

REPORT OF AGENT FOR NEW YORK AGENCY.^a

NEW YORK AGENCY,
Salamanca, N. Y., December 20, 1904.

SIR: I have the honor to submit herewith my annual report for the fiscal year ending June 30, 1904.

The census.—The census of the several tribes connected with the agency, taken June 30, 1904, classified according to instructions, is as follows:

	Males.	Females.	6 to 18.		Total of all ages.
			Males.	Females.	
Cayuga.....	83	92	22	26	175
Oneida.....	139	122	(a)	261
Onondaga.....	288	268	86	78	556
Seneca.....	1,456	1,290	343	379	2,746
St. Regis.....	1,239
Tuscarora.....	203	158	49	45	361
Total.....	2,169	1,930	500	528	5,338

^aThe only accessible census of the Oneidas does not give ages.

The year was marked by few events of special interest or consequence. Aside from lawlessness, some petty, some quite serious, growing out of the uncontrollable thirst for fire water on the part of a few of the red men, and the ever-present complement, some one, red or white, anticipating such demand and ready to satisfy it, the most significant occurrences were the controversies among the Indians over property rights, chiefly inherited property.

As a matter of fact, a considerable and constantly increasing number of the Indians connected with this agency have outgrown the tribal-reservation system, although not all of them realize the fact. The graduates of Carlisle and other schools mainly have wholly forsaken their reservation homes; have gone out into the "white man's world," following varying pursuits and occupations, precisely like young people of other nationalities. These, as a rule, are fully aware of the fact first above mentioned, and generally are looking forward longingly to the complete abolition of tribal affairs—to the time when they may become citizens. But there is another class, in much larger numbers, who have unconsciously, yet none the less truly, outgrown the communal life, and unconsciously, or with only partial conception of the situation, are secretly chafing under existing conditions, yet, through lack of courage and confidence in their own powers, are afraid of allotment and citizenship and desire merely some minor changes regarding their property rights. This latter class, while they clearly perceive and frankly admit that their so-called governments, whether by chiefs or councilors elected by ballot, are inefficient and practically powerless as protectors of property rights, still hesitate and hang back from seeking the only real remedy.

An industrious, well-to-do Onondaga married a woman known as an Oneida, although born and reared on the same reserve and the daughter of a full-blood Onondaga. According to ancient Onondaga custom, ten days after a death the "death feast" is held, at which the effects of the deceased are disposed of by the friends, ostensibly in accord with the known or presumed wishes of the deceased. This system may have worked satisfactorily when the property to be disposed of consisted chiefly of a tomahawk, a bow and quiver of arrows, a string of nicely cured scalps, another of wampum, etc., but seems ill adapted to a case like this under consideration. The couple had some 50 acres of fertile land under a good state of

^aThis report was received too late for insertion in the proper place.

cultivation, a good, substantial frame dwelling, barns, farming implements, and several hundred dollars' worth of live stock. The same law of descent by which this widow was classed as an Oneida, although at least one-half Onondaga, as a matter of course made her children Oneidas also, although actually three-fourths or more Onondaga. And here came into action another Indian custom, seemingly somewhat peculiar, yet merely a natural outgrowth of their law of descent, viz, that when a man marries into another tribe his children can inherit only his personal effects; that any rights he may have acquired to land must pass to his next of kin in his tribe. Well aware of all these tribal usages and customs, this particular widow assumed full control of the property, refusing to recognize the death-feast custom. It was rumored that she had to bribe the chiefs to indorse her action; but the Onondagas have no courts—no organized government—and the woman, having a good amount of nerve, triumphed, for the time being at least, over tradition and ancient custom, and thus far has succeeded in "holding the fort." What will be done with the property when she dies belongs to the future.

A few years ago an intelligent and thrifty Seneca residing on the Cattaraugus Reserve died, leaving a widow and five children by a former marriage and four by the widow. He had, in accord with tribal custom, inclosed and improved upward of 100 acres of good land; had erected thereon good, substantial buildings. The Senecas residing on the Allegany and Cattaraugus reservations are organized under a State law, with a peacemaker's court, a national council, and other officers, elected biennially. The oldest daughter and her husband took forcible possession of the homestead, compelling the widow to seek refuge elsewhere. Proceedings for the partition of the estate under consideration were instituted in the peacemaker's court which awarded to the widow the use of about 10 acres of land, including the dwelling and other buildings thereon, and issued a decree to that effect. The son-in-law refused to surrender possession of the property so awarded to the widow, even to the extent of resisting the Seneca marshal who undertook to execute a writ of ejectment issued by the peacemaker's court, driving that official off the premises with a shotgun. The widow then commenced an action in the State courts, which action is still pending. It may, of course, be some time before a final judgment therein will be rendered, but when that is done the same will probably be enforced. It is hardly probable that the sheriff of Erie County will be intimidated and forcibly prevented from executing the mandates of the courts.

A third peculiar controversy lately arose on the Cattaraugus Reserve, hinging largely on the same point as that in the Onondaga case already mentioned. This particular Seneca, like the legendary Hiawatha, unmindful of parental injunction, wooed and won a dusky maiden who dwelt on the north shore of Lake Erie, in short, a Canadian. In this case the wife was the first to depart to the spirit world, the husband following a few years later. His next of kin claimed the property on the ground that his children not being Senecas could not hold it by inheritance. The children were advised by the Seneca surrogate to sell the real estate and take up their residence with their mother's people in Canada. Not being so minded, the children appealed to the State courts for protection, where the case is now pending.

Another source of trouble is that of timber, which is becoming scarce on most of the reservations. Communal ownership of land precludes private property in standing timber, and this occasionally leads to annoying and perplexing situations. Actually any member of the tribe may cut for his own use (not to sell) any tree on the reserve, not only on unoccupied land, but within another's inclosure. To see one's neighbors cutting down a fine maple in a cherished sugar orchard must be anything but pleasant, and none the less aggravating from the fact that the same can not be prevented by law, nor the offender be legally punished therefor.

The summer of 1903 was an unusually cool one throughout the State, and the corn crop was practically a failure; comparatively little ripened. Other crops were good, probably above the average.

All of which is respectfully submitted.

B. B. WEBER,
United States Indian Agent.

The COMMISSIONER OF INDIAN AFFAIRS.

