, seal.
126. A yac a muck, his x mark, seal.
127. To mic au mou, his x mark, seal.
128. Pet la how, his x mark, seal.
129. Es cor a pe que, his x mark, seal.
130. Al ma yor, his x mark, seal.
131. Pau tu wits, his x mark, seal.
132. Way ya cu ep, his x mark, seal.
133. Tim yer nau qui sau, his x mark, seal.
134. Ta som u cau, his x mark, seal.
135. So mauts cer aeu, his x mark, seal.
136. Mau cul yau, his x mark, seal.
137. Et ca whom, his x mark, seal.
138. Na car um yaw, his mark, seal.
139. Col a yet caun, his x mark, seal.
140. Yal, his x mark, seal.
141. Ul co ter nuc, his x mark, seal.
142. Au co tu wits, his x mark, seal.
143. Lel lu leve, his x mark, seal.
144. Sau vil, his x mark, seal.
145. Ca cau u whim, his x mark, seal.
146. Cau houz, his x mark, seal.
147. Tau et sick, his x mark, seal.
148. E me au itck, his x mark, seal.
149. Ho u cau ic, his x mark, seal.
150. Ya u pi, his x mark, seal.
151. Che yer a mal, his x mark, seal.
152. Yet nau yu mits, his x mark, seal.
153. Nis cau yu mitz, his x mark, seal.
154. Tow witz, his x mark, seal.
155. Au sey, his x mark, seal.
156. Ea tal, his x mark, seal.
157. Au tick, his x mark, seal.
158. Sau un ya, his x mark, seal.
159. Au scell, his x mark, seal.
160. Sam po u yu puts, his x mark, seal.
161. Poc yu air, his x mark, seal.
162. Ul yum un ya, his x mark, seal.
163. Quan nits, his x mark, seal.
164. Ouch su pel, his x mark, seal.
165. Coul le au chuts, his x mark, seal.
166. Spau want, his x mark, seal.
167. Mat chu sam ca chat, his x mark, seal.
168. Au wa cu rau, his x mark, seal.
169. Mau no cum, his x mark, seal.
170. Haut su ca, his x mark, seal.
171. So quil e au, his x mark, seal.
172. Au os tu pin, his x mark, seal.
173. Spau que u, his x mark, seal.
174. Zu gu rau, his x mark, seal.
175. El e pau yi, his x mark, seal.
176. Tauck, his x mark, seal.
177. Sim tau so hau, his x mark, seal.
178. Jo ka man, his x mark, seal.
179. Pi ush, his x mark, seal.
180. So cots u run ya, his x mark, seal.
181. John, his x mark, seal.
182. Al mul qui, his x mark, seal.
183. Ah puc ki, his x mark, seal.
184. How u wits, his x mark, seal.
185. Au un ca tel, his x mark, seal.
186. Sham sin, his x mark, seal.
187. Aut sa cu pit, his x mark, seal.
188. Maun sohn, his x mark, seal.
189. Au what, his x mark, seal.

190. Me nau au reike, his x mark, seal.
191. Kesh u mau, his x mark, seal.
192. Hus u nau, his x mark, seal.
193. Sear u nuck, his x mark, seal.
194. Poc o mau how, his x mark, seal.
195. Se rau cape, his x mark, seal.
196. Ouc ho pil, his x mark, seal.
197. Tobe il, his x mark, seal.
198. Cal e cu how, his x mark, seal.
199. Bill Mojave, his x mark, seal.
200. Co teen yam, his x mark, seal.
201. Au lu, his x mark, seal.
202. Ea poc, his x mark, seal.
203. Et e yer mo hou, his x mark, seal.

I, Bill Mojave, hereby certify that I am the official interpreter of the Yuma Indians, in the State of California; that I am an adopted member of said tribe, and speak and understand both the Yuma and English languages; that the foregoing contract was by me fully interpreted to said Indians, and they were made to fully understand the same before it was signed by them; and I further certify that I was personally present when each and every person's name was signed thereto, and witnessed the same, and that those whose signatures appear to said contract signed same understandingly, and when signed by mark or otherwise I attest the same.

Given under my hand at Fort Yuma, Cal., this 5th day of December, A. D. 1893.

BILL MOJAVE.
Interpreter.

U. S. INDIAN SERVICE,
MISSION TULE RIVER "CONS" AGENCY,
Yuma, Cal., December 2, 1893.

SIR: I have the honor to certify that Bill Mojave is the official interpreter of the Yuma Indians, and that he is fully qualified and competent.

Very respectfully,

FRANCISCO ESTUDILLO,
U. S. Indian Agent.

Hon. W. J. HOUSTON,
Chairman Yuma Commission, Yuma, Cal.

WASHINGTON, *February 14, 1894.*

SIR: I have the honor now to make report to you in obedience to your additional instructions conveyed to me by letter of January 4, 1894.

Referring to the report of the commission appointed to negotiate with the Yuma Indians in California, it will be observed that the commissioners strongly recommended the construction of a levee to protect the lands to be allotted to the Indians, as well as those ceded, from the overflow of the Colorado River at high water.

This levee question presented itself to the commissioners when we were at Yuma and the necessity for going into it fully and making a report was discussed, but as our letter of instructions was silent on the matter, and as there was a difference of opinion as to whether the Interior or War Department controlled this character of work, nothing was done further than to report the facts, and these will be found in the original report of the Yuma commissioners now on file in the Indian Office.

I find it impossible with the data before me to fully comply with your request to give you an approximate estimate of the probable cost of the construction of a levee, or levees, that will permanently protect the lands in question from overflow.

Since the receipt of your letter of January 4, 1894, I have been in communication with my colleagues of the commission, Messrs. Houston and Brady, also with Mr. Rockwood, the chief engineer of the Colorado River Irrigating Company, and others, and there appears to be some difference of opinion as to what the cost may be.

Mr. French, of this city, who was formerly employed as a surveyor on the irrigating canal through the Yuma Reservation, says that in the month of January, 1893, under instructions from the chief engineer of the Colorado River Irrigating Company, he made a topographical survey of the west bank of the Colorado River from the Pot Holes to the west end of the Southern Pacific Railway bridge, opposite Yuma, Ariz. That the nature of the survey was for the topography of that part of the Colorado River, and particularly to note the mouths of sloughs and the low places that overflow at high water.

On the accompanying map some of the sloughs are accurately drawn, while others are mere guesswork. This survey was not made with any intention of determining the location, or estimating the cost of a levee. Up to the present it is the best data obtainable, and only a rough estimate can be made from it. Any figures that are hereafter given are as close as he can give from the information at hand.

On the accompanying tracing a light yellow line is drawn parallel with the west bank of the river. This line follows along where the proposed levee should be built. This is about 12 miles in length. There being several places where no levees would be required probably 10 miles or less is all that is necessary to build a complete system of protection.

Jetties at certain points should be constructed, but their location and extent can be determined only after surveys for that purpose. The jetties will be light and of no great extent, probably from 50 to 150 feet in length; should be of the same height as the levees.

The ground is generally level and broken only by sloughs.

The soil is a loam mixed with sand and can readily be handled with scrapers.

The ground is covered with a light timber and a very heavy underbrush. About 160 acres of land would have to be cleared for the building of the levee. About $12 an acre would cover the cost of clearing.

Fifteen thousand acres of agricultural land will be protected by this levee.

Section A.—The first 4 miles immediately below the Pot Holes.

This part or section will be very light. From information picked up in that neighborhood from Indians and from the high-water marks of 1891 the water was nearly to the top of the river bank. The sloughs here are well defined. They are narrow and not deep. There are three or four of them and generally 100 or 200 feet in width.

A light levee in this section will suffice; 2 or 3 feet in height, with a light slope, would be the average size of it; some places less. The highest levees in the slough would not be over 6 feet. The current of the river does not make in here, and is gradually bearing away to the opposite shore. Any water coming against this section would be back water and naturally quiet. About 3 feet on top would be the average width.

Section B.—The second 4 miles below the Pot Holes.

The sloughs in this section are larger and more broken at the mouths; i. e., several mouths leave the river and form a large slough farther back. In these sloughs levees approaching 10 feet in height would be required. The average height of the levee along here would be between 3 and 4 feet, and a top width of 4 feet might do.

SECTION C.—The lower section should be still heavier and would average from 5 to 8 or 9 feet in different places. The ground here is more broken. The larger sloughs would require embankment 15 feet in height. Only after a survey for the purpose could an estimate be made as to the extent and quantity of earth to be removed. Along here the lower end of this section is protected by the Southern Pacific Railroad embankment, with the exception of one place about 800 feet long.

Roughly estimated there would be between 300,000 and 350,000 yards of earth to be moved at about 14 cents per yard, Mr. French thinks, and he says: "About $2,500 would cover the cost of a complete survey, and that should be made to determine the work necessary."

On the Arizona side there is a levee now being constructed to protect the city of Yuma from the overflow of the Gila River. Congress made an appropriation of $10,000 for this work. I am informed that the survey was made by Lieut. Easton U. S. Army, who also supervised the construction. A Mr. McKolne, of Phœnix, was awarded the contract at 12½ cents per yard. Approximately that levee is about 3,700 feet long; average height about 10 feet, varying, of course, with the contour of the ground; 8 feet wide on top, with slope of 3 to 1 on outside, and the base varies from 75 to 85 feet. The levee is constructed of clean soil throughout, neither rocks, twigs, branches, nor any foreign substance being allowed to go into it, and it is believed to be proof against the floods of the Gila and Colorado. Speaking of the annual overflow of the Colorado River, in their report, the commissioners state that "it is evident that if nothing is done to prevent this inundation all the efforts which may possibly be made toward putting the Yuma Indians in the way toward earning their own living will prove largely futile, and recommend that the Government take steps to have the reservation lands leveed so as to prevent overflow, and this work is so important to the success of the undertaking that it should be taken in hand at as early a date as practicable."

I recommend that an item appropriating $2,000, or so much thereof as may be necessary, be inserted in the bill ratifying the agreement with the Yuma Indians, to be expended in making surveys and estimates of the cost of a levee that will permanently protect the lands on the Yuma Reservation from the overflows of the Colorado River at high water.

There are several one-story buildings on the Fort Yuma hill, and these were at one time used as military barracks. The War Department abandoned them and they are now used for Indian school purposes.

The base of the Yuma hill may extend over the line dividing the section, but according to the maps before me I think I am safe in saying that all the buildings are in the SE. ¼ of sec. 26, T. 16 S., R. 22 E., San Bernardino meridian. As will be seen, in our report, the Indians ask that the sisters of St. Joseph be also given land

so that there may be a farm connected with the school. The whole grant is not to exceed a half section.

A surveyor, I assume, will, if the agreement becomes a law, be appointed to subdivide the reservation, and, of course, will submit a map for the approval of the Department which will not only contain an accurate description of the school site and farm, but the subdivisions to be offered for sale as well as the allotments to be made to the Indians. A provision in the bill ratifying the agreement which will grant to the sisters of St. Joseph the land and buildings referred to in article 7 will accord with the intention of the Indians making said agreement.

The Executive order of January 9, 1894, establishing the reservation, excepts therefrom any tracts to which valid rights had attached prior to the date of the order.

There are several people claiming land on this reservation, some of whom have paid taxes on same for many years, but the records of the General Land Office show that only one, Louis J. F. Yaeger, has taken steps to perfect his claim. The description of this subdivision is lots 1, 2, 3, and SE. of NE ¼, sec. 27, T. 16 S., R. 22 E., S. B. M., and contains 168·56 acres, and a patent was issued for same October 1, 1877. John R. Scuphon made an entry, timber culture, July 14, 1879, but this was canceled November 7, 1893, and preemption filings in section 28 expired by limitation.

A record of ten or more other filings is to be found in the General Land Office, but all made subsequent to the date of the Executive order referred to, and therefore invalid. All these entries were canceled December 9, 1892.

The letter of Mr. De Knight, referred to, inclosed for report, will form the subject of a separate communication.

Very truly, yours,

JOHN A. GORMAN,
Commissioner.

The SECRETARY OF THE INTERIOR.

YUMA, YUMA COUNTY, ARIZ., *December 27, 1893.*

Capt. JOHN MULLEN:

DEAR SIR: I once mentioned to you that I intended to apply for land to be set aside for the widow and children of A. E. De Corse from the Yuma Indian Reservation, on the ground that said widow is a Yuma Indian woman, and her children entitled through her.

Last summer a Belgian company determined to take water out of the Colorado, above the reservation, on the California side, and bring it into Mexico to irrigate lands in that Republic.

They found they would have to cross the reservation, and applied to Congress for a right of way over the reservation, which they got, provided they gave the Indians water on the reservation.

They next concluded to turn the ditch on to the desert instead of Mexico, and in order to avoid giving water to the Yumas, according to contract, had a commission appointed to make a treaty with the Yumas for the surrender of their reservation.

This commission has been here and by threats has induced a large number of Indians to sign the paper which they presented, the contents of which the Indians had no knowledge of.

After the paper was signed they told the Indians that each family was to have 5 acres, with water, and that the balance was to be sold to whites for their benefit.

After the Indians found how much land was in an acre they became dissatisfied with the amount, as they say they can not live on that amount, provision only being made for 400 at 5 acres each, whereas there are 1,600 Indians, old and young, to be supported, no provision being made for the young or their future support or increase.

I made written application for land to said commission for the Widow De Corse, also for the children, as their guardian, but could get no information from the commission as to the amount of land to be allowed.

I have little faith in that commission or its honesty of purpose, except old P. Brady, who is easily fooled.

It is generally believed here that the whole thing is a huge swindle in the interest of the said canal company, in whose private interest the Indians are to be ousted.

I will further say that the Indians are all willing to give up tribal relations and live on land in severalty, but they want enough land to give them a chance to do so.

The Indians are the only persons who have ever maintained themselves by agriculture in this county; so far no white man has ever maintained his family here from the products of the soil; doubtless it will be done, but it is hard to expect an Indian to do that on 5 acres which a white man has failed to do on 150 acres.

The reservation contains 45,889 acres; this commission now represent it to be only

about 13,000 acres, contrary to the order establishing the reservation of January 9, 1894.

The usual amount allowed Indians on surrendering tribal rights is 160 acres for head of family and each minor 80 acres.

With this amount the Indians could support themselves and pay the canal company for water, and will make better citizens than any Belgian or Italian colonists the company can import.

I write you these facts so that you may be advised of the situation, in the hope that your intercourse with Congressmen will enable you to show the matter in its true light; besides, I am interested, as the guardian of the De Corse children, in the outcome.

If you can find out at the Indian Department what apportionment is made and if the De Corse widow and children are included you will do me a great service.

I will further say that I have little confidence that Mark Smith, your present Delegate, will do anything, as our politicians have been and are now willing to take all they can from an Indian or anyone else, but in the present case I think they are a little afraid the Belgians are going to take the whole cake, leaving them wanting.

Hoping to hear from you, I remain, very respectfully,

G. M. KNIGHT.

Respectfully referred to the honorable Commissioner of Indian Affairs, with request that the rights or claims of the parties herein named may be duly and early inquired into, and that no final action may be had upon the acts of the commission herein referred to until such rights or claims are finally and properly adjudicated, and protest is now hereby made against any ratification or approval by the Interior Department or by the Indian Office or by Congress of said acts of said commission until said rights or claim of said Indians named herein are so first examined into by either the agent, superintendent, or special service agent, or the Indian Office generally, and fully heard and finally determined, and that I may be fully and duly informed in all their premises. I have no personal knowledge in this matter, but, fully relying as I do upon the statements of the writer of the within, ask full and final official action in the premises.

Having, as I have, the fullest confidence in and the highest opinion possible of Hon. Mark A. Smith, the Delegate in Congress from Arizona, I do not intend that this indorsement shall in anywise be considered as containing any reflection by me of that worthy and excellent gentleman.

Respectfully,

JOHN MULLAN,
1310 Connecticut Avenue, Washington, D. C.

JANUARY 22, 1894.

NORTH DECATUR, GA., *January 29, 1894.*

Respectfully forwarded to Hon. Peter R. Brady, commissioner, Florence, Ariz.

This attorney, G. M. Knight, appeared before the commission by his appointment and exhausted all the time he desired in presenting the claims of the De Corse widow and children. After hearing all he had to say the commission discovered that the matter involved was a question of law without a precedent, and decided to attach his application to report of commission and let the question be determined by proper authority on such matters.

Page 1, paragraph 4, of his letter to Capt. John Mullen, so far as it relates to threats and want of knowledge on the part of the Indians, is false in every particular.

Paragraph 5 is correctly stated, except the word "whites," which should be substituted by the words "actual settlers."

Paragraph 6. Report of commission will show exactly the contrary.

Paragraph 7 is correct. It was not the policy of the commission to make public their action until submitted to and approved by the powers constituting that commission.

Paragraph 8. I beg to state that so far as it relates to Commissioner Brady experience and personal acquaintance contradicts the statement fully.

Paragraph 9. Correct, so far as it relates to the willingness of the Indians to receive land in severalty. Close observation and testimony of reliable and competent citizens familiar with the cultivation of similar lands in California fully established the fact that 5 to 10 acres, well cultivated under irrigation, would be a liberal allotment to each head of a family, and in order to make provision for the young and to strengthen their marriage relations 5 acres is to be allotted to each Indian on the reservation, young or old, let it be the actual number found to exist by the commission or the 1,600 claimed to be in the tribe.

Under this provision many families will receive from 15 to 65 acres.

Paragraph 10. The largest field or tract of land cultivated on the reservation by an individual Indian will not exceed 5 acres, nine-tenths being less than 1 acre, and this cultivation being without the aid of irrigation other than the annual overflow of the Colorado river.

This information went far to convince the commission that an excessive allotment would produce a large surplus of idle lands that could be sold to actual settlers, and thereby produce a permanent fund that would enable the Indians to intelligently and profitably cultivate their allotments.

Page 3, paragraph 11, is correct, so far as it relates to the total acreage, all of which, 45,889 acres, is provided for in report.

Paragraph 12 can not be sustained by the facts.

Attorney Knight's wards or clients are not on the reservation, have never held membership under tribal relations, did not express a desire to do so; hence could not be enumerated, and were classed as nonresidents, claiming under the unsettled question previously referred to, and, in my opinion, only wanted recognition for the purpose of speculation on lands obtained. So far as the last clause in his letter relates to the political situation in Arizona, I can only say that this question was not under consideration by a commission dealing with California Indians.

WASHINGTON J. HOUSTON,
Commissioner Yuma Indians.

FLORENCE, ARIZ., *February 8, 1894.*

DEAR SIR: Your favor of the 24th of January to hand inclosing the statement and complaint made by one G. M. Knight, an attorney at Yuma, Ariz., and administrator of the estate of Dr. A. E. De Corse, deceased, and guardian of his children.

I am not at all astonished at any statement that this man has made or might make. He was treated with kindness and consideration by the commission, and was allowed his own time and manner of stating his case, which principally seemed to be against certain parties in Yuma whom he alleged had been the cause of the removal of the ex-chief, Miguel. From the language he then used I concluded that the man was really not responsible for any statement that he might make.

Quoting Knight's language, he says: "This commission has been here, and, by threats, has induced a large number of Indians to sign the paper which they presented, the contents of which the Indians had no knowledge."

There is not one word of truth in this charge. It is false in every particular; no threats nor promises were made. They signed the contract willingly and with as correct a knowledge of what they were doing as a people in their rude state of life could possibly have. They were told by the commission to take their own time and talk the proposed treaty over among themselves and consult and decide the matter to their own satisfaction.

The Indians seemed to be perfectly contented with an allotment of 5 acres per capita. I thought then, and still am of the same opinion, that that quantity was sufficient. The commission visited several of the fields of the Indians, near old Fort Yuma, and one of the largest rancheries, where at least twenty families were living, did not contain over 5 acres under cultivation.

It was clearly explained to the Indians that the balance of the land ceded by them, and under the Colorado River Irrigation Company's canal, would be sold to settlers for the purpose of raising a fund for the benefit of the Indians in the way of keeping their irrigation ditches in repair and for their benefit and use generally.

The assertion that there are 1,600 Indians is as glaring a falsehood as the balance of this statement and just as reliable. There are about 1,000 Indians less than what he states on the Yuma Reservation.

When Attorney Knight came before the commission to apply for land for the De Corse heirs, he says he could get no information in regard to the amount of land allotted to each Indian. If I am not mistaken, at that time the commission had not decided that question. It was not decided until afterwards, as the question of allotment was under discussion several days.

In regard to myself, "that I am easily fooled," it may be so; but when he says that "the whole thing is a huge swindle in the interest of the canal company," he is making a very foolish and false assertion. The commissioners' action in every instance and at all times was to carry out the instructions of the Indian Department, which was to deal equitably and fairly, both with the Indians and the canal company. Again, he says that it is generally "believed here (that is, at Yuma) that the whole thing is a swindle in the interest of the canal company, in whose private interest the Indians are to be ousted." In reply to this I must say that if there are a half dozen persons in Yuma, besides Attorney Knight, who believe this to be the truth, or have ever made this assertion, I defy and challenge him to give their names.

In regard to the statement in the complaint that 160 acres to the head of each family and 80 acres to each minor is customary, I would only say that I live near the Pima and Maricopa Reservation in my county, and am very familiar with these Indians and their habits and customs, and the quantity of land cultivated by them. There is not 4 acres per capita under cultivation, and yet these Indians are self-supporting and have a surplus every year of large quantities of wheat, over 50,000 bushels, to sell to their white neighbors. Five acres of irrigated land in this climate is equal to 10 in other places, for you can raise two crops a year, and the lands of the Colorado Yuma Indian Reservation are as fertile as any in the world; 1 except none. It was a suggestion of the Indian Department that 10 acres, or possibly 5, might be sufficient for each Indian, but it was left to our judgment and discretion the amount that each Indian should receive, and, after due deliberation and consultation, it was decided that 5 acres per capita would be sufficient; thus some families of 10 or 12 persons get 50 or 60 acres.

As far as the widow and children of Dr. A. E. DeCorse are concerned, that is for the Department to decide and not the commission. They certainly, that is the DeCorse heirs, have never maintained tribal relations with the Yuma Indians, and if land was allotted them, I think it would only be used for speculative purposes.

I can not see for the life of me what the Hon. Mark Smith, our present Delegate in Congress, has to do with this matter, as it is the first time I have ever heard his name mentioned in connection with it, nor can I understand what Attorney Knight is trying to insinuate about "the Belgians are going to take the whole cake."

Attorney Knight's whole communication, in my opinion and from what I have seen of the man and what I have heard of him, are nothing but the vagaries of a lunatic.

In conclusion I have only to say that any action of the Yuma Indian Commission will bear the most rigid scrutiny and investigation, and challenge Mr. Knight or anyone else to prove that they were swayed or in anyway influenced to do only what was required of them by the Government and deal honorably and squarely with the Indians and for their best interests.

PETER R. BRADY,
Commissioner Yuma Indians.

Hon. W. J. HOUSTON,
Chairman Yuma Indian Commission, North Decatur, Ga.

FLORENCE, ARIZ., *February 8, 1894.*

MY DEAR MR. GORMAN: I received a letter from our chairman and also the complaint of Barrister Knight.

The charges are so absurd and false that they could only emanate in the brain of a crank, like Knight. You remember of course full well his harangue before us, when he appeared as the attorney for the DeCorse heirs, but the most of his time was taken up in a roaring, blustering diatribe about Miguel and his many virtues, comparing him to the Savior, and abuse and vilification of the good sisters at the school. I made up my mind that he was a dangerous, meddling old crank. I asked Mr. Trippel, the secretary to the prison, what kind of man Knight was and he replied that he was a "fearful old crank and that when he got a notion in his head, it was impossible to remove it."

At our chairman's request, I forwarded you my reply to Knight's statement.

Very truly, yours,

P. R. BRADY.

Hon. JOHN A. GORMAN,
Washington, D. C.

WASHINGTON, D. C., *February 19, 1894.*

DEAR SIR: On the 26th of January, 1894, you referred to me for examination, and for such remarks as I might see fit to make thereon, a letter of one G. M. Knight, of Yuma, Ariz., to Capt. John Mullen, of this city, complaining of the manner the Yuma Indian commission performed its work; also Capt. Mullen's indorsement on Mr. Knight's letter, referring same to the Commissioner of Indian Affairs. I now have the honor to transmit, in answer to your reference, the inclosed communications from Messrs. Houston and Brady, my colleagues on the commission, which I indorse, and which I think fully cover the complaints made by Mr. Knight.

I will add that Mr. Knight, and all others who had, or assumed to have, any interest in the work before the commission, were given ample opportunity to present

their cases, and Mr. Knight was given the further opportunity of submitting his case in writing, which he did, and the commission filed same with its report.

Every question raised by Mr. Knight in his letter is fully answered by the report of your commissioners which accompanies the agreement recently made with the Yuma Indians.

Very truly, yours,

JOHN A. GORMAN,
One of the Yuma Commission.

The COMMISSIONER OF INDIAN AFFAIRS.

A BILL to ratify and confirm an agreement with the Yuma Indians in California, for the cession of their surplus lands, and for other purposes.

Whereas Washington J. Houston, John A. Gorman, and Peter R. Brady, duly appointed commissioners on the part of the United States, did on the fourth day of December, eighteen hundred and ninety-three, conclude an agreement with the principal men and other male adults of the Yuma Indians in the State of California, which said agreement is as follows:

Articles of agreement made and entered into this 4th day of December, A. D. 1893, at Fort Yuma, on what is known as the Yuma Indian Reservation, in the county of San Diego, State of California, by Washington J. Houston, John A. Gorman, and Peter R. Brady, commissioners on the part of the United States appointed for the purpose, and the Yuma Indians.

ARTICLE I.

The said Yuma Indians, upon the conditions hereinafter expressed, do hereby surrender and relinquish to the United States all their right, title, claim, and interest in and to and over the following-described tract of country in San Diego County, Cal., established by executive order of January 9, 1884, which describes its boundaries as follows:

"Beginning at a point in the middle of the channel of the Colorado River, due east of the meander corner to sections 19 and 30, township 15 south, range 24 east, San Bernardino meridian; thence west on the line between sections 19 and 30 to the range line, between townships 23 and 24 east; thence continuing west on the section line to a point which, when surveyed, will be the corner to sections 22, 23, 26, and 27, in township 15 south, range 21 east; thence south on the line between sections 26 and 27, in township 15 south, range 21 east, and continuing south on the section lines, to the intersection of the international boundary, being the corner to fractional sections 34 and 35, in township 16 south, range 21 east; thence easterly on the international boundary to the middle of the channel of the Colarado River; thence up said river, in the middle of the channel thereof, to the place of beginning, be, and the same is hereby, withdrawn from settlement and sale and set apart as a reservation for the Yuma and such other Indians as the Secretary of the Interior may see fit to settle thereon: *Provided, however*, That any tract or tracts included within the foregoing-described boundaries to which valid rights have attached under the laws of the United States are hereby excluded out of the reservation hereby made.

"It is also hereby ordered that the Fort Yuma military reservation be, and the same is hereby, transferred to the control of the Department of the Interior, to be used for Indian purposes in connection with the Indian reservation established by this order, said military reservation having been abandoned by the War Department for military purposes."

ARTICLE II.

Each and every member of said Yuma Indians shall be entitled to select and locate upon said reservation and in adjoining sections five acres of land, which shall be allotted to such Indian in severalty. Each member of said band of Indians over the age of 18 years shall be entitled to select his or her land, and the father, or, if he be dead, the mother, shall select the land herein provided for for each of his or her children who may be under the age of 18 years; and if both father and mother of the child under the age of 18 years shall be dead, then the nearest of kin over the age of 18 years shall select and locate his or her land; or if such person shall be without kindred, as aforesaid, then the Commissioner of Indian Affairs, or some one by him authorized, shall select and locate the land of such child.

ARTICLE III.

That the allotments provided for in this agreement shall be made, at the cost of the United States, by a special agent appointed by the Secretary of the Interior for the purpose, under such rules and regulations as the Secretary of the Interior may from time to time prescribe, and within sixty days after such special agent shall appear upon said reservation and give notice to the said Indians that he is ready to make such allotments; and if anyone entitled to an allotment hereunder shall fail to make his or her selection within said period of sixty days then such special agent shall proceed at once to make such selection for such person or persons, which shall have the same effect as if made by the person so entitled; and when all of said allotments are made and approved then all of the residue of said reservation which may be subject to irrigation, except as hereinafter stated, shall be disposed of as follows: The Secretary of the Interior shall cause the said lands to be regularly surveyed and to be subdivided into tracts of ten acres each, and shall cause the said lands to be appraised by a board of three appraisers, composed of an Indian inspector, a special Indian agent, and the agent in charge of the Yuma Indians, who shall appraise said lands, tracts, or subdivisions, and each of them, and report their proceedings to the Secretary of the Interior for his action thereon; and when the appraisement has been approved the Secretary of the Interior shall cause the said lands to be sold at public sale to the highest bidder for cash, at not less than the appraised value thereof, first having given at least 60 days' public notice of the time, place, and terms of sale, immediately prior to such sale, by publication in at least two newspapers of general circulation; and any lands or subdivisions remaining unsold may be reoffered for sale at any subsequent time in the same manner at the discretion of the Secretary of the Interior, and if not sold at such second offering for want of bidders then the Secretary of the Interior may sell the same at private sale at not less than the appraised value.

ARTICLE IV.

That the money realized by the sale of the aforesaid lands shall be placed in the Treasury of the United States, to the credit of the said Yuma Indians, and the same, with interest thereof at five per centum per annum, shall be at all times subject to appropriation by Congress, or to application, by order of the President, for the payment of water rents, building of levees, irrigating ditches, laterals, the erection and repair of buildings, purchase of tools, farming implements and seeds, and for the education and civilization of said Yuma Indians.

ARTICLE V.

Upon the approval of the allotments provided for herein by the Secretary of the Interior he shall cause patents to issue therefor in the name of the allottees, which patents shall be of the legal effect and declare that the United States does and will hold the land thus allotted for the period of twenty-five years in trust for the sole use and benefit of the Indian to whom such allotments shall have been made, or in case of his or her decease, of his or her heirs or devisees, according to the laws of California, and that at the expiration of said period the United States will conve they same by patent to said Indian or his heirs or devisees, as aforesaid in fee, discharged of said trust and free of all incumbrance whatsoever.

And if any conveyance shall be made of the lands set apart and allotted as herein provided, or any contract made touching the same before the expiration of the time above mentioned, such conveyance or contract shall be absolutely null and void. And during said period of twenty-five years these allotments and improvements thereon shall not be subject to taxation for any purpose, nor subject to be seized upon any execution or other legal process, and the law of descent and partition in force in California shall apply thereto.

ARTICLE VI.

All lands upon said reservation that can not be irrigated are to be open to settlement under the general land laws of the United States.

ARTICLE VII.

There shall be excepted from the operation of this agreement a tract of land, including the buildings, situate on the hill on the north side of the Colorado River, formerly Fort Yuma, now used as an Indian school, so long as the same shall be used for religious, educational, and hospital purposes for said Indians, and a further grant of land adjacent to the hill is hereby set aside as a farm for said school; the grant for the school site and the school farm not to exceed in all one-half section, or 320 acres.

ARTICLE VIII.

This agreement shall be in force from and after its approval by the Congress of the United States.

In witness whereof we have hereunto set our hands and seals the day and year first above written.

WASHINGTON J. HOUSTON, [SEAL.]
JOHN A. GORMAN, [SEAL.]
PETER R. BRADY, [SEAL.]
Commissioners on the part of the United States.

BILL MOJAVE.

1. Chief Met a pa sam, his x mark (Jose Palmer), seal.
2. Mal e vah, his x mark, Capt. Juan Mauchado, seal.
3. Mat coup, his x mark, Capt. Tom, seal.
4. Ka wan na cum, his x mark, Capt. Chino, seal.
5. Scha char, his x mark, seal.
6. Et sar yar wat, his x mark, seal.
7. Kol cu ran, his x mark, seal.
8. Ou rau cu ra, his x mark, seal.
9. Mes cet u rel, his x mark, seal.
10. Co mo how, his x mark, seal.
11. Sa pu suk, his x mark, seal.
12. A wit ut, his x mark (Chino), seal.
13. Su mil tu ha, his x mark, seal.
14. Cul a sa, his x mark, seal.
15. Co mitch hu sau, his x mark, seal.
16. Co al, his x mark, seal.
17. Net cor mitz, his x mark, seal.
18. Com e tole u sin, his x mark, seal.
19. Oh cauk u rau, his x mark, seal.
20. Wo cau un yu, his x mark, seal.
21. Poc can ma hun, his x mark, seal.
22. Etchor ca po cot, his x mark, seal.
23. Han o puts cu rau, his x mark, seal.
24. O mil, his x mark, seal.
25. Qua heil pa, his x mark, seal.
26. Sum e dom, his x mark (Chappo), seal.
27. Oh to gu rau, his x mark (James), seal.
28. Mo ca dunk, his x mark (Joan Town), seal.
29. Hara ma sa, his x mark (Jim), seal.
30. Sco whum, his x mark, seal.
31. Mut u sa cow, his x mark, seal.
32. Yar a cu pet, his x mark, seal.
33. Tu whan, his x mark, seal.
34. Te nau cu wils, his x mark, seal.
35. To kits cu ran, his x mark, seal.
36. Oh tel su rim, his x mark, seal.
37. Haut tu ker, his x mark, seal.
38. Hau shaw, his x mark (Fred.), seal.
39. Met au ma au, his x mark, seal.
40. Um pah qu rau, his x mark, seal.
41. Haut na yum, his x mark, seal.
42. Hon yo pot nu ya, his x mark, seal.
43. Tu sau cu yel, his x mark, seal.
44. Mul yah, his x mark, seal.
45. Oh pas mu how, his x mark, seal.
46. Es pou a ma hot e, his x mark, seal.
47. Po cu rau, his x mark, seal.
48. Er a thou, his x mark, seal.
49. Es hi a who, his x mark, seal.
50. Ca ya cu su, his x mark, seal.
51. So hur mar, his x mark, seal.
52. Sol hal yu wits, his x mark, seal.
53. A cu yal e, his x mark, seal.
54. Mot mu hil, his x mark, seal.
55. Ma re cau puts, his x mark, seal.
56. Cho hil, his x mark, seal.
57. Oh co el, his x mark, seal.
58. Ae u tha, his x mark, seal.
59. Oh ma u co, his x mark, seal.
60. Mat um sa u way, his x mark, seal.
61. Hau co mut, his x mark, seal.
62. Oh sets cu worm, his x mark, seal.
63. To ra ne cum, his x mark, seal.
64. E hal nu hau, his x mark, seal.
65. Ser quit quer, his x mark, seal.
66. Au cau qu ru, his x mark, seal.
67. Cha la co, his x mark, seal.
68. So cuts cu rau, his x mark, seal.
69. Jim, his x mark, seal.
70. A spau tu el, his x mark, seal.
71. So pish ya, his x mark, seal.
72. Au no chets, his x mark, seal.
73. Se cam ta, his x mark, seal.
74. Ca mou su ca, his x mark, seal.
75. Hon a ma tu, his x mark, seal.
76. Hot a when, his x mark, seal.
77. Ach uch, his x mark, seal.
78. Oh yer sum, his x mark, seal.
79. Cau sah, his x mark, seal.
80. Ne ya co wha, his x mark, seal.
81. Co pah hu han, his x mark, seal.
82. To men yo, his x mark, seal.
83. Au chu no re ah, his x mark (Pauch), seal.
84. To ca mu wal, his x mark, seal.
85. Es cu nor u wah, his x mark, seal.
86. Mo ca u wa, his x mark, seal.
87. Ka ua ck, his x mark, seal.
88. A theil, his x mark, seal.
89. A hil what a ha, his x mark, seal.
90. Mes hi up, his x mark, seal.
91. Au che au quo te el, his x mark, seal.
92. Oh rau um yer, his x mark, seal.
93. Jer au mal, his x mark, seal.
94. Cut u cus e mal, his x mark, seal.
95. Ka fay, his x mark, seal.
96. Ea sas, his x mark, seal.
97. Se yer no, his x mark, seal.
98. So mits cu yau, his x mark, seal.
99. So men u hau, his x mark, seal.
100. Paup el, his x mark, seal.
101. Hat pau yet e chil, his x mark, seal.
102. Co pue, his x mark, seal.
103. Oh u wam, his x mark, seal.
104. E yau, his x mark, seal.
105. Hot a what i, his x mark, seal.
106. Au pul cu ri, his x mark, seal.
107. Ah nul yau, his x mark, seal.
108. Oh tau wa, his x mark, seal.
109. Et spau cu rau, his x mark, seal.

110. Cau tu pah, his x mark, seal.
111. Te hau yum a, his x mark, seal.
112. U yahn, his x mark, seal.
113. Pil yu dou, his x mark, seal.
114. Co mu tolz, his x mark, seal.
115. Se nu cul su nor, his x mark, seal.
116. Ho suh, his x mark, seal.
117. O rau cu sew, his x mark, seal.
118. Spin au pi, his x mark, seal.
119. Joseph Hamer, seal.
120. Co sau nu rau, his x mark, seal.
121. Yo men how, his x mark, seal.
122. Ca pay, his x mark, seal.
123. Ho nu ya, his x mark, seal.
124. Sau ta lay, his x mark, seal.
125. El hau chil, his x mark, seal.
126. A yac a much, his x mark, seal.
127. To mic au mou, his x mark, seal.
128. Pet pa how, his x mark, seal.
129. Es cor a pe que, his x mark, seal.
130. Al ma yor, his x mark, seal.
131. Pau tu wits, his x mark, seal.
132. Way ya cu ep, his x mark, seal.
133. Tim yer nau qui sau, his x mark, seal.
134. Ta som u cau, his x mark, seal.
135. So mauts cer aeu, his x mark, seal.
136. Mau cul yau, his x mark, seal.
137. Et ca whom, his x mark, seal.
138. Na car um yaw, his x mark, seal.
139. Col a yet caun, his x mark, seal.
140. Yal, his x mark, seal.
141. Ul co ter nuc, his x mark, seal.
142. Au co tu wits, his x mark, seal.
143. Lel lu leve, his x mark, seal.
144. Sau vil, his x mark, seal.
145. Ca cau u whim, his x mark, seal.
146. Cau houz, his x mark, seal.
147. Tau et sick, his x mark, seal.
148. E me au tick, his x mark, seal.
149. Ho u cau ic, his x mark, seal.
150. Ya u pi, his x mark, seal.
151. Che yer a mal, his x mark, seal.
152. Yet nau yu mits, his x mark, seal.
153. Nis cau yu mits, his x mark, seal.
154. Tow witz, his x mark, seal.
155. Au say, his x mark, seal.
156. Ea bal, his x mark, seal.
157. Au tick, his x mark, seal.
158. Sau un ya, his x mark, seal.
159. Au scell, his x mark, seal.
160. Sam po u yu puts, his x mark, seal.
161. Poc yu air, his x mark, seal.
162. Ul yum un ya, his x mark, seal.
163. Quan nits, his x mark, seal.
164. Ouch su pel, his x mark, seal.
165. Coul le au chuts, his x mark, seal.
166. Spau want, his x mark, seal.
167. Mat chu sam ca chat, his x mark, seal.
168. Au wa cu rau, his x mark, seal.
169. Mau no cum, his x mark, seal.
170. Haut su ca, his x mark, seal.
171. So quil e au, his x mark, seal.
172. Au os tu pin, his x mark, seal.
173. Spau que u, his x mark, seal.
174. Zu gu rau, his x mark, seal.
175. El e pau yi, his x mark, seal.
176. Tauck, his x mark, seal.
177. Sim tau so hau, his x mark, seal.
178. Jo ka man, his x mark, seal.
179. Pi ush, his x mark, seal.
180. So cots u run ya, his x mark, seal.
181. John, his x mark, seal.
182. Al mul qui, his x mark, seal.
183. Ah puc ki, his x mark, seal.
184. How u wits, his x mark, seal.
185. Au un ca tel, his x mark, seal.
186. Sham sin, his x mark, seal.
187. Aut sa cu pit, his x mark, seal.
188. Maun sohn, his x mark, seal.
189. Au what, his x mark, seal.
190. Me nau au reike, his x mark, seal.
191. Kesh u mau, his x mark, seal.
192. Hus u nau, his x mark, seal.
193. Sear u nuck, his x mark, seal.
194. Poc o mau how, his x mark, seal.
195. Se nau cape, his x mark, seal.
196. Ouc ho pil, his x mark, seal.
197. Tobe il, his x mark, seal.
198. Cal e cu how, his x mark, seal.
199. Bill Mojave, his x mark, seal.
200. Co teen yam, his x mark, seal.
201. Au lu, his x mark, seal.
202. Ea poc, his x mark, seal.
203. Et e yer mo hou, his x mark, seal.

I, Bill Mojave, hereby certify that I am the official interpreter of the Yuma Indians in the State of California; that I am an adopted member of said tribe and speak and understand both the Yuma and English languages; that the foregoing contract was by me fully interpreted to said Indians and they were made to fully understand the same before it was signed by them; and I further certify that I was personally present when each and every person's name was signed thereto and witnessed the same, and that those whose signatures appear to said contract signed same understandingly, and when signed by mark or otherwise I attest the same.

Given under my hand at Fort Yuma, Cal., this 5th day of December, A. D. 1893.

BILL MOJAVE,
Interpreter.

Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the said agreement be, and the same hereby is, accepted, ratified, and confirmed.

SEC. 2. That for the purpose of making the allotments provided for in said agreement, including the payment and expenses of the necessary special agent hereby authorized to be appointed by the Secretary of the Interior, and for the necessary resurveys, there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of two thousand dollars, or so much thereof as may be necessary.

SEC. 3. That the sum of two thousand dollars, or so much thereof as may be necessary, be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Interior, in making examination, surveys, and estimates as to the expediency and cost of constructing a levee, or levees, to protect the lands allotted to said Indians and those to be sold for their benefit from the overflow of the Colorado River, said sum to be reimbursed to the United States out of the proceeds of the sale of lands herein provided for.

SEC. 4. That for the purpose of defraying the expenses of the survey and sale of the lands by said agreement relinquished and to be appraised and sold for the benefit of said Indians, the sum of three thousand dollars or so much thereof as may be necessary, be, and the same hereby is, appropriated out of any money in the Treasury not otherwise appropriated, the same to be reimbursed to the United States out of the proceeds of the sale of said lands.

SEC. 5. That the right of way through the said Yuma Indian Reservation is hereby granted to the Southern Pacific Railroad Company for its line of railroad as at present constructed, of the same width, with the same rights and privileges, and subject to the limitations, restrictions, and conditions as were granted to the said company by the twenty-third section of the act approved March third, eighteen hundred and seventy-one, entitled "An act to incorporate the Texas Pacific Railroad Company, and to aid in the construction of its road, and for other purposes:" *Provided*, That said company shall, within ninety days from the passage of this act, file with the Secretary of the Interior a map of said right of way, together with a relinquishment by said company of its right of way through said reservation as shown by maps of definite location approved January thirty-one, eighteen hundred and seventy-eight.

SEC. 6. The Secretary of the Interior is hereby authorized and directed to cause all the lands ceded by said agreement, which may be susceptible of irrigation after said allotments have been made and approved, and said lands have been surveyed and appraised, and the appraisal approved, to be sold at public sale by the officers of the land office in the district wherein said lands are situated, to the highest bidder, for cash, at not less than the appraised value thereof, after first having given at least sixty days' public notice of the time, place, and terms of sale immediately prior to such sale, by publication in at least two newspapers of general circulation, and any lands or subdivisions remaining unsold may be reoffered for sale at any subsequent time in the same manner, at the discretion of the Secretary of the Interior, and if not sold at such second offering for want of bidders, then the Secretary may cause the same to be sold at private sale at not less than the appraised value. The money realized from the sale of said lands, after deducting the expenses of the sale of said lands, and the other money for which provision is made for the reimbursement of the United States, shall be placed in the Treasury of the United States to the credit of said Yuma Indians, and shall draw interest at the rate of five per centum per annum, and said principal and interest shall be subject to appropriation by Congress, or to application by the President of the United States for the payment of water rents, the building of levees, irrigating ditches and laterals, the purchase of tools, farming implements, and seeds, and for the education and civilization of said Indians: *Provided, however*, That none of said money realized from the sale of said lands, or any of the interest thereon, shall be applied to the payment of any judgment that has been or may hereafter be rendered on claims for damages because of depredations committed by said Indians prior to the date of the agreement herein ratified.

SEC. 7. That all of the lands ceded by said agreement which are not susceptible of irrigation, shall become a part of the public domain, and shall be opened to settlement and sale by proclamation of the President of the United States, and be subject to disposal under the provisions of the general land laws.

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T.16 S. R.23 E. S.B.M.

T.16 S. R.24 E. S.B.M.

T.16 S. R.25 E. S.B.M.

T.16 S. R.22 E. S.B.M.

PROPOSED CANAL OF THE G. R. I. Co.

FORT YUMA RESERVE

John M. Stone

L. J. F. Yager

Hall Heaton

S. P. R. R.

YUMA

GILA RIVER

COLORADO RIVER

— Map of —
Fort Yuma Indian Reservation
San Diego County
— Cal —

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PROPOSED CANAL OF THE C. R. I. CO.

T.16 S. R. 22 E. S.B.M.

T.16 S. R. 23 E. S.B.M.

T. 16 S. A. 23 E. S.B.M.

Pot Holes

Proposed Levee

Sec. "A"

Sec. "B"

COLORADO RIVER

Fort Yuma Reserve

S. P. R. R.

Sec. "C"

Yuma

International boundary

Map of
Fort Yuma Indian Reservation
San Diego County
Cal.

S Ex 68 532