

THE KAW INDIANS AND THEIR INDIAN TERRITORY AGENCY

By Frank F. Finney

As far back as the records go, the Kaw or Kansa Indians were native to the region which forms the state of Kansas of today, and laid claim to the most of it. The name of the state and its largest river and city came naturally from the tribe. A large portion of the area claimed by the Kansa Indians was yielded to the United States by treaty in 1825.¹ Also in the same year, the tribe granted the Government the right to mark a roadway through the tribal lands; this road extending from the western frontier of Missouri to the confines of New Mexico, became the famous Santa Fe trail.² Subsequent treaties left the Kaw a relatively small reserve in the upper valley of the Neosho River in the region of Council Grove.

The headlong advent of civilization brought only adversity to the tribe. Buffalo which provided them their livelihood were exterminated before the white man's advance westward. Without the wholesome pursuit of the hunt, the Kaws became indolent and easy victims of the whiskey pedlars infesting their country. Smallpox and other epidemics from which they had virtually no immunity, together with the excessive use of "firewater," took a terrific toll, and their numbers were reduced from about 1,700 in 1850 to 533 in 1873, the year in which they were removed to the Indian Territory.³

Congress in an Act approved June 5, 1872, provided for the removal of the Kaws from the unfavorable environment resulting from the encroaching white people.⁴ Permission had been obtained from the Osages for the Kansa tribe to settle within the limits of the Osage Reservation in the Indian Territory, and legislation provided that lands obtained from the Osages were to be paid out of funds the Kansa received from the sale of their Kansas lands at a price not to exceed that paid by the Osage to the Cherokee Nation for the land.⁵

¹Treaty with the Kansa, June 3, 1825, Charles Kapp'ler, *Laws and Treaties*, Vol. 11, p. 222. *7 Stat.*, p. 224, Proc'amation Dec. 30, 1825.

²Roadway through Kansa lands Treaty with the Kansa, Aug. 16, 1825, *ibid.*, Vol. II, p. 248. *7 Stat.*, p. 270—Proc'amation May 3, 1826.

³Grant Foreman, *Last Trek of the Indians* (Chicago, 1916), p. 278; Muriel H. Wright, *A Guide to the Indian Tribes of Oklahoma* (Norman, 1951), p. 163.

⁴Removal of Kansa tribe to Indian Territory (Act of Congress, June 5, 1872), Kapp'ler, *op. cit.*, Vol. 1, p. 138. *17 Stat.*, p. 228.

⁵*Annual Report*, Commissioner of Indian Affairs, 1872.

Early in 1873, a delegation of the Kaw Indians with Commissioners Uriah Spray and Thomas H. Stanley visited the Osage Reservation, and a tract of about 100,000 acres in the northwestern part of the reservation bordering on the Arkansas River was selected and agreed upon. When the Kaw arrived from Kansas on their new reservation, they found only a few temporary cabins for the use of the Government employees on the agency site among the great oak trees in the valley where Beaver Creek flowed into the Arkansas River. Before the Indians were ready to settle down, all of the able men, women and children went out on their last general buffalo hunt.⁶ The hunt was successful, and they returned to the reservation with their pack ponies laden with buffalo hides and good amounts of meat and tallow.

In due course, a steam grist and saw mill was set up, and substantial stone buildings for a school, manual-labor boarding house, barn for the school farm and dwelling for the superintendent were erected. Buildings of frame were constructed for the office and commissary, and log cabins for the residences for the physician and blacksmith. The agency was commensurate to the small size of the tribe and never grew much larger than this group of buildings which it originally comprised.

The Kaw selected claims and lived in lodges and small cabins. They were not inclined to farm or raise cattle but were fond of ponies, and preferred to hold dances and visit among themselves and neighboring tribes than to work. They were a generous people and on occasions held "give away" dances and "pony smokes," parting not only with their ponies but with food and articles necessary to their own livelihood, of which they had only a limited supply.⁷

The Kaw had especial reasons for friendship with the Ponca, Otoe, Omaha, Quapaw and Osage. These tribes were kinsmen belonging to their own Siouan linguistic family, and probably one tribe with the Kaw sometime in the misty past.

Since the history of the Indian tribes has been recorded, no other tribe has had so many different spellings and interpretations of its name as the indigenous tribe of the State Kansas: Kaw, Kansa, Kan, Kauzou, Kanzas, Konzas, are only a few of the different forms. Lewis and Clark in 1804 referred to them as *Kausus*, and much earlier the Spanish explorer Oñaté called them the *Escansagues*.⁸ Kansa has since been adopted by the

⁶ *Ibid.* (from New Agency), 1873, 1874 and 1875.

⁷ *Ibid.*, 1892.

⁸ Wright, *op. cit.*, pp. 160-161; and George P. Moorehouse, "Names for Kansas Indigenous tribe" *Transactions of Kansas Historical Society*, Vol. 10 (1907-08), p. 327.

Bureau of American Ethnology as the name for the tribe, but Kaw is the name by which the tribe was and still is commonly and best known. The word Kaw is said to have originated from *ak'a* of the Siouan dialect, written by the French traders Kaw or Kau and signifying "south wind." The story is related that these "wind people" flapped their blankets to start a breeze, and that a blizzard could be abated if a young boy, chosen for the rite and painted in red, rolled his naked body over and over in the snow until it became red about him.

For some unknown reason in the unrecorded past the Kaw and Osage tribes became separated and engaged in warfare against each other. Lieutenant Zebulon M. Pike in his expedition in 1806, whose purpose was to bring peace among the war-ring Indian nations, induced a group of Osage and Kansa Indians to smoke the peace pipe and bury the hatchet in accordance with the wishes of the "Great Father" at Washington. Thereafter there was peace between the two tribes, and their lasting friendship was demonstrated by the Osage consenting to share with the Kaw a part of their reservation and accepting them as neighbors in Indian Territory.

Unfortunately the population of the Kaw tribe continued to decrease in their new home. Major Laban J. Miles, Agent for the Osage and Kaw, reported in 1879 that the Kaw tribe had lost in seven years about one-half its number, mainly by contagious diseases. After deploring the condition of these Indians, he made a strangely prophetic statement. He wrote: "While their outlook is not very promising I believe there yet may be a goodly number of intelligent persons raised among them to perpetuate their name."⁹

Charles Curtis, a member of the Kaw tribe and destined to become Vice President of the United States, was then a young man nineteen years of age. He became an orphan as an infant and was left in care of his grandmother, Jullie Pappan, best known at the Agency as Aunt Jullie. The boy lived with his grandmother at Kaw Agency until she persuaded him to go to Topeka to live with his white relatives where he could be educated. As a mixed blood he was a ward of Agent Miles, and oddly enough Charles Curtis became Vice President in the same Administration that Major Miles' nephew, Herbert Hoover served as President.¹⁰ Curtis was a descendent on the maternal side of the Kaw Chief "White Plume."¹¹ The Chief was a friendly, hospitable person and could speak some English.

⁹ *Annual Report*, 1879.

¹⁰ Compiled notes in the Frank Finney collection. A biography of "Charles Curtis" appeared in *The Daily Oklahoman*, Feb. 9, 1936.

¹¹ Moorehouse, *op. cit.*

The Government built a house for him, but he refused to abandon his native lodge to live in the house. The best excuse he seems to have thought of for remaining in his lodge appears to be a little flimsy: "Too much fleas."

The portion of the Cherokee Outlet commonly known as the "Cherokee Strip," adjoining the Kaw reservation to the west, was fast becoming a great cow country after the Civil War. Cattlemen driving their herds from Texas through the region to the railroad shipping points in Kansas, found there some of the finest grass in the Southwest, and lingered with their herds. Each year an increasing number of cattle grazed on the range.

With the influx of cattle in the Strip, the great resources of the grass lands of the Osage and the Kaw reservations became apparent to some of the enterprising pioneers who proceeded to obtain grazing leases from the Indians. The first grazing lease in the Osage reservation was granted by the council to J. N. Florer and William J. Pollock, September 29, 1883, on 75,000 acres at three cents per acre.¹² During November of the same year, five other large leases were granted by the Osage council, the total six leases amounting to 380,000 acres. The cattle business, however, got off to a poor start. T. M. Finney, trader at the Kaw Agency at the time, wrote:¹³

In 1883, John Florer, my brother-in-law, and William J. Pollock secured a lease of seventy-five thousand acres of grazing land from the Osages below Kaw in a bend of the Arkansas River opposite the Ponca reservation and brought seventeen hundred cattle in from Texas. A room was added to our house, and our two families were living together again as we did at the Osage Agency. The severe winter of 1884 proved disastrous to all of the cattlemen, and their losses were tremendous. The warehouse adjoining our store was filled with dried hides of the dead cattle. The Kaws feasted throughout the winter on carcasses of the cattle which were unable to forage or get water and starved and froze to death by hundreds in the deep snows.

In 1883, the Kaw Indians formed a government patterned on the Osage system, to serve the tribe in leasing their lands and in other matters. In a meeting, the Kaw, consisting of the Picayune, Koholo, Rock Creek and Half-breed bands, elected a National Council comprised of the Chief Councilor or Principle Chief and four councilors. Kebothliku was elected the first Chief Councilor and was succeeded at the following election held March 19, 1885 by Wahshungah.¹⁴ The grazing leases

¹² Letter from Commissioner of Indian Affairs C. S. Rhode to Francis Revard—March 30, 1932, in Frank F. Finney collection.

¹³ T. M. Finney Diary.

¹⁴ Oklahoma Historical Society Indian Archives, Kaw Miscellaneous Volume 1882-1894, p. 240.

which the council granted brought in a revenue which the tribe badly needed. At the time of allotment, there were thirteen pastures with a total of 69,383 acres under lease for an annual rental of \$26,413.67.¹⁵

As a vanguard of the inevitable advance of the white people the Santa Fe Railroad was running trains on its line in 1887 south through the Cherokee Strip within ten miles west of Kaw Agency.¹⁶ The railroad would provide one means for the settlers to enter the Strip at the opening a few years later. If the channel of the Arkansas River had been deeper, the railroad would have had competition in hauling freight and passengers into the new country. The attempt to establish navigation on the Arkansas River between Arkansas City and Fort Smith by steamboat was made while T. M. Finney resided at Kaw Agency, and concerning which he wrote:¹⁷

On July 8, 1885, the steamer, "The Kansas Millers" passed by Kaw Agency on her trial trip up the Arkansas River from Ft. Smith to Arkansas City. The writer, together with a group of Kaw Indians viewed with wonder and amazement the unusual scene of the first steamboat to ascend the river this far, and the Indians mounted on ponies, followed it on shore for miles.

On her return down the river, the steamer unloaded a shipment of 2,000 lbs of flour consigned to me from Searing and Mead, millers of Arkansas City. It was unloaded some distance from the agency, below the mouth of Beaver Creek, and was freighted to the store."

According to one of the promoters, "The bottom of the river was too near the top," and the maiden trip of the *Kansas Millers* was its first and only attempt to navigate so far up the Arkansas River.

The Cherokee Strip, which had been cleared of cattle by President Harrison's order, was opened to the homesteaders in the run of September 16, 1893.¹⁸ The Pawnee and Tonkawa reservations within the Strip were also opened for settlement at the same time. Prior to this run, some six and one half million acres of Indian land which was to become a part of Oklahoma Territory had been opened for settlement. This comprised the "Unassigned Lands," the Iowa, Sac and Fox, Potawatomi, Shawnee and the Cheyenne-Arapaho reservations. Other reservations were looked upon with covetous eyes, the Kaw reservation being no exception.¹⁹

The opening of Indian reservations to public settlement was in accordance with the settled policy of the Government to

¹⁵ *Annual Report*, 1902.

¹⁶ Joseph B. Thoburn and Muriel H. Wright, *Oklahoma: A History of the State and its People*, (New York 1929), Vol. II, p. 485.

¹⁷ T. M. Finney Diary.

¹⁸ *Ibid.*, p. 967. 28 *Stat.*, 1222, Proclamation Aug. 19, 1893.

¹⁹ Grant Foreman, *Oklahoma History* (Norman, 1942).

break up and destroy tribal relations, settle the Indians upon their own homesteads, and incorporate them into the national life.²⁰ To carry out this policy, Congress enacted in 1887, the so-called "Dawes Act," authorizing the allotment of Indian land among the members of the respective tribes.²¹ The President under the act, created a commission which became known as the Cherokee or "Jerome" Commission of three members to negotiate with the different tribes.²²

The Commission met with the Kaw Indians in June, 1893, and although the mixed-bloods were in favor of allotment, the full bloods opposed. Almost ten years passed before the majority of the Kaw became convinced that the old tribal days were over, and consented to allotment.²³

Charles Curtis had become a Representative in Congress from Kansas, and as a member of the Indian Affairs Committee, he had a powerful influence in legislation affecting the Indians. The Curtis Bill which he promoted was enacted into law June 28, 1898, and was highly important in paving the way for Oklahoma Statehood. It marked the eventual end of the governments of the Five Civilized Tribes, and gave more power to the Dawes Commission (Commission to the five Civilized Tribes) which was created by Congress, March 3, 1893 to treat with the Indians.²⁴ This Act provided for settlement of tribal affairs and property under law and order rather than by rulings of the Indian Bureau, and is one of the most important laws in the history of the Oklahoma Indian tribes.

Throughout his public career, Curtis never forgot his kinship with the Kaw Indians, and freely gave his advice and counsel in the conducting of their affairs. He favored the allotment of their lands and with his sanction, a delegation of seven members of the Kaw tribe left the agency for Washington in February, 1902, bearing with them an agreement which he had drafted relative to the allotment of their lands and the division of tribal funds, and on which the Indians had agreed among themselves.²⁵ Chief Washungah and Wahmoekah who wore blankets, were the only full bloods in the delegation; the others were mixed bloods. This was not the first trip for Washungah to Washington. About two years before as a member

²⁰ Annual Report, 1890.

²¹ "Dawes Act," (Congressional Act—Feb. 8, 1887), Kappler, *op. cit.*, Vol. I, p. 33. ²⁴ *Stat.*, p. 388.

²² Edwin C. McReynolds, *History of Oklahoma* (Norman, 1954), p. 297.

²³ Annual Report, 1890.

²⁴ "Curtis Act," (Congressional Act June 28, 1898), Kappler, *op. cit.*, Vol. I, p. 646; ³⁰ *Stat.*, p. 495; and McReynolds *op. cit.*, p. 3.0.

²⁵ Berlin B. Chapman, "Char'es Curtis and the Kaw Reservation" *Kansas Historical Quarterly*, Vol. XV (Nov. 1947), p. 337; and *Blackwell Times Record*, Feb. 6, 1902, p. 2.

of a delegation from his tribe, he had visited the Capital, and his friend Charles Curtis had taken him garbed in full Indian costume to meet President McKinley.²⁶

The agreement was presented to Congress and was passed by Act of July 1, 1902, with no substantial changes.²⁷ Tribal lands and funds were to be equally divided among the members of the tribe. Each individual received about 405 acres, 160 acres of which was homestead; 260 acres were reserved for cemetery, townsite and school.²⁷ Charles Curtis, and his son and two daughters received under the bill, their individual allotments as members of the tribe, totaling about 1,600 acres for this family.

Certificates of competency and fee patents for their land were issued to adult Indians at the discretion of the Secretary of the Interior, who could qualify to handle their own affairs. Curtis did not have the restrictions removed from his land, which would have permitted him to dispose of it, and advised his fellow tribesmen to follow his example and retain their land. Few took his advice and many of them dissipated their holdings.²⁸

While the Kaw were winding up their affairs as a tribal entity, the Santa Fe Railroad built a line from New Kirk to Pauls Valley, and trains passed over the Arkansas River near the Agency. A site was plotted just across the river from the Agency for a town, and was opened up with a public sale in May, 1902.²⁹ Kaw City was thus born, and Kaw Agency became known as Washungah. The post office at the agency was discontinued under order effective October 15, 1902, to be displaced by the new one at Kaw City. Tom Gilbert had been commissioned as the first postmaster at the Agency in June 1880, and was succeeded by T. M. Finney, February 21, 1883.³⁰

After Chief Washungah died in 1908, the affairs of the tribe drifted for years without a principle chief or council until the Government requiring some member empowered to act and sign papers to validate transactions with the tribe, requested that the Indians elect a new chief. To comply with the Government's request, a meeting of all the Kaws was held

²⁶ *Osage Journal*, Jan. 3, 1901, p. 4.

²⁷ Act of Congress, July 1, 1902, Kappler, *op cit.*, Vol. I, p. 766; 32 *Stat.*, p. 636; Wright, *op. cit.*, p. 163.

²⁸ Chapman, *op. cit.*,

²⁹ *The Alva Review*, May, 1902, p. 2.

³⁰ George H. Shirk, "First Post Office within Boundaries of Oklahoma," *The Chronicles of Oklahoma*, Vol. XXX, No. 1, (Spring, 1952) p. 71; and Certificate commissioning T. M. Finney Postmaster, Feb. 21, 1883. Finney Collection.

at the Agency in November, 1922, in which Mrs. Lucy Tayiah Eads was elected Principle Chief, and a council of eight members was formed.³¹

Washungah who had no blood relatives, had adopted two orphan children, Lucy and Emmett Tayiah. Lucy, who was a full blood Kaw and Potawatomi Indian, attended the Haskell School at Lawrence, Kansas, and graduated as a trained nurse. After spending several years in New York where she followed her profession she returned to the reservation and married John R. Eads. Under her leadership a claim was pressed against the Government for the payment of a balance alleged to be due the tribe for lands vacated in Kansas as well as the acknowledgement of the premise that the oil and gas rights on the reservation were owned communally by the tribe.

The decisive end of the old agency came in 1928 when it was abolished on an order from the Indian Bureau and the records were transferred to the Central Agency at Pawnee.³²

The number of members of the Kaw tribe who now live in the area which was once the reservation do not exceed twenty families, and only a few of these retain their original allotments. Several families still live in Washungah. A sale of all of the Agency buildings excepting the old school has been made to W. J. Liles of Washungah, but misunderstandings have arisen between the Kaw and the Government concerning the buildings, and the Indian Committee has not yet signed the papers necessary to complete the transaction.

In a letter, Mrs. Adele Dennison of Ponca City and a member of the Kaw tribe writes feelingly concerning the old school:³³

The Community building which the tribe is retaining was our first building and was used for the school when our Indians were moved from Kansas to Oklahoma in 1873. At present the building is used only for tribal meetings and Sundays is used for church services. In the future the present committee intends to do considerable amount of repairs on the building as it holds a place in the heart of each of our older Indians and will be the last tribal remembrance we have standing of our last years.

³¹ "Lucy Tayiah Eads," *The Daily Oklahoman*, November 19, 1922. Sec. A, p. 8.

³² "Abolishment of Kaw Agency," *The Daily Oklahoman*, June 27, 1928, p. 22.

³³ Letter to the author from Mrs. Adele Dennison, Dec. 16, 1957. Mrs. Dennison died shortly after writing this letter to the author, in December, 1957. A recent letter from Mr. John L. Johnson of the Pawnee Agency at Pawnee, Oklahoma states: "Mrs. Dennison was a very fine woman and a respected member of the Kaw tribe. She served many years on the Kaw Tribal Council, and represented her tribe in Washington, D. C., as a delegate on tribal matters."

Assuredly the old stone school building should stand to mark the end of the trail of the virtually extinct Kansa (Kaw) tribe which once was large and important enough to impart its name to the great state—Kansas.