

TROUBLES OF INDIAN TRADERS BRINGS SENATE INVESTIGATION

By Frank F. Finney

One evening, early in the year of 1885, the stage arrived at the Kaw Agency and left the mail sack as the Finney Store where the trader acted as postmaster. In it was a letter from the Commissioner of Indian Affairs to the Kaw trader containing a brief peremptory order: "You will take yourself and effects off of the reservation within sixty days." Thomas McKean Finney had in 1882 under the Chester A. Arthur Administration secured a license to trade at the Kaw Agency (a subagency of the Osage Agency). Cleveland was now President, and the Democrats had taken over.

Finney had purchased the business and store building from Tom Gilbert, who was the first trader with the Kaw or Kansa Indians at their new agency in the Indian Territory. The Kaw Indians had arrived with their agent, Mahlon Stubbs, from Kansas in 1873, and had settled on a tract of 100,000 acres purchased from the Osage tribe bordering on the Arkansas River in the northwestern part of the Osage reservation.

The Kaw Indians were few in number and unlike their neighbors the Osages, were poor. The business as a trader among them was not very promising. Tom Finney had come from Lawrence, Kansas, to the Osage Agency when he was seventeen years of age, ten years before taking up his abode at Kaw Agency. At the Osage Agency, he worked for the Government in the commissary and for a time in the Florer and Dunlap store. He had no reason to believe that his stay at the Kaw Agency would be only temporary, and optimistically he had a dwelling built near his store. Here he and his wife, who before their marriage had taught in the Kaw Indian school, and his step-son became comfortably established.

He found favour and friendship with the Indians. A baby came to the family, and they were quite happy in the simple, wholesome pioneer life, devoid of the complexities of the present more modern times when large incomes are so important. The Kaws added somewhat to their income from scant annuities by leasing out their pasture lands, and a few of them turned to farming and stock raising. Some of the Indians who had teams did freighting from Arkansas City, just over the line in Kansas, for the store, one of these being Washungah, who became the Principle Chief for the tribe and for whom the remains of the old Agency now takes its name. The business done by the

Finney Store was not large but was increasing at the time the order so devastating to the plans and hopes of the trader came from the Commissioner out of the blue sky.

The fate and fortunes of the Indian traders were entirely in the hands of the Commissioner of Indian Affairs. Legislation passed by Congress in 1876 gave him the sole power to appoint Indian traders and revoke their licenses, specify the kind, quality and prices of goods sold to the Indians, and make any rules and regulations he considered just and proper.¹

The honesty and integrity of the Kaw trader were not questioned by the Commissioner, and his letter contained no charges of violation of any of the Indian Department's regulations. Finney soon learned that there were other traders who had received similar orders to vacate, one of whom was his friend, J. H. Sherburne, trader at the Ponca Agency, an honorable Yankee from Maine.

An important feature of President Grant's policy to maintain peace with the Indians and promote their civilization, was the appointment of all Indian agents under the direction of the President, on the nomination of some religious denomination. Indian traders were designated by the agents, and were not considered within the domain of politics until the Cleveland Administration. Grant's policy brought into the Indian service some agents who were extremely strict in their demands on the traders, one of the most exacting being Quaker Isaac T. Gibson, agent for the Osages and Kaws, under whom Tom Finney served in the commissary. In his report of September 1, 1874, Agent Gibson wrote:

The traders and their clerks can exert more influence for good or evil over the Indians than any other persons who come in contact with them. . . . Those applying for traders license are required to show that they are honest, moral, temperate and are regular attendants of a religious service and Sabbath school at home. These qualifications have not heretofore been requisite. . . . Profanity, intemperance, card-playing and kindred vices are not tolerated among the traders and employees, . . .

Although Grant's policy was not permanent, the Society of Friends and other religious bodies had a salutary moral influence in the Indians' service, and until traders licenses under the Cleveland Administration became political hand-outs, fitness and character of the applicants had become prime considerations for receiving a tradership. Major Laban J. Miles, agent for the Kaws and Osages, was removed from office along with the traders. While he was in Washington winding

¹ Charles Kappler, *Indian Laws and Treaties* (Washington, 1903), Vol. I, Congressional Act, August 15, 1876, Chap. 289, Sec. 5, p. 27.

(8-171.)

LICENSE TO TRADE WITH INDIANS.

It is known that Thomas M. Finney,
of Lawrence, Kansas.

trading under the name and firm of T. M. Finney,
having filed his application before me for a license to trade with the Kaw
tribe of Indians

at the following named place within the boundaries of the country occupied by the said Indians, viz:
Kaw Reservation, Cough Agency, T. T.

and having filed with me a bond in the penal sum of
TEN THOUSAND DOLLARS, with Charles H. Seuring and
Cornelius Meud.

as sureties, conditioned, as required by law, for the faithful observance of all the laws and regulations provided for
the government of trade and intercourse with Indian tribes, and having satisfied me, as required by law, that
he is a citizen of the United States, and of good moral character, he is hereby

authorized to carry on the business of trading with the said tribe at the above-named place for the term of
ONE YEAR from the 20th day of December, eighteen hundred and eighty three
and to keep in employ thereat the following named person in the capacity of assistant
name, respectively, viz:

I am satisfied of my own knowledge, as from the testimonials which have been placed in my hands,
concerning his character and fitness to be in the Indian country.

This license is granted upon the further express condition that the said T. M. Finney
in accepting the same waives all right and privilege which
he might otherwise have to any claim against the Government of the United States for losses or damage, or both,
which may result from the depredations of Indians during the continuance of this license and pending the removal
of his effects from the Indian country on the expiration or revocation of the same.

GIVEN under my hand, at the Office of Indian Affairs, Washington, D. C.,
this 24th day of November, eighteen
hundred and eighty three.

H. Price
Commissioner.

up his official affairs, he wrote Finney that Jacob M. Bartles of the Bartles Trading Post, who was also in the National capital, told him that a nephew of Commissioner J. D. C. Atkins, was planning to go into the Indian trading business, and thought that the Kaw Agency would be a good point.

On his return from Washington, Jake Bartles drove out of his way to inform the trader at Kaw of his conversation with young Atkins. He said that he discouraged the Commissioner's nephew, and told him that he doubted any trader without the experience of Tom Finney with the Indians could make a living at Kaw. Atkins then suggested that an arrangement might be made for him to join Finney in the business, Atkins putting up the license for about \$2,000 a year against Finney's experience, labor and investment. The Kaw trader told Bartles that he would rather move out than make such a deal.

In the meantime, a Mr. Engle from Humbolt, Nebraska, appeared at the Agency claiming that he had a license to trade at Kaw. He had the idea that the Government supplied the trader with a house to live in and a place to carry on the business. He was disgusted with the prospects, and as he started for home he showed Mr. Finney a telegram he was sending from Arkansas City to the Commissioner of Indian Affairs in which he said, "I have been too good a long-time Democrat to accept anything like this."

Dr. Isom, a young man who was appointed from Oxford, Mississippi, as the physician at Kaw Agency, was the son of a doctor who had been the physician for the new Secretary of the Interior, the Hon. L. Q. C. Lamar, and their families had been long-time friends. Dr. Isom soon became a good friend of Finney, and suggested that he take a personal letter from himself to the Secretary at Washington. The Kaw trader accepted Isom's help to have his license renewed, and made the trip to Washington where he obtained a hearing with Secretary Lamar. He received courteous treatment from the Secretary, but the demands for favors among his political friends were too great to be denied and the spirit expressed in the slogan "To the victor belongs the spoils" prevailed. No one was more disappointed than Dr. Isom when Finney returned from Washington, and reported failure in his endeavor.

Tom Finney sold his store building and business to H. H. Brenner, a Democrat from Mississippi, and moved in June, 1886, back to the Osage Agency. His house, which was not included in the sale to Brenner, was disposed of to Frank Lessert, a member of the Osage tribe, Finney taking a span of oxen as part payment.

The turning out of a number of traders with severe losses for some and the entire undoing of others brought repercussions. Charges against the Indian Department of nepotism and gross partiality prompted the Senate to action. Under a resolution of June 3, 1886, a select committee of five members

was appointed, and directed "to investigate the subject of the appointment of the Indian traders, the granting of license to them and the refusal to extend such license to persons engaged as such traders and the methods which had been practiced since the month of April, 1885."²

Three Senators, representing the full committee, in May, 1887, met the Indian traders assembled in Arkansas City for the hearings. The sub-committee consisted of Senator Platt of Connecticut, Chairman, Senator Cullum of Illinois and Senator Blackburn of Kentucky. Senator Blackburn, with little success, tried in a partisan manner to defend and excuse the Administration. The Arkansas City Newspaper, *Republican-Traveler* in reporting the investigation, said:³

As an advocate of the Government Mr. Blackburn will admit that his unsurpassed powers of cross-examination failed to break down a single allegation advanced by this company of traders; . . . Senator Blackburn affecting incredulity of the remarkable story told by Mr. Finney, must have been convinced that he was dealing with earnest purpose and strict veracity when Archie McCague, (Finneys clerk and nephew), Jake Bartles and Major L. J. Miles, confirmed every detail he had related.

In a minority report to the Senate, Senator Blackburn, after admitting the record showed that the Commissioner of Indian Affairs made some mistakes in selecting Indian traders to succeed those ousted and saying that he fully concurred with the majority of the committee in the fact that there was much to be done in the way of remedy in the working of the Indian Office, had the temerity to assert that "The Indian Office had never been more fairly and faithfully or efficiently conducted than under the present administration."⁴

The following excerpt from the report submitted to the Senate by Senator Platt, sums up and gives the conclusions reached by the majority of the Committee: "The investigation of the committee disclose the fact that Indian traders were licensed without reference to their ability, business experience or the possession of the capital to engage in business, apparently for no reason other than to reward political services. . . . The refusal to renew a license against whom there is no cause of complaint is an outrage."⁵

When Commissioner Atkins took office, March 26, 1885, there were 125 licensed Indian traders on the various reserva-

² *Congressional Record*, Vol. 17, Part 5, p. 4965 (May 27, 1886); Amendment, p. 5183 (June 3, 1886).

³ *Republican-Traveler*, Arkansas City, Kansas, issue for Monday May 16, 1887.

⁴ *Senate Reports*, 2nd Sess., 50th Congress, 1888-89, "Indian Traderships," Vol. 5, Minority Report (March 2, 1889).

⁵ *Ibid.*, 4, Majority Report (March 2, 1889).

tions in the United States, not including the Five Civilized Tribes, whose licenses had not expired. According to the Commissioner's testimony before the Senate Committee, about one-half of the traders were let out. Concerning these traders, Commissioner Atkins said, "I will be very frank, I have refused to relicense some gentlemen upon the urgent demand of Senators and Representatives and other persons in this country asking that certain traderships be given to some of their friends. If this is a crime, I have committed it."⁶

Little was accomplished by the investigation towards restoring licenses to the dispossessed traders or compensating them for their losses, but it did bring unsavory facts before the public and the resulting protests may have had some restraining and beneficial influence on the Bureau of Indian Affairs.

⁶ *Ibid.*, Testimony of J. D. C. Atkins (June 29, 1886).