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INDIANS TITLE IS A GOOD ONE

Rev. Jesse Kirk the Well Known Indian Preacher Claims His People Have Owned the Land for More Than a Thousand Years—Tribes Have No Legends Tending to Show They Ever Lived Anywhere Else.

Rev. Jesse Kirk, a well known Indian of the Klamath tribe belonging to the Klamath Agency publishes a letter in yesterday's issue of the Oregonian in which he ably defends the rights of this people against the claim of Oregon to 100,000 acres of swamp lands, part of which has already been allotted to the Indians. Mr. Kirk says in part:

"The Klamaths, Modocs, and Yahookin band of Snake Indians of the Klamath Indian Reservation in the State of Oregon, and the aboriginal inhabitants of the country ceded to the United States by them. Their rights and titles to all the country claimed by them must be a thousand years old, or more, as the oldest Indians remember what was expounded to them by their ancestors, handed down generation after generation.

They have never heard of their being driven from any other country by war or desperation. All they have ever heard from the preceding generations is that they were living here in Klamath county quietly, untroubled, and pursuing the necessities of their lives. There are many pre-historical evidences in the country of the traditions handed down to us by our ancestors. Also the peculiar landmarks throughout the entire country prove the fact that we Indians are possessors and had possessed the land long before any Anglo-Saxon knew there was any such country as Oregon or Klamath, therefore the Government of the United States acknowledged our ownership and entered into negotiations. J. W. Perritt, Huntington, and William Logan, were appointed Commissioners on the part of the United States. A treaty was negotiated in 1864, by the United States with the Indians aforesaid, which was concluded October 14, 1864, was amended by the Senate, and finally ratified, and proclaimed February 17, 1870. By the first article of this treaty the said Indians surrendered their right, title and claim in and to about 20,000,000 acres of land in Oregon, and Northern California, a reservation for their future use and occupancy being reserved by the treaty within the ceded territory.

The Indians fully complied with the provisions of the treaty by settling and removing within the limits of the reservation thus created for them. Not only did they remove and settle within the limits of the reservation, but more than that, they have remained loyal and true to the solemn treaty stipulations and with ready hands to assist the United States, in case any of the surrounding tribes or nations are hostile to the United States. They have shown this in both the Snake war in Eastern Oregon and the Modoc war in Northern California.

Henry Blow, the last and only leading scout and chief living, in old and feeble, living on Williamson River. After chiefdomship was abolished by the Indians, he was appointed a policeman on this reservation, which duty he faithfully executed for over 20 years.

When the Modocs began hostilities to the United States, the Klamaths proved themselves just as loyal to the Government as any patriot can boast of having been during the Civil War, by assisting the Government to put down the rebellion, and by fighting their own brothers, thus holding their

solemn treaty, as solemnly as the United States holds their Declaration of Independence.

We have been loyal to the solemn treaty stipulations until today, and therefore believe that the Government of the United States is under legal obligations to protect us poor, ignorant Indians.

On this serious question, to which we have seen many references in the papers lately, namely, the claim of the State of Oregon to the swamp lands on the Klamath reservation to the aggregate number of 100,000 acres of land, I would say that this is a serious matter to us, as the area named covers 439 allotments already made, and also includes much land on which we hope to have allotments made to the children who have been born within the last three years, as already authorized by an act of Congress in 1902, and to adults also who were overlooked heretofore by the allotting agents, as they were absent while the work of allotting lands was going on. If the state should secure these lands there are no others that could be allotted to the Indians in their stead, that would begin to compare with them in value for home and, in fact, on which so large a number of people could make a living.

It is no doubt true that the state has a legal claim against the General Government to the value of 100,000 acres of undrained swamp land, the area of that which is ascertained to lie in the Klamath reservation. But certainly the General Government will settle with the state this liability and leave us in undisputed possession of the lands which it has as solemnly promised us, and upon which we have made extensive improvements, through much labor and at great expense. We have so great faith that the Government will defend us in our rights, that we do not suspend our work of improving our allotments, and we are looking forward to a time when our people will be comfortably and prosperously settled upon them.

My father was one of the signers of the treaty of October 14, 1864. From childhood I have heard the matter of the treaty and the erroneous survey discussed by old Indians. When I grew to be a man and became intelligent enough to understand the exact nature of the treaty, it was one of the greatest pursuits of my life to do everything possible for me to do to have the great wrong to my dear people righted. I have undertaken to show the foregoing original possessory rights of the tribes, and with firm reliance on the great ruler of heaven and earth, and with firm conviction that his purposes must prevail, I pray the general Government will do us justice.

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Vice-Pres., Chicago Historical Club.

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