ATTEND THE OCCUPATION. I HAVE SEEN THE CARCASSES OF THESE ANIMALS SCATTERED OVER THE PLAINS, THE HUNTER, AFTER SHOOTING THE BUFFALO, PAUSING BUT TO TAKE THE TONGUE; AND THEY ARE KILLED IN THIS WAY AT A TIME WHEN THEIR SKINS ARE UTTERLY USELESS. IF THERE IS ANY OBJECTION TO THIS BILL, IT IS THAT IT DOES NOT GO FAR ENOUGH IN PREVENTING THE SLAUGHTER OF THE ANIMAL AT THE SEASON WHEN ITS SKIN IS OF NO VALUE WHATSOEVER. I HAVE AT THIS SESSION INTRODUCED A BILL FOR THE PROTECTION OF FUR-BEARING ANIMALS IN ANOTHER PORTION OF THE COUNTRY, AND ON THE SAME PRINCIPLE I SUPPORT ANY BILL DESIGNED TO PROTECT, AGAINST WANTON DESTRUCTION, A CREATURE SO USEFUL AS THE BUFFALO.

MR. FORT. MR. SPEAKER, THIS BILL HAS BEEN DISCUSSED AT SOME LENGTH, AND NO ARGUMENT HAS BEEN ADDUCED AGAINST ITS PASSAGE SO FAR AS I HAVE HEARD, EXCEPT THAT THESE BUFFALOES HERD UPON AND TRAMPLE DOWN THE GRASS ON WHICH THE DOMESTIC ANIMALS OF THE SETTLERS FEED. THE GENTLEMAN WHO ADVANCED THIS ARGUMENT IS MISTAKEN. HE MAY INQUIRE (210G) OF EVERY MAN WHO HAS TRAVERSED THE PLAINS, EVERY MAN WHO REPRESENTS A TERRITORY ON THIS FLOOR, AND HE WILL FIND THAT HE IS ENTIRELY MISTAKEN ON THAT POINT. BUFFALOES ARE HARMLESS ANIMALS, FEEDING UPON THE PLAINS WHERE NO DOMESTIC ANIMAL GOES.

THE ONLY OTHER ARGUMENT THAT HAS BEEN ADVANCED AGAINST THE BILL IS THAT THE SECRETARY OF THE INTERIOR THINKS THE BUFFALO SHOULD ALL BE KILLED OFF, IN ORDER THAT HE MAY CIVILIZE THE INDIANS. SHOOT THE BUFFALO, STARVE THE INDIANS TO DEATH, AND THEREBY CIVILIZE HIM! I WOULD SUGGEST THAT A SHORTER AND MORE HUMANE WAY WOULD BE TO GO OUT AND SHOOT THE INDIANS THEMSELVES—PUT AN END TO THEIR EXISTENCE AT ONCE, INSTEAD OF STARVING THEM TO DEATH IN THIS MANNER.

I CALL THE PREVIOUS QUESTION. THE PREVIOUS QUESTION WAS SECONDED AND THE MAIN QUESTION ORDERED; AND UNDER THE OPERATION THEREOF THE BILL WAS ORDERED TO BE ENGROSSED FOR A THIRD READING; AND BEING ENGROSSED, IT WAS ACCORDINGLY READ THE THIRD TIME.

THE QUESTION BEING TAKEN ON THE PASSAGE OF THE BILL, THERE WERE—AYES 132, NOES NOT COUNTED.

SO THE BILL WAS PASSED.

MR. FORT MOVED TO RECONSIDER THE VOTE BY WHICH THE BILL WAS PASSED; AND ALSO MOVED THAT THE MOTION TO RECONSIDER BE LAID ON THE TABLE.

THE LATTER MOTION WAS AGREED TO.

43D CONG. 1ST. SESS. CONG. REC. VOL. 3 PT. 6, PP. 5413-5414, JUN. 23, 1874 (H.R. NO. 931.)

(5413) MR. SPRAGUE. I MOVE THAT THE SENATE PROCEED TO THE CONSIDERATION OF HOUSE BILL NO. 931 TO PREVENT THE USELESS SLAUGHTER OF BUFFALOES WITHIN THE TERRITORIES OF THE UNITED STATES.

THE PRESIDENT PRO TEMPORE. THE QUESTION IS ON THE MOTION OF THE SENATOR FROM RHODE ISLAND.

MR. BOREMAN. IS THAT THE REGULAR ORDER?

THE PRESIDENT PRO TEMPORE. IT IS THE NEXT HOUSE BILL ON THE CALENDAR.

THE BILL WILL BE READ FOR INFORMATION.

THE BILL WAS READ, AS FOLLOWS:

BE IT ENACTED, &C., THAT IT SHALL HEREAFTER BE UNLAWFUL FOR ANY PERSON WHO IS NOT AN INDIAN TO KILL, WOUND, OR IN ANY MANNER DESTROY ANY MALE OR FEMALE BUFFALO OF ANY AGE, FOUND WITHIN THE BOUNDARIES OF ANY OF THE TERRITORIES OF THE UNITED STATES.
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Sec. 2. That it shall in like manner be unlawful for any such person to kill, wound, or destroy in said Territories any greater number of male buffaloes than needed for food by such person, or than can be used, cured, or preserved for the food of other persons or for the market. It shall be in like manner unlawful for any such person or persons to assist or be in any manner engaged or concerned in or about such unlawful killing, wounding, or destroying of any such buffaloes. Any person who shall violate the provisions of this act shall, on conviction, forfeit and pay to the United States the sum of $100 for each offense, (and each buffalo so unlawfully killed, wounded, or destroyed shall be and constitute a separate offense,) and on conviction for a second offense may be committed to prison for a period not exceeding thirty days. All United States judges, justices, courts, and legal tribunals in said Territories shall have jurisdiction in cases of the violation of this act.

The Chief Clerk again read the bill.

MR. WRIGHT. The committee who reported this bill certainly do not want to have it passed in this shape.

The PRESIDENT pro tempore. Does the Senator object to its consideration?

MR. WRIGHT. I do not object.

MR. CLAYTON. The Senator from Iowa can move an amendment to perfect it.

MR. HARVEY. I move to amend the bill by striking out in lines 3 and 4 the words "who is not an Indian;" so as to read:

That it shall hereafter be unlawful for any person to kill, wound, or in any manner destroy any female buffalo of any age, &c.

MR. HITCHCOCK. That will defeat the bill.

MR. FRELINGHUYSEN. That would prevent the Indians from killing buffaloes on their own ground. I object to the bill.

The PRESIDENT pro tempore. The bill will be laid aside.

MR. SPRAGUE. I move that the Senate proceed to the consideration of that bill.

MR. SARGENT. I understand the only objection is to the words "not an Indian." Of course those words ought not to be struck out. I think we can pass the bill in the right shape without objection. Let us take it up. It is a very important bill.

MR. FRELINGHUYSEN. I will withdraw my objection with the understanding those words will not be stricken out.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Rhode Island to postpone the Calendar and proceed to the consideration of the bill indicated by him.

The motion was agreed to; there being on a division - ayes 23, noes 16.

MR. INGALLS. I hope my colleague will withdraw the amendment.

MR. SARGENT. It destroys the whole force of the bill.

MR. INGALLS. Certainly this is a very important bill. Unless some measure of this kind is adopted the entire race of buffaloes will be exterminated in a very few years, and although the bill is not well drawn, it ought to be passed in some shape.

MR. STEWART. The Indians themselves are much more careful of the buffalo than the whites are, and if you put in a provision that nullifies the bill, it will be charged that the Indians did it, and nobody will be responsible.

MR. SARGENT. Not only that, but it will deprive the Indians of their food, which ought not to be done.

MR. STEWART. The Indians will not object to this law. They want the buffalo for food.
Constitution of the United States, Article I, Section 7, Clause 2:

"Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a law, be presented to the President of the United States. If he approves he shall sign it, but if not he shall return it, with his objections to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. --- If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law."
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MR. CLAYTON. I simply desire to say that the Committee on Territories gave to this bill careful consideration. They regard the buffalo as the natural herd of the Indian. The Indians depend to a great extent on the buffalo for their food during the winter season, and they are careful and cautious about the destruction of the buffalo. It is (5414) the white man that destroys it. I hope the amendment will be withdrawn.

MR. HARVEY. I withdraw the amendment.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.


(51) The 43d Congress, first session, adjourned on June 23, 1874. (Cong. Rec. vol. 2, pt. 6, pp. 5430, 5447) On June 25 the President's secretary sent to the secretary of State the following letter:

EXECUTIVE MANSION
Washington, D.C., June 25, 1874.

MR. SECRETARY: The President directs me to forward the two accompanying bills which were "pocketed" June 23d, 1874.

H.R. 221 - "An Act to prevent the useless slaughter of buffaloes within the Territories of the United States."

H.R. 1313 - "An Act for the relief of Alexander Burch." I am Sir
Your Obt. Svt.

O.E. BABCOCK, Secretary.

TO THE SECRETARY OF STATE.

The bill relating to the buffaloes is stamped Rec'd. Executive Mansion Washington, D.C. Jun 23 1874 Department of State received Jun 25 1874.

The bill relating to Alexander Burch is stamped:
Rec'd. Executive Mansion Washington D.C. Jun 17 1874 Department of State received Jun 25 1874.

(*Pocket Veto: The President's failure to approve or disapprove a bill presented to him after enactment by Congress, less than ten days before the adjournment of Congress, which results in the bill not becoming law, and enables the President to avoid giving reasons for his attitude on the bill presented to him. Pocket Veto sustained: In the case of Okanogan et al. v. United States, 279 U.S., 671-693, it was Held: That an adjournment of the first session of the Congress within ten days after passing the Okanogan Jurisdictional Bill and presenting it to the President, was an adjournment which prevented the return of that Bill to the House of its origin with the President's objections, within the meaning of Article I, Section 7, Clause 2, of the Constitution of the United States.)


(771) MR. FORT also introduced a bill (H.R. No. 1719) to prevent the useless slaughter of buffaloes within the Territories of the United States, which was read a first and second time, referred to the Committee on Territories, and ordered to be printed.
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(1237) MR. FORT. The Committee on the Territories have instructed me to report back without amendment the bill (H.R. No. 1719) to prevent the useless slaughter of buffaloes within the Territories of the United States. The committee unanimously recommends its passage.

The bill was read. It provides in the first section that it shall hereafter be unlawful for any person who is not an Indian to kill, wound or in any manner destroy any female buffalo of any age, found at large within the boundaries of any of the Territories of the United States.

The second section provides that it shall be, in like manner, unlawful for any such person to kill, wound, or destroy in the Territories any greater number of male buffaloes than needed for food by such person, or than can be used, cured, or preserved for the food of other persons, or for the market. It is to be in like manner unlawful for any such person or persons to assist or be in any manner engaged or concerned in or about such unlawful killing, wounding, or destroying of any such buffaloes. Any person violating the provisions of the act, shall, on conviction, forfeit and pay to the United States the sum of $100 for each offense, (and each buffalo so unlawfully killed, (1238) wounded, or destroyed shall be and constitute a separate offense,) and, on a conviction for a second offense, may be committed to prison for a period not exceeding thirty days. All United States judges, justices of courts, and legal tribunals in the Territories are to have jurisdiction in cases of the violation of the act.

MR. FORT. I will detain the House but a few moments with any remarks in relation to this bill. The buffaloes which roam over the Territories of the United States are fast disappearing. The intention and object of this bill is to preserve them for the use of the Indians, whose home is upon the public domain, and to the frontiersman, who may properly use them for food. Where once there were thousands of buffalo there are now but hundreds. They have been, and are now being, slaughtered in large numbers, and must soon disappear. Thousands of these noble brutes are annually slaughtered, not for food, but slain out of mere wantonness. Hundreds and thousands of them are shot down upon the plains, as I am informed, for sport. The Indians are disposed to look upon these creatures as their own herds, their own cattle, and they regard with jealousy the destruction of what they deem to be their property, and believe they should be preserved for them.

Certainly no good can come from this continued slaughter. These animals are harmless; they injure no one. Civilization has no war with them. In the judgment of the committee they should be as far as possible preserved for the use, not only of the Indians upon the plains, but for the settlers who go to the frontier for legitimate purposes and settlement, and should only be killed for food and for their robes.

This bill just as it is now reported passed the last Congress. It passed the House then, I believe, without a dissenting voice; but it was not passed in the Senate until toward the last of the session, as I am informed, and failed to receive the approval of the President, as I am further informed, only because more important matters occupied attention until Congress adjourned. It was not vetoed, but fell, as I understand, merely for want of time to consider it after having passed both Houses.

It is said by some that the bill is well enough, but that it relates
only to the Territories, while in Kansas, where large numbers of these buffaloes are destroyed, it would have no force. Every gentleman, upon a moment's reflection, must see that this cannot be otherwise. The United States Government has no jurisdiction within the boundaries of any State for such purposes. It must be left for the different States to make such regulations as they choose for preserving the game within their limits. All we can do is to preserve these buffaloes where we can.

One further remark. Every member of this House is aware that we are annually furnishing at heavy cost thousands and thousands of beef cattle to the Indians for food. It seems to me wrong that these vast herds of the plains, which have grown up in the course of nature without any cost to us, should be uselessly, cruelly, and wantonly destroyed, while at the same time we are called upon to expend so much money annually for the purpose of supplying the place of these animals with domestic cattle. I can see no reason why the bill should not pass now, as it passed before. I will not detain the House longer in its discussion at this time.

MR. CROUSE. Will not the gentleman consent to an amendment striking out the words "who is not an Indian," so as to make the bill general? I apprehend that the only destruction to be complained of to any material extent is that committed by the Indians. That done by the white man is very limited. If the object is the preservation of the buffalo for the use of the Indian, I can see no reason why he should not be restricted in the wanton destruction of these animals. The bill seems to me nugatory unless this discrimination be wiped out. There should be no other law for the Indian than for the white man. They should be both alike amenable to all laws. If it is wrong for a white man wantonly to destroy the buffalo, it is equally wrong for an Indian. I hope the gentleman will at least consent to test the sense of the House on the amendment which I suggest.

I might add that the very liberty which is now allowed the Indian—the licence to hunt the buffalo promiscuously—leads him to wander away from his reservation into Nebraska and elsewhere, and thus arise many of the troubles connected with the Indian question. Will the gentleman permit the sense of the House to be tested on this amendment?

MR. FORT. I would have no sort of objection to an amendment in accordance with the gentleman's suggestion did I deem it necessary, and were it not for difficulties that would arise in prosecuting Indians. My information has been that it is not the habit of Indians to destroy buffalo wantonly, merely for the sake of the sport. This destruction has principally been carried on by white men. If, however, it be thought that such an amendment as the gentleman suggests would improve the bill, I of course must consent. If the Indian is to be restrained I hope it will be done by a separate law, for the reason that intricate treaties would have to be considered. We all know that prosecutions, or rather the punishment, of Indians would have to be performed by a different authority in most cases. I presume that the committee who have had the bill under consideration would interpose no objection were it not for these reasons. I of course have no authority to accept any amendment; all power to amend is with the House.

MR. DUNNELL. Mr. Speaker, I would add a single word to the remarks which have been made by the gentleman from Illinois. I think the present bill is one of great importance, and if rightly understood by the House possibly no objection will be urged to it. The bill to which allusion has been made as having passed the last House of Representatives was reported
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from the Committee on Public Lands. It will be remembered when it was under discussion that the Delegate from Arizona at that time submitted some very interesting remarks on the habits of the buffalo and also in relation to the wanton destruction of that animal. I will ask the Clerk to read first an extract from a paper in New Mexico, next an extract from a letter of General Hazen, and then a letter from Lieutenant-Colonel Brockett, of the United States cavalry. These three short extracts will show the value of this animal and the wantonness with which it is destroyed, and they constitute an unanswerable argument in favor of the passage of this bill. I simply ask those extracts be read as a part of my remarks.

The Clerk read as follows:

The buffalo slaughter which has been going on for the past few years on the plains, and which increases every year, is wantonly wicked and should be stopped by the most stringent enactments and most vigilant enforcement of the law. Killing these noble animals for their hides simply or to gratify the pleasure of some Russian duke or English lord, is a species of vandalism which cannot too quickly be checked. United States surveying parties report that there are two thousand hunters on the plains killing these animals for their hides. One party of sixteen hunters report having killed twenty-eight thousand buffaloes during the past summer. It seems to us there is quite as much reason why the Government should protect the buffaloes as the Indians.

I know a man who killed with his own hand ninety-nine buffaloes in one day, without taking a pound of meat. The buffalo for food has an intrinsic value about equal to an average Texas beef, or say $20. There are probably not less than a million of these animals on the western plains. If the Government owned a herd of a million oxen they would at least take steps to prevent this wanton slaughter. The railroads have made the buffalo so accessible as to present a case not dissimilar.

OMAHA BARRACKS, NEBRASKA.
January 30, 1872.

SIR: I have read with a great deal of interest the letter of General Hazen to you respecting the needless killing of buffaloes. What he says is strictly true; and there is as much honor and danger in killing a Texas steer as there is in killing a buffalo. All the reports about fine sport and good shooting are mere gammon. It would be equally as good sport and equally as dangerous to ride into a herd of tame cattle and commence shooting indiscriminately. The wholesale butchery of buffaloes upon the plains is as needless as it is cruel. Hundreds and hundreds of them have been killed in the most wanton manner, or for their tongues alone. It is time that something should be done for their protection; and I trust you will make an effort to have Congress interfere in their behalf. It is an abuse of language to call the killing of harmless and defenseless buffaloes sport. I am, sir,

A.G. BRACKETT,
Lieutenant-Colonel Second United States Cavalry.

MR. REAGAN. I have not examined the bill and do not know exactly what are its provisions, but the object it has in view is altogether proper and right. I know this from some personal experience among the Indians and of the wanton and reckless destruction of buffaloes. It has been for many years a common practice for hunting parties and for men upon pleasure excursions to kill buffalo by the hundreds and thousands. It is a very large animal and useful to man, and should be protected from useless and wanton destruction.
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They are not only killed out of mere sport, but it has been common to destroy them by hundreds and thousands merely for their hides and tongues. This certainly is a cruel waste, and when we remember that now, instead of having to travel on horseback a great distance in order to reach them, the country over which they roam is penetrated by railroads, and access is made more easy, we can readily see how this sport can be indulged in to a greater extent than formerly. It will be understood that, unlike domestic cattle, they roam over the plains from north to south and from south to north according to the season. In winter they go toward southern New Mexico and Texas, and in summer they pass up into our northern Territories. They gather together in vast herds, which makes their destruction comparatively easy for those who seek it. It is not like hunting other game scattered about, only a few in each place; but these buffalo, roaming from south to north or from north to south, as the weather and the grass invite, in large bodies, we find that, in addition to killing them for food and for useful purposes, persons out of mere sport indulge in their wanton destruction, while others engage in killing them merely for their hides and tongues. A law certainly should be made to prevent this.

The Indians, like the buffalo, go north or south according to the season, and generally travel in the track of the buffalo. The hunting of the buffalo afford them their chief means of subsistence. If these animals can be preserved from wanton destruction, it will save a great deal to the Indians, and certainly will save a great deal to the Government in caring for them.

It has been mentioned here that the buffalo likewise should be protected against wanton destruction by the Indians as well as by the whites. So far as I have had any personal observation on the subject, the Indians do not seek wantonly to destroy them. They regard them as a species of property, as the means of subsistence, and they desire to see them preserved beyond what is necessary for their subsistence. It may be that there are cases where they do destroy them merely for their tongues, hides, and horns. If they do, it would be wise to extend the provision of the law so as to prevent any such wanton destruction on their part as well as on the part of the white people in hunting parties and excursions by pleasure-seekers, who wantonly destroy buffaloes by the hundreds and thousands, and waste valuable food (1339) which should be preserved for the subsistence of the Indians as well as of the whites who explore the plains or live upon the frontier.

I do not know the particular provisions of this bill, but the object sought is a beneficent one, and, if properly guarded, the bill ought certainly to be enacted into law.

MR. JENKS. I rise to offer an amendment, to come in at the fourth line of the second section of the bill.

The SPEAKER pro tempore. There is an amendment already pending, offered by the gentleman from Nebraska, (MR. CROUNSE.) Does the gentleman from Pennsylvania MR. JENKS desire to offer an amendment to the pending amendment?

MR. JENKS. I would like to hear the pending amendment read.

The Clerk read as follows:

Amend by striking out in lines 3 and 4 of the first section the words "who is not an Indian." MR. JENKS

MR. JENKS. The amendment I desire to offer is an amendment to another section. If it be proper that the pending amendment be disposed of first, I will offer mine afterward. It is in accord with the spirit of the bill
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and intended to carry out its purpose. The gentleman who has the bill in charge I believe will accept it.

The SPEAKER pro tempore. The amendment of the gentleman from Pennsylvania will be in order after that now pending has been disposed of. The question is on the amendment of the gentleman from Nebraska.

MR. TOWNSEND, of New York. I hope the amendment will be adopted. There can be no reason why the white man should be forbidden to kill the female buffalo while the privilege of killing her is allowed to the Indian. The object is to preserve the game. And if the game be destroyed, it makes no difference whether it be by the rifle of the Indian or the rifle of the white man.

It will be found perfectly impracticable for us to have one law for the Indian and another law for the white man. We have now got down to the doctrine of equality, and our boys on the frontier have always been believers in the doctrine of equality, so far at least as to give them as much right as anybody else; and I believe it would be found utterly impracticable to enforce any law that gives a privilege to the red man which would not be enjoyed by the white man. Besides, it is right in principle that there should be no distinction. And I hope yet before this session is over to see the Indian, even in his conduct toward other Indians, made amenable in the Territories of the United States to our laws for the punishment of crime. We shall have made a great step toward settling the Indian question when the United States laws intervene to protect one red man from the violence of another red man. This should not have been left unprovided for as long as it has been, and I trust before this session is over there will be provision made for the law being equal in regard to all men in our Territories.

MR. MC GINNIS. I believe it would be impracticable to carry out what the gentleman from New York (MR. TOWNSEND) suggests. The Indians are not under our civil law.

MR. CROUNSE. Why are they not under our civil laws?

MR. MC GINNIS. On account of the system of our Government.

MR. CROUNSE. By what provisions of the Constitution or of law?

MR. MC GINNIS. By the laws of Congress and the treaties in virtue of which they are placed on their reservations.

MR. TOWNSEND, of New York. If an Indian commits a crime against a white man on a given spot in our Territories our laws punish him. Why should they not punish him if he commits a crime against a red man standing upon the same spot?

MR. MC GINNIS. I have never known the law to punish anything of the kind.

MR. TOWNSEND, of New York. It is time that the law did so. If the gentleman will allow me a moment, I would say that as the law stands now we create a necessity for the Indian to remain a barbarian. As against another Indian he has to be continually armed to protect his home, to protect his little ones, and to protect the property he has. If we will protect him as we protect our white men on the same spot of ground, the Indians may cease to be barbarians and become agriculturists as our people are.

MR. MC GINNIS. The gentleman from New York cannot be more in favor of a thorough revolution in our whole Indian system than I am. I agree with him in all he says. But I believe it to be true, as has been stated by the gentleman from Texas, (MR. REAGAN,) that the Indians do not kill the buffalo cows.

MR. TOWNSEND, of New York. If they do not kill them now, then by this amendment we will do them no wrong.
MR. MC GINNIS. It is often the only mode of support they have to kill those buffaloes for their families. There are many Indians in my Territory who by killing the buffalo, curing the meat, and preserving the robes make a very decent livelihood; and I think it would be extremely unwise to include the Indians in the prohibition. The bill ought to pass as it stands.

MR. FORT. I now yield five minutes to the gentleman from Texas, (MR. THROCKMORTON.)

MR. THROCKMORTON. While the intention of this bill is a good one, I have no doubt in my mind that it is mischievous in its results. There would be a great deal of difficulty in attempting to enforce a law of this kind. I think, Mr. Speaker, that it would work great hardship on large portions of our frontier people who are in the habit of hunting buffaloes not only for food but for amusement.

I think the results of the bill would be bad in another direction. The object of this Government is to gather the Indians together on reservations, and just so long as you have buffaloes, so that they can leave their reservations, either at will or by permission, to hunt buffaloes, so long will the Government find it difficult to keep them on their reservations.

Now, sir, there is no question that, so long as there are millions of buffaloes in the West, so long the Indians cannot be controlled, even by the strong arm of the Government. I believe it would be a great step forward in the civilization of the Indians and the preservation of peace on the border if there was not a buffalo in existence.

Now let me refer to another thing which has been brought in by gentlemen on the other side of this question. It is well known by the people of the frontier that the buffaloes do not follow the same trail when they go south as when they go north. Sometimes they travel eastward farther than they do at other seasons of the year, and at such times they interfere with the settlement of the country. When one hundred buffaloes come into a neighborhood where cattle are raised the immediate result is that they carry the cattle off by a kind of stampede, and thus destroy the property of the people.

But the most mischievous result, if this bill be passed, would be the serious injury it would inflict on the people of the frontier, for citizen will be required to travel one hundred miles from the locality where they reside to the Federal courts for trial. They will be subject to extraordinary expenses in traveling and in making defense.

MR. REAGAN. My colleague will allow me to suggest that the bill as presented does not authorize indictments in the States; it relates only to the Territories, and cannot affect our State.

MR. THROCKMORTON. But, sir, my knowledge of the affairs in Texas justifies me in making the statement I do; in regard to the Territories, and whenever you pass this bill and it goes into effect, you will find that hundreds and hundreds of the frontier people will be dragged from their distant homes to Federal courts for trial, and subjected to extraordinary expenses in traveling and attending to their cases.

The there is another thing: this bill refers to female buffaloes. I would like to know how an Indian or hunter, however experienced he may be on the frontier, would be able to determine whether the animal fired at was a female or a male. I have had some experience in that business, and I know the impossibility of it. These buffaloes stampede our cattle and horses by the thousand, trample down the grain fields, destroy thousands of acres at a time, and I say that for the civilization of the
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Indian and the preservation of peace on our borders the more buffaloes are exterminated the better it will be for our country.

MR. FORT. I desire to demand the previous question, but will yield for five minutes to the gentleman from Texas, (MR. HANCOCK.)

MR. HANCOCK. Mr. Speaker, I had not proposed to take any part in this discussion, but my mind is so thoroughly convinced of the impolicy of this whole bill that I feel it proper that I should make a few remarks as to the reasons why I dissent from this measure in its entirety. I hope, sir, there is no humanitarian sentimentality that would induce legislation for the protection of the buffalo, and that we shall look at it and treat it as a practical question. The only individual whose interests seem to be sufficiently provided for and protected by this bill are the Indians. If the theory upon which the Government is now treating the Indian is a proper one, and I am inclined to believe it is the best, the sooner we get rid of the buffalo entirely the better it will be for the Indian and for the white man too. They are, at most, but game. Men have not been able to domesticate them so as to make them useful in any respect as a domestic animal. They take up much room and consume as much provender as cattle and horses or any other character of useful domestic animals.

But that is not the only reason why I object to this bill. Just so long as the Indian is permitted to roam over the plains and seek a livelihood by the pursuit of this character of game, the only one that remains now that will subsist him for sixty days, just so long will the difficulty continue of humanizing and civilizing him and making him self-sustaining. Then, so far as he is concerned, if the Government is to feed him, and we now expend an aggregate of over $8,000,000 in his behalf, a sum sufficient to feed him sumptuously and clothe him, too, that can only be effected by confining him to some district of country where he can be placed under the control of those who look honestly, faithfully, and efficiently to his welfare and remove the inducements to pursue the buffalo. That will be much more easily effected than it will be if you give him a legislative grant, a kind of prerogative right to go in pursuit of the buffalo of any gender when it suits his convenience.

The reports on this subject show that one of the greatest difficulties is in restraining the Indian from going on his habitual hunt after buffalo when he engages in his other sports, such as murdering the frontier settlers and robbing them of their property and carrying it off without reference to whether they are friends or foes. They have no appreciation of the moral duties which we recognize as being in every citizen of the country, but pursue the habits of their nature and their custom in taking whatever is within their reach. I hope the entire bill will be defeated.

MR. FORT. Allow me a few words in reply to the gentleman who (1240) has just taken his seat, (MR. HANCOCK.) I understand his position to be that in order to civilize Indians we must destroy the buffalo. Then why not destroy all the game that roams on his native plains? In other words, that we must in order to civilize the Indian reduce him to starvation, and according to the gentleman's theory we should kill or allow to be killed all the buffalo, that he may no longer indulge in the chase to get food for his little ones.

I will ask him why not also kill all the deer, the elk, and beautiful antelope? Why not poison the rivers and kill all the fish? Why not destroy all other game? Why not destroy the means of support he gets from nature; in order to reduce him to civilization?

In other words would it not be more humane to take your Army and with red-mouthed cannon sweep the Indian from the earth? If death is the remedy
EXTERMINATION OF THE BUFFALO. GOVERNMENT POLICY.

he would administer to the Indian, why not say so and then select the least cruel mode of administering it? Do it in the most humane manner. In the name of humanity and the Christian religion do not resort to starvation as a means. I have no especial sentimentality in my bosom for the Indian; I have no especially friendly feeling for the savage, but I do not desire his destruction. The idea of starving little children is so revolting, I cannot see how a gentleman so kind-hearted as he is known to be, could wish such result. Would such treatment civilize, Christianize, or make the Indian more peaceful? In my judgment it would be more likely to make him savage and warlike.

The experience of the gentleman is no doubt greater than my own, but I cannot understand why we should destroy all his game and natural means of support. Why do we feed the Indians as we do? If we are to civilize them by starvation, why do we feed them? Why do we drive out hundreds and thousands of cattle annually to feed them at a cost of hundreds of thousands of dollars? I cannot see the logic of my friend from Texas of honorable historic name, (MR. HANCOCK.) of course we leave to the several States the preservation and protection of the game within their borders. We do not propose to go into the States and legislate on game there, but it does seem to me that upon the principle of humanity to the Indian alone we ought to preserve the game; preserve what he has rather than to destroy the little he has got. For my part I favor the society which has in view the prevention of cruelty to animals. We ought not to be cruel to the Indian, be he human or animal, and we ought not to be cruel to the poor harmless buffalo. In my judgment this bill has in view and will in a degree effect the preservation of his game in order to make him more peaceful and quiet.

Many of the collisions that have arisen between the whites and the Indians, as I am informed by Army officers who have been stationed in that country and by others, have arisen from hunting parties who have gone there and were engaged in wholesale shooting down and destroying the buffalo which they look upon as their cattle raised up by the Great Spirit for their use; and more or less blood has been shed and sometimes wars have ensued merely because white men have been allowed to go among the Indian's flocks and herds and engage in the indiscriminate slaughter of these brutes. I now yield for a few minutes to the gentleman from Texas.

I now yield for a few minutes to the gentleman from Texas, (MR. REAGAN.) MR. REAGAN. If we propose to act upon this subject as upon others we should act upon the facts as they exist before us, and not attempt to shape the legislation of this country upon undeveloped theories, which have not yet arisen and which we have no reason to believe ever will be developed. For nearly a century we have been trying to civilize the Indians, to teach them habits of industry, the pursuits of agriculture, and a knowledge of the mechanic arts. How far have we succeeded with the full-blooded Indians? Can any one point to any success in inducing them to cultivate the soil, to adopt the habits of civilization, and to follow industrial pursuits as the white race do?

MR. HANCOCK. What does my colleague (MR. REAGAN) say in reference to the Choctaws and Chickasaws?

MR. REAGAN. I say this, and I say what all know who know anything about them: that with reference to the mixed races, a few who have been educated have obtained property, and established homes, and cultivated the soil. That is not, however, universal even among the Chickasaws, Choctaws, Cherokees, and the other Indians in the territory west of Arkansas, who are, perhaps, the most advanced in civilization. when you come to the
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great mass of Indians, they are Indians still - living their nomadic life by the hunt and the chase. And judging by the experience of the past, my judgment is that if in the mercy of Heaven a full-blooded Indian shall still be spared at the end of another one hundred years, he will still be the Indian which God has made him, of nomadic habits and pursuing the chase for a livelihood.

MR. HANCOCK. What does my colleague say of President Juarez, of Mexico, who is an Indian?

MR. REAGAN. I understand that President Juarez is a descendant of Indians, as a large number of Mexican people are said to be. But he was an educated man; was not reared as an Indian, but in the habits of civilized life. He was not a fair example by which to illustrate the Indians who roam upon the plains.

But I was going to say this: the Indians are now, as they ever have been, a roving nomadic people, living chiefly upon game and fish. Whether you pass this bill or do not pass it, whether you preserve the buffalo or destroy them, whether you preserve the game upon which they live or destroy it, they will still be Indians. The true policy is the policy of humanity, and if gentlemen will have it so, the policy of sentiment. I do not deny that sentiment as well as reason enters into my consideration of all these questions. Whether you destroy or preserve this game, the Indians will still remain Indians. Is it not right in itself to leave them the benefits which the God of nature has provided for sustaining their existence in the condition in which He has placed them upon the earth?

Besides that, sir, if the Indians could be swept from the continent at one blow - if the Indian race could be annihilated - still the law ought to prevent the willful, wanton destruction of so large a mass of cattle, (as they may be termed,) well suited for human food, and whose hides, horns &c., are valuable for articles of commerce. They ought to be preserved against the wanton destruction which has fallen under the observation of all who have had experience in the buffalo range and upon the frontiers. Even if the Indians were out of the way, I should be in favor of preventing the wanton destruction of these large herds of cattle which are so valuable for food and other purposes. It is unwise, it is wrong, it is cruel to permit men to indulge in the wanton destruction of animals which are of so great value to any part of the human family brought into contact with them.

MR. FORT. I yield to the gentleman from Indiana (MR. BAKER) to offer an amendment; and then I shall ask the House to sustain the previous question.

MR. BAKER, of Indiana. Mr. Speaker, from more than two years' experience on the western plains, I feel thoroughly persuaded of the propriety of the legislation now proposed, and I shall give it my hearty approval. But, in order to obviate one difficulty which I perceive in connection with the measure, I wish to offer an amendment; and I hope the gentleman who has control of the floor will permit me to submit one word of explanation with reference to the purpose of the amendment.

The SPEAKER, pro tempore. (MR. BLACKBURN.) Does the gentleman offer an amendment to the amendment already pending?

MR. BAKER, of Indiana. An amendment to the bill.

The SPEAKER, pro tempore. Does the gentleman offer it as a substitute for the pending amendment?

MR. BAKER, of Indiana. Yes, sir, I will offer it as a substitute. It is to insert the following proviso:

Provided: That any white person who shall employ, hire, or procure, directly or indirectly, any Indian to kill any buffalo forbidden to be killed by this act, shall be deemed guilty of a misdemeanor, and punished
in the manner provided in this act.
I wish to say but a few words in reference to this amendment. One
great source of the destruction of the buffalo, according to my observation
is the fact that white people who are interested in procuring the pelts of
the buffalo employ the Indians for the purpose of destroying this species
of game; and, if the bill now pending should in its present form become a
law, the temptation to employ Indians for this purpose would in my judgment
be infinitely increased. In order to prevent the defeat or evasion of the
law by the employment of Indians for the purpose of destroying this class
of game, some such amendment as I propose should be inserted.
MR. FORT. If I did not understand that the bill already covers the object
proposed by the amendment of the gentleman from Indiana (MR. BAKER) I
should certainly be in favor of it; but it seems to me that the bill
already would include such cases and punish them. If members will turn to
line 5 of the second section of the bill they will find the bill provides that

It shall be in like manner unlawful for any such person or persons to
assist or be in any manner engaged or concerned in or about such unlawful
killing, wounding or destroying of any such buffaloes.
It seems to me that under this provision, if a white man should employ
Indians to wantonly slaughter buffalo, he would be concerned directly in
such slaughter and would be liable to the penalty provided by the bill.
I yield to the gentleman from Pennsylvania (MR. JENKS) to offer an
amendment; and after that, if I have any time left, I will yield five
minutes to the gentleman from Michigan, (MR. CONGER.)
MR. JENKS. I desire to offer the following amendment:
Strike out in the fourth line of the second section the word "can" and
insert "shall;" and in the second line of the same section insert the
word "wantonly" before "kill;" so that the clause will read:
That it shall be, in like manner, unlawful for any such person to
wantonly kill, wound or destroy in said Territories any greater number
of male buffaloes than are needed for food by such person or than shall
be used, cured, or preserved for the food of other persons or for the market.
The SPEAKER pro tempore. An amendment of this character is not now in
order; but if there is no objection, it will be received.

There was no objection.
MR. FORT. I now yield five minutes to the gentleman from Michigan, (MR.
CONGER.)
MR. CONGER. Mr. Speaker, this bill contains some provisions which I desire
to oppose, as I have done on every former occasion when it has been
presented. In the first place, I am opposed to giving to the Indians,
while it is the policy of the Government to confine them upon their
reservations closely, any inducement to wander from those reservations
throughout the Territories in hunt of game or for the murder of the
people.
Again, I am opposed by a law of the United States to giving to Indians
a privilege which is not given to the citizen of white blood who has gone
into the wilderness to make his home there, to settle there, to bring up
his family there. I say it presents a strange spectacle to
(1841) the people of the United States and the people of the world for
Congress to legislate that the rude, wild, savage Indians may kill buffalo
on the Territories of the people of the United States when the white man,
even to support his starving family, shall be punished by fine and im-
prisonment for doing the same thing.
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Now, this first section provides that it shall be unlawful for any person who is not an Indian to kill, wound, or in any way destroy any female buffalo of any age found at large within the borders of any of the Territories of the United States. Why should we lay the ban upon the white citizen who may be starving, or whose family may be starving, to prevent his killing a buffalo of any sex for the support of his family? Yet that is what is proposed in this law. If it shall meet with support of the gentlemen here it will meet a support which it has never met with before in this House. I think the whole bill is unwise. I think it is a useless measure. I think the annihilation of the buffalo is not only predestined, but a necessity to the successful cultivation of the soil of the western Territories, and one of the first and surest measures to prevent the wandering of savage tribes in their predatory excursions among the whites who dwell in our Territories.

I will not detain the House longer, as the gentleman having charge of the bill requests me to confine myself to a brief moment. My objections are not new found against this bill. It has been sprung on this House in favor of the Indians and against the settlers at almost every session of Congress for the last six years and as often defeated. I hope it will be again.

MR. FORT. There are great difficulties in the way of providing regulations for the Indians in the killing of buffalo; that the gentleman knows. Because of treaties there are difficulties in the way which cannot be handled in a bill like this. Yet whenever it shall be found that Indians go out in parties wantonly to destroy these animals, then I think the people of the United States, people of the gentleman's own color, will be willing to regulate the Indians as well as white men. If the white man cannot hold his own against the Indian in the Territories I think it is quite time he should retreat.

MR. CONGER. He can perhaps in Congress, although he may not be able to do so on the plains.

MR. FORT. This idea about preferring Indians to white men is all "booh," and the gentleman knows it. He makes the objection for that purpose. Why do we not drive thousands of head of cattle to the gentleman's own district to feed them out to his white constituents? Why do we not do it? We do it to the Indians, and he knows it. There is special legislation by Congress which has reference to the Indians and not to white men.

MR. CONGER. The gentleman knows in my district we have the best herds of cattle in the United States.

MR. FORT. I now demand the previous question on the bill and amendments.

MR. HANCOCK. I move that the bill and amendments be laid on the table.

The House divided; and there were - ayes 56, noes 59.

MR. MUTCHLER demanded tellers.

Tellers were ordered; and MR. FORT and MR. HANCOCK were appointed.

The House again divided; and the tellers reported - ayes 63, noes 75. So the House refused to lay the bill and amendments on the table. The previous question was seconded and the main question was ordered. The question first recurred on the amendment of MR. BAKER, of Indiana, which was agreed to.

The question next recurred on the amendment moved by MR. CROUSE.

The House divided; and there were - ayes 36, noes 76.

MR. CONGER demanded tellers.

Tellers were ordered; and MR. FORT and MR. HANCOCK were appointed. The House again divided; and the tellers reported ayes 18, noes not counted.

So the amendment was rejected.
EXTERMINATION OF THE BUFFALO. GOVERNMENT POLICY. RESULTS OF POLICY.

The question then recurred on MR. JENKINS'S amendment, which was rejected. The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

MR. CONGER. I demand the yeas and nays on the passage of the bill. The yeas and nays were not ordered.

The House divided; and there were ayes 93, noes 48.

MR. CONGER demanded tellers.

Tellers were ordered; and MR. FORT and MR. CONGER were appointed. The House again divided; and the tellers reported — ayes 104, noes 36.

So the bill was passed.

MR. FORT moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table. The latter motion was agreed to.


(H.R. No. 1719.)

SENATE.

(1278) The bill (H.R. No. 1719) to prevent the useless slaughter of buffaloes within the Territories of the United States was read twice by its title, and referred to the Committee on Territories.

(No further reference is found in the Congressional Record to H.R. No. 1719, referred to the Senate Committee on Territories on February 25, 1876, after it had passed the House of Representatives. The bill was never reported out by the Senate Committee on Territories.)

(133) service on the Plains. After assembling my party at Fort Meade, there were three hundred miles to go across country to Fort Custer on the Big Horn to meet my brother. There was no trail, but I guided our party across, and was chief packer, interpreter, commanding officer, guide, and hunter for the party all summer for fifteen hundred miles, through the Big Horn Basin, Yellowstone Park, and back to Fort Custer down the Yellowstone River. Many were the vicissitudes by flood and field. Our camp was washed out by a cloudburst on the Gray Bull.

I killed my last wild buffalo near-by, the last I ever saw, in August, 1884. Another was killed among the horses by the horse guard on the Gray Bull also - just scabby old bulls, for the spring of 1883 saw the last of the buffalo. I was on the range for a month at the Short Pine Hills, killing meat for my troop, which was accumulating a fund to buy vegetables by selling its salt meat in the mines above Deadwood; I replaced this with buffalo meat, and I had no trouble in January, 1883, to keep a six-mule tam going into the post all the time. I was about three thousand men on the range killing buffalo for their hides when the railroad got near. Whenever a dollar can be made on the hide of an animal, that animal is doomed. The hunters would sometimes get a stand on a herd of buffalo and kill one hundred or more. The weather was intensely cold, 40 degrees below zero for days and never above 30 degrees below at noon for weeks at a time, and after taking the tongue and skinning one animal the hides would freeze on the others and would be left untouched by the knife. The waste was terrific. Major James McLaughlin, the Sioux agent at Standing Rock,

(134) took a large contingent of Sioux out on the range to make meat and hides. They killed five thousand head and dried the meat to take back;
I traveled with Hare five hundred miles in search of buffalo in September, 1883. They had been plentiful the year before but now we did not see even a recent track. We met an old Sioux Indian who had been searching all summer and had killed one old scabby bull. Many thought they had gone north into Canada. The Indians thought they had gone underground to rest and would come again, as they were told in their ancient legends had happened before.

But the buffalo never returned, and many Indians starved to death in consequence; starved to death under the American flag, wards of our government, because our government was too weak and too careless to protect their food from wanton destruction by white men.


(193) The year 1883-1884, from fall to early summer, was an incredibly sad and melancholy one for the Piegan, one third of the whole tribe perishing from starvation. That we do not exaggerate, is evident from the official Report of David Urquhart, Jr., who, in the summer of 1884, was sent by Governor Crosby to investigate the facts in the matter, and by whom the following figures were taken from the Agency rolls. "In August, 1883," says the Report, "the heads of families that drew rations from the Agency represented 3144 souls; while on the corresponding day of 1884 the number to whom rations were issued was 3281. In reality, adds the Report, "the number of Indians does not probably exceed 2000 at the present date."

Whence the difference of probably even more than one-third? "The mortality among them," declares Mr. Urquhart in the same Report, "has been ten times as great as it should be in the absence of any contagious disease." Out of Little Crane's family of fourteen, six died. Little Bull counted six dead, out of a family of nine, and so on of all the rest, there being (193) few, if any families at all in the whole tribe, that did not lament one or more members who had died of starvation.

Father Prando was among them most of this time, and his heart could not bear up under the harrowing scenes of which he was a witness, and which no human pen could describe. What a sad, melancholy, spectacle to see, a whole people tottering to their graves from sheer exhaustion for want of something to eat!

Two pounds of meat and about two pounds of flour made up a week's allowance for each adult and all the sustenance they had. Occasionally some did not even get that much, or rather that little, in two weeks. The small pittance was soon devoured, lasting barely two days, and for the rest of the week they had to feed on air and wind. Those who were strong enough, during the winter scoured the neighboring ranges, and lived for a time on cattle that had died from exhaustion or disease. With the approach of warmer weather, the cattle ceased to die, and whatever meat had been secured from cattle that had perished in the winter, became too foul and putrid for use.

Having had occasion, as will directly appear, to visit their tribe, scarcely a month after Mr. Urquhart, we had thus also an opportunity to verify the correctness of that gentleman's report, but also to see for ourselves some of the effects of the famine. Nor was there need of any medical eye to discover them, as they will still but too strikingly visible in the gaunt, thin forms, that made of a number of the young and the old so many shockingly emaciated skeletons and ghost-like shadows.
EXTERMINATION OF THE BUFFALO. RESULTS OF GOVERNMENT POLICY.

But whence this desperate and most inhuman state of affairs in a country of plenty, among most generous people and under the most liberal government on earth? The greed of the frontier man, the dishonesty of Government officials and the cabals of scheming politicians will have to answer for that. By these three combined together, the Blackfeet were confined to a barren country, utterly unfit to support human (194) life, not even that of an Indian, who can live on almost anything but straight air alone. The real condition, besides, of these poor wretches was time and again, grossly misrepresented to the Department at Washington. The worthy in charge at this time, had stated in his annual Report that these Indians "were cultivating 800 acres of land and were in a fair way to become self-supporting;" whereas, in stern reality, not as many as ten acres were cultivated, and "there is no evidence," declares Urquhart in his Report to Governor Crosby, "that they ever did any more." And there being besides, "no game of any kind in this section," to quote Urquhart's Report once more, "the Piegan were thus wholly dependant for every mouthful of food on the Government rations." Under these circumstances how could the general Government at Washington make timely provision for wants, the existence of which was thus palliated by the officials in charge and on the spot.

(198) (1886. Gros Ventres of Fort Belknap. Atsina.) Early in the spring of the following year, (1886) after having consulted with the Indians on the subject, Father Eberschweiler started off for the Little Rockies, to explore that region and look up a desirable place for the Mission. On May first, he picked out a charming spot along People's Creek, a stream of sweet, clear water, which has its source up in the mountains and running through the valley below, empties into the Milk River near Fort Browning. No more desirable site for the Mission could have been selected. Timber is here plentiful, the soil rich, and numerous mountain springs supply the stream with an unfailing abundance of sweet, clear water for both domestic and agricultural purposes as well. The Indians were much pleased with the location, the more so that this spot was one of their favorite resorts in their buffalo hunts of former years.

(199) Soon after, at the suggestion of Father Eberschweiler, a petition signed by all the chiefs and head men of the two tribes (Gros Ventre and Assiniboin) was sent in to the U.S. Government, the petitioners asking to be allowed to move and settle upon these lands. Their request was favorably received at Washington, and in January, 1886, a treaty was made by the U.S. Government, represented by a special Commission, and the Indians. The latter surrendered to the United States all the country claimed as their own, with the exception of an area of some 40,000 square miles in the vicinity of the Little Rockies, which was reserved and set apart for their exclusive use.

The condition of the Gros Ventres and Assiniboin at this time, both in a material and moral point of view, was, indeed, most deplorable. The Methodists, to whose inefficient ministry these Indians had been confined for years, had neither the good will nor the respect of their charges, and had done practically nothing to lift them from degradation and barbarism. Reduced, besides, to a state of utter destitution by the rapid and entire extinction of the buffalo, and the country upon which they were offering them no advantages to make a living by agriculture, the poor wretches were driven to eke out a most miserable existence by wholesale prostitution. The military post close by afforded them additional opportunities for the degrading traffic. By the new treaty, they would be some sixty miles off, and beyond the baneful influence of the contaminating surroundings;
EXTERMINATION OF THE BUFFALO. RESULTS OF GOVERNMENT POLICY.

upon soil that offered every facility for easy and successful farming by which to make an honest living; while their proximity to the new Mission would also benefit them in many other respects.

"There is good ground to hope that the spiritual and moral teaching of the Rev. Fathers at St. Paul's Mission will in time effect great good in eradicating the evils of immorality and drunkenness and creating a conscientious feeling in favor of virtue and temperance," wrote A.O. Simons, U.S. Agent to the Government, August 26, 1890.—(Report Commissioner Indian Affairs, 1890.) It was not (200) long before these favorable anticipations were confirmed by gratifying results.

In the Court of Claims of the United States, No. E - 437, Blackfeet, et al., Indians v. United States, at Record page 468. (Population tables.)

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EXTERMINATION OF THE BUFFALO. DEPENDANCE OF PLAINS INDIAN ON BUFFALO.


(Report made by Captain W.P. Clark, 3d Cavalry to Lieutenant-General P.H. Sheridan, in compliance with instructions of General Sheridan.)

(84) It is no exaggeration to say that many millions of buffalo have been slaughtered by white hunters and tourists on the Plains merely for the pleasure of killing these animals to gratify that innate craving for destruction of life which all human beings seem to possess, and at times for the tongues, which are a special delicacy. This wasteful and wicked course has in many instances so irritated the Indians that they have sought revenge by outbreaks and by killing innocent settlers. Though I call the wanton killing wasteful and wicked, still, as a force for the solution of the Indian question and viewed in the accepted light of this necessity, the destruction has accomplished an excellent result.

The Indians universally believe that the buffalo were made by the Creator especially for their use, and certainly when they are plentiful they can get along quite comfortably with very little else. When one considers the uses made by them of the buffalo, both at the present day and prior to the advent of the whites, one is not surprised at the claim and belief. Of the skin they make robes, lodges, lariats, ropes, trunks or paraphleche sacks, saddles, saddle-covers, shields, frames for warbonnets, gloves, moccasins, leggings, shirts, hats, gun-covers, whips, quivers, knife-scabbards, cradles, saddle-bags, saddle-blankets, decorations for saddles, beds, bridles, boots, a kind of sled for hauling meat or food over the snow, and from the thick part of the skin of the neck a glue is made by boiling and skimming.

Ropes and lariats are made from the scalp-lock, or long tuft on the forehead, and pillows from the hair. From the horns, spoons, cups, dishes, powder-horns, arrow-heads, bows, by splitting the longer horns, and the tips are fastened to slender poles which are used in certain games.

(85) From the fascia (thin tendinous covering which supports the muscles, and by the interpreters called sinew), found under the shoulder-blades, and the abdominal fascia, the two strips on each side over the hump, and the strip on each side of the back, they make thread, bow-strings, rope for softening robes by rubbing, fasten feather-guides to arrows, and
stiffen and make bows more elastic by placing on back. From the thick ligament of the upper portion of nape of neck is made a pipe. An instrument used to straighten arrows is fashioned from the centre bone of the hump by cutting a hole in it, and from some of the smallest bones arrow-heads are made, and an instrument for "flushing," or scraping the meat from hides. From shoulder-blades, axes, knives, arrow-points, instruments for dressing robes and smoothing down porcupine-work.

The trachea is used as a sack for paints, etc. The rough papillae of the tongue for hair-brushes. The brain, liver and fat for tanning skins. Instruments for shaping bows and small dog-sleds from ribs; from the paunch, water-pipes or sacks, in which meat and blood are sometimes cooked by boiling with heated stones, the latter being dropped into the sacks.

From the thigh-bones traps similar to our deadfalls. From the tail knife-scabbards, handles to war-cluba, and medicine-rattles. The udder, dried, becomes stiff and hard, and is used for dishes, tobacco-bags, medicine-rattles, etc. The pericardium for sacks. The gall is sometimes used as a drink, and produces intoxication; there is also sometimes found in the gall a hard yellow substance, and this is highly valued as a paint for the face.

The amniotic fluid, in which the foetus floats, is used by them to quench thirst when water cannot be obtained, and is also generally used to cook or boil the foetus in, the latter being specially prized as a dainty and delicate morsel of food. The marrow is eaten both raw and cooked, being roasted in the larger bones by laying them on the coals.

The teeth are used for necklaces, and are also put in medicine rattles.

They consider the contents of the paunch an excellent remedy for skin diseases, and in case of frost-bite, if the afflicted member is thrust into the paunch of a freshly-killed buffalo, relief obtains without evil after-effects. A very little buffalo fat is sometimes mixed with the tobacco and red-willow bark for smoking. The liver is often eaten raw, and while still warm with animal heat, the gall-juice being sprinkled over it as a sauce. The kidneys are eaten both raw and cooked. The meat, fat, and most of the intestines are staple articles of food, and are kept for months by being simply dried in the sun; the hump is considered particularly fine for drying. The contents of the paunch furnish food for ponies, and the liquid in same, cleared by the gall, is prized for drinking, is cool and tasteless; i.e., devoid of any unpleasant taste.

The "buffalo-chips" are used for fuel, and before the days of flint and steel and matches, were particularly good when dry for making a fire by the friction of wood. These "chips" pounded fine and kept dry, are used to keep the small children warm, they being partially buried in the powdered material. The value of these chips can scarcely be appreciated by those who have not suffered for the want of fuel on our treeless prairies.

The tanned buffalo-skin without the hair furnishes the best material for tepess.
EXTERMINATION OF BUFFALO. PLAINS INDIAN'S HUNTING OF BUFFALO.


(410) Wild Animals. The most numerous and useful animal in this is unques-
EXTERMINATION OF THE BUFFALO, PLAINS INDIAN'S HUNTING OF BUFFALO.

tionably the buffalo, both as regards the sustenance of all the Indians and gain of the traders. Any important decrease of this animal would have the effect of leaving the Indians without traders, no return of smaller skins being sufficient to pay the enormous expense of bringing supplies so far and employing such a much a number of people. Buffalo are very numerous, and we do not, after 30 years experience, find that they decrease in this quarter, although upward of 150,000 are killed annually throughout the extent of our trade, without taking into consideration those swamped, drowned, calves frozen to death, destroyed by wolves, or in embryo, etc. It yet would appear that their increase is still greater than their destruction, as during last winter (1852-1853) there were more found in this quarter, and indeed in the whole extent of our trade, than had been seen for many years before.

The buffalo is the Indian's whole dependence. It serves him for all his purposes - meat, clothing and lodging, powder horns, bow-strings, thread and hair to make saddles. In the winter season the hides are dressed, made into robes and traded to whites, by which means they are able to buy all their necessities and even some luxuries. Robes are worth about $3 each, and although the number sent to market is great, yet the high price paid for them to the Indians and the danger of transportation is such that fortunes are more (411) easily and often lost than made at the business. —

The Indians kill only as many buffalo as are wanted for meat and hides. Taking only as many hides as their women can dress, they do not destroy them wantonly to any extent; consequently the destruction is limited, and that not being equivalent to the increase, but little diminution, if any, is perceptible, and the trade as long as this is the case can not have the effect of exterminating them.

(455) Game Laws, corRRights of the Chase. - The roving tribes subsist by hunting buffalo, and these animals being constantly on the move, they are obliged to move after them. Therefore no particular section of country is appointed to each as a hunting district. There are, however, certain regulations with regard to the hunting of the animals which may as well be recorded here. A lodge of a few lodges have no right to establish and hunt within 6, 8, or 10 miles from a large camp, as by this the buffalo would be continually kept out of the range of the latter, and a few people be the cause of distress and starvation to the many. Therefore these obstructions are removed by the soldiers (Indians of the tribe who police the camp). When hunting by surround has been agreed upon, individual hunting is stopped for the same reason, and has met with explanation. This is also the duty of the soldiers. Hunting deer, elk, beaver, etc., being of little consequence to these Indians, each one exercises his pleasure in regard to these occupations. No right to any section of the country is claimed by any person to the ex-

(465) elusion of others. Should an Indian wound a deer and not follow, and another pursue and kill it, the former would have no right to either skin or meat, having relinquished that right by abandoning the wounded animal. But should he be following and arrive where the other has killed it, the hide and half the meat would be his share. As a general rule he who draws the first blood of the animal is entitled to the hide. This is often difficult to settle when large buffalo surrounds are made on horseback with the bow and arrow. Several hundreds of animals are slain in the course of an hour or so, and some have the arrows of different Indians in them. Each Indian, by his own mark, knows his arrow, but the matter of dispute is whose arrow struck first? Therefore who is entitled to the hide
All that prevents this from being often the cause of serious quarrels is that in large hunts a sufficient number or more is generally killed than they can or do skin, and in smaller hunts the same confusion does not occur. A wounded animal is also mostly pursued until killed, and others usually pass by those that are stopped or have arrows sticking into them. With regard to the meat all Indians are liberal. In a large camp at least one-third of the men have no horses that they can catch. There are also a good many old, infirm widows, etc., all of whom must be fed. Everyone who can, men and women, turn out and follow the horsemen to the hunt; and, even while the hunt is going on at a distance, commence cutting up the first buffalo they come to. The hide is taken off, and laid aside with the arrow found in it. The tongue and four of the choicest pieces are laid on the hide. This is the portion of him who killed it; and the rest, which is the greater part of the animal, is divided among those who skin it. This operation is going on with numbers of buffalo at the same time, and by this division of labor the hunters and all are ready to pack home their hides and meat nearly as soon as the hunt is finished. In this way the hunters get as many hides and as much meat as they can pack, and those who have not killed, as much meat as they want. Whatever hides are remaining are given away to those who have no horses to hunt with, and other poor people, and all are satisfied and provided for. The soldier's lodge and others in camp who have remained to guard the property in the absence of the greater body of people are each supplied with meat by those who have been at the hunt. Feasting is then commenced, and kept up day and night until meat has become scarce, when another hunt follows. This method of hunting is continued until they have hides and meat enough.

(460) It does not appear from our actual observation of 31 years, and pretty correct information of as many more of still an earlier date, that the principal animals have suffered diminution in the district of which we speak, viz, from the Sioux country to the Blackfoot, inclusive. How numerous they were in former years we do not know, but understand from old Indians that more buffalo have been seen in late years than were noticed 50 or 60 years since. It may be that the range of these animals is becoming more limited from the pressure of emigration westward. Yet the range is very extensive, reaching from the Platte to the Saskatchewan and from Red River to the Rocky Mountains, through all which immense district buffaloes are (461) found in great numbers. ---

If the buffalo diminish, so do the Indians, and the diminution is not felt. The manner in which they hunted before firearms were introduced (by driving the buffaloes into pens) was infinitely more destructive than at present. Hundreds, perhaps thousands, were necessarily killed when a camp of a few Indians was stationed and when a small number would have sufficed. That commerce stimulates them to hunt is true, and a great many buffaloes are annually destroyed expressly for the hides. Yet even this destruction is limited. An Indian's family can only dress a certain number of hides during the hunting season. The hides in their raw state are of no value, and not traded, and cannot be packed and carried when they move, which they are obliged to do in the spring; therefore no more are killed than the Indians can handle. Besides, there are but four or five months when the skin or fur of any animal is seasonable or merchantable and the rest of the year only enough are killed for meat, clothing, and lodges for their families. As far as we can be allowed to express an opinion, would say that the Indians by diseases brought about by commerce, and of late
years by white immigration, will diminish and perhaps be destroyed as formidable bodies long before their game. The loss of Indians from smallpox, cholera, measles, scarlet fever, 

venerable, dysentery, etc., within our own recollection cannot be estimated at less than 15,000 to 20,000, without taking into consideration the consequent loss of propagation.

Were the destruction less we think it would have the effect of increasing these animals so that many must die for want of proper grazing or be forced to seek other lands for food. This would reinstate us in our first position, that it is more probable the small number of Indians now in existence will disappear before their game, or at least will be so reduced as not to retard their increase. Immigration in settling the country would banish the buffalo from that part of it where these movements were going on, and force them to the alternative of scattering through the settlements and thus be destroyed; or, being confined and limited in their grazing, they would die for want of sufficient nourishment. They are a shy animal and will not remain where they are much troubled. Indian hunting has not this effect. ---

(462) The conclusion is that, in our opinion, both Indians and buffaloes, with all other game, would disappear in consequence of white immigration and occupation, though the Indians, being the smaller number, would be the first to vanish. Also that commerce, by stimulating the exertions of the hunters, can not increase their labors beyond what they now perform, and that, being limited, is too small to hasten the destruction or even diminution of any game as plentiful as the buffalo. ---

(463) The trading posts or houses do not have the effect of diminishing or frightening away the buffaloes any more than the Indian camps.

Their locations are few and hundreds of miles apart, and their operations confined to within a few miles of their houses. Even while we are writing thousands of buffaloes can be seen by looking out of the fort gates, which are quietly grazing on the opposite bluffs of the Missouri, and yet this post (Fort Union) has been established 37 years. ---

A trading post in a new country may have but few buffalo the first and second years and innumerable herds the third, or vice versa. There is no rule for this. The buffalo migrate and return. The other animals are scattered over an immense region of country, are difficult to kill, must be hunted separately, which is dangerous on account of enemies, consequently not followed, therefore they are not diminished. Thus no person can say to a certainty which are the first to disappear.

Perhaps the entire destruction of game would lead to the Indians devoting their time to agricultural pursuits. It would force them to do that or starve, but judging from their present indisposition to work, and tribal organization, great distress would follow the sudden disappearance of their game and starvation thin their ranks before they would apply themselves to hard labor.
EXTERMINATION OF THE BUFFALO. ATTITUDE OF INDIAN COMMISSIONER.

Report of the Commissioner of Indian Affairs for 1868.

(3) The tribes in these Territories, as well as others, have long roamed free and uncontrolled over the countries they occupy, which they claim as their own, and it is not surprising that they regard with jealousy and
bitterness of spirit the encroachments of the whites, who, in many instances, not only ignore their rights but treat them with contempt, and despoil them of life and property. The passing through their country of a continuous stream of emigration, dispersing or destroying the buffalo, is one of the causes of great discontent and suffering with them. Treated thus, and no adequate compensation being made to them for what they have yielded up or lost, their resources of subsistence and trade diminished, with starvation in the future staring them in the face, the wonder is that there prevails any degree of forbearance on their part, with such provocations to discontent and retaliation. The best policy to pursue towards tribes in this condition, and which justice and humanity dictate, is to treat with them, recognize their rights, relieve them from suffering, remunerate them for that of which they have been deprived, and provide for their concentration upon tracts of country guaranteed to them for their possession against any intrusion by whites, and then teach and assist them in whatever will tend to make them ultimately, and at no distant day, a self-sustaining, intelligent people. Under the beneficial measures of such a policy it may be reasonably hoped that with these tribes, now so wild and war-like, there would be manifested gradually evidences of moral and social improvement, and a condition ere long reached as encouraging and as creditable as that presented by some of our best tribes, such as the Chocktaws and others.

(U.S. Grant is President of the United States, March 4, 1869 to March 3, 1873, and March 4, 1873 to March 3, 1877.)

Report of the Commissioner of Indian Affairs for 1872.
Report of Commissioner Francis A. Walker to C. Delano, Secretary of the Interior, November 1, 1872.

(3) The Indian Policy. The Indian policy, so called, of the government, is a policy, and it is not a policy, or rather it consists of two policies, entirely distinct, seeming, indeed, to be mutually inconsistent and to reflect each upon the other; the one regulating the treatment of the tribes which are potentially hostile, that is, whose hostility is repressed just so long as, and so far as, they are supported in idleness by the Government; the other regulating the treatment of those tribes which, from traditional friendship, from numerical weakness, or by the force of their location, are either indisposed toward, or incapable of, resistance to the demands of the Government. The treatment of the feeble Poncas, and of the friendly Arrickarees, Mandans, and Gros Ventres of the north is an example of the latter; while the treatment of their insolent and semi-hostile neighbors, the Sioux, furnishes an example of the former. In the same way at the south, the treatment of the well intentioned Papagoes of Arizona contrasts just as strongly with the dealings of the Government by their traditional enemies, the treacherous and vindictive.

(4) Apaches. This want of completeness and consistency in the treatment of the Indian tribes by the Government has been made the occasion of much ridicule and partisan abuse; and it is indeed calculated to provoke criticism and to afford scope for satire; but it is none the less compatible with the highest expediency of the situation. It is, of course, hopelessly illogical that the expenditures of the Government should be proportioned not to the good but to the ill desert of the several tribes; that large bodies of Indians should be supported in entire
indolence by the bounty of the Government simply because they are
audacious and insolent, while well disposed Indians are only assisted
to self-maintainence, since it is known they will not fight. It is
hardly less than absurd, on the first view of it, that delegations
from tribes that have frequently denied our authority and fought our
troops, and have never yielded more than a partial and grudging
obedience to the most reasonable requirements of the Government, should
be entertained at the national capital, feasted, and loaded with
presents. There could be no better subject for the lively paragraphist
in his best estate, or for the heavy editorial writer on a dull news
day, than such a course on the part of the Government. These things can
be made to appear vastly amusing, and the unreflecting are undoubtedly
influenced in a great degree to the prejudice of the Indian policy by
the incessant small-arms fire of squibs and epigrams, even more perhaps
than by the ponderous artillery of argument and invective directed against
it. And yet, for all this, the Government is right and its critics wrong;
and the "Indian policy" is sound, sensible, and beneficent, because it
reduces to the minimum the loss of life and property upon our frontier,
and allows the freest development of our settlements and railways
possible under the circumstances.

The mistake of those who oppose the present Indian policy is not in
erroneously applying to the course of the Government the standard they
have taken, but in taking an altogether false standard for the purpose.
It is not a whit more unreasonable that the Government should do much
for hostile Indians and little for friendly Indians than it is that a
private citizen should, to save his life, surrender all the contents of
his purse to a highwayman; while on another occasion, to a distressed
and deserving applicant for charity, he would measure his contribution
by his means and disposition at the time. There is precisely the same
justification for the course of the Government in feeding saucy and
mischievous Indians to repletion, while permitting more tractable and
peaceful tribes to gather a bare subsistence by hard work, or what to
an Indian is hard work. It is not, of course, to be understood that the
Government of the United States is at the mercy of Indians; but thousands
of its citizens are, even thousands of families. Their exposed situation
on the extreme verge of settlement affords a sufficient justification to
the Government for buying off the hostility of the savages, excited and
exasperated as they are, and most naturally so, by the invasion of their
hunting grounds and the threatened extinction of game. It would require
one hundred thousand troops at least to form a cordon behind which our
settlements could advance with the extent of range, the unrestrained
and choice of location, the security of feeling, and the freedom of movement
which have characterized the growth of the past three or four years.
Indeed the presence of no military force could give that confidence to
pioneer enterprise which the general cessation of hostilities has
engendered. ___

(2) No one certainly will rejoice more heartily than the present
Commissioner when the Indians of this country cease to be in a position
to dictate, in any form or degree, to the Government; when, in fact, the
last hostile tribe becomes reduced to the condition of suppliants for
charity. This is, indeed, the only hope of salvation for the aborigines
of the continent. If they stand up against the progress of civilization
and industry, they must be relentlessly crushed. The westward course of
population is neither to be denied nor delayed for the sake of all the
Indians that ever called this country their home. They must yield or