

APRIL 6, 1889.

205
 bench the party descended by a steep trail into the Water canyon, and thence reached home by a seasonable hour, slightly the worse in body, but much the richer in mind.

Our worthy postmaster broke at once the Sabbath and the usual routine of his official life, by mounting the foothills to the McMullen ranch last Sunday. The exhilaration begotten of the occasion has been effervescing all the week.

In all that we have said of Indian affairs in this region, we have taken pains to speak kindly of the present Indian Agent. He is a very clever gentleman, and has obeyed the orders of his superiors. On one occasion of late, we had the audacity to dissent from his views of his duty, and to speak our mind. Our criticism seems to have ruffled the Colonel's serenity. He relieves himself in the foregoing communication.

In opening, the Colonel bids for consideration by suggesting that he, unarmed, is entering a contest with a "rhetorical gladiator, fully panoplied and armed." While sensible of the graciousness of the suggestion, we do not see wherein a United States official, imported from the other side of the continent, in a controversy against his own duties, has any need to ask odds against a simple country editor. Does the Colonel want us to infer that he is an amateur with a pen? His letter discovers that if he is anything, he is a graceful rhetorician. Does he imply that he has inferior opportunities for expression? We may assure him that he may camp his entire cohorts right in these columns, so long as the war lasts over this, the thing of greatest moment now before this community.

We are charged with "spoiling for a sensation over this land question." The Colonel descends to cruelty. He would arraign a famished man for his hunger. What a monstrosity an editor is, who wants a sensation? And what is the sensation we have so ruthlessly precipitated? Ye Heavenly Powers, behold! A newspaper has questioned the wisdom of a government Indian Agent. How fools will dance where angels fear to tread. This first, and universal chaos must be fast on its heels.

We are indicted for inveighing against the government; for ridiculing the innocent and helpless Indian, and for inciting a revolution. The Colonel has not seen fit to arrest us for treason. In his excited mind he may honestly suppose we have done all these things. Having already been guilty of the enormity of differing from his official opinion, we likely appear to him capable of anything.

We have attacked the government's policy toward the Mission Indians. It is absurd, unjust, illegal and pernicious. We stand by our guns. The Potrero Indian reservation is a monstrosity—the policy in vogue toward the Indians is injurious to them. We have never ridiculed the Indians. We challenge the Colonel or anybody else to show wherein we have said an unfriendly word of the Indian. The Colonel is not alone in his failure to discriminate between our criticism of the federal policy toward the Indian, and an attack upon the Indian. As truthfully as we could, we have portrayed him. A chronicle of facts should not be sentimental. While we would not pretend to have within us such reservoirs of humanity toward him as an Indian Agent, or a volunteer Indianophile from Boston, we do profess such regard for the Indian as his unhappy condition should inspire. And if anywhere there is an utterance taking loftier ground regarding our obligations toward the Indian than has been made in these columns, we have not seen or heard it.

We have incited nobody to resist government authority. The Colonel seems to be haunted with the fear that a handful of people here are going to brave the government. This, with the idea that we ever ridiculed the Indians, is pure and

very weak fancy. We like a controversy—we do ask as a condition thereto that our antagonist be able to comprehend simple English. Either of these charges is too ridiculous to deny.

We did say that after Judge Ross' decision, and while it stood, an attempt by Col. Preston to forcibly evict a settler from an odd section on this reservation would approach a contempt of the court. The Colonel asks, "Am I called into court?" Of course you are. You are an agent of the government; nothing more in the premise. Your individuality, conspicuous as it may be ordinarily, in this matter is lost. The government was a party to the McCallum suit. That the government owned the land on which the timber was cut, was a necessary and material allegation in that suit. The ownership of the odd sections was as material, as direct and as necessary an issue in that suit as ever was before a court. Not only was the government a party, but you as resident Indian Agent, should have been interested in its prosecution. In that suit the court declared that the odd sections did not belong to your principal, the government. The court did not enact the law; the law was enacted by Congress, and has existed all along. On the authority of the properly constituted tribunal to determine the question, we now declare that not only would you approach a contempt of court, were you to carry out your threat of eviction, but you would openly violate the law; and that is a contempt of every court called on to administer it. I do entirely comprehend, sir, McCallum and Murray, as defendants, represented every claimant under the railroad to all odd sections. You ask, "Is there any judgment or decree declaring that the Agent shall not interfere with these settlers?" No more, sir, than there is a judgment or decree that you shall not take troops and evict any other citizen of the county from his home. I know of no decree of a court expressly enjoining you from taking troops and forcibly ejecting Mr. Byron Waters from his elegant new home on Bunker Hill. It is a new construction of the Constitution to hold that a government official can do everything that a court has not expressly enjoined. And it is a new role for this government to ignore a decision of its own court. We know very well that in the North and Gird suit coming on, the judgment in the McCallum suit can not be pleaded in bar; but so soon as proof is introduced that the North and Gird ranch lies on odd sections, so soon, as far as the government is concerned, does the McCallum decision take hold. You are fruitful of questions. Let me ask you if you comprehend when an issue in a case is necessary, as distinguished from incidental? In the McCallum suit was not title an issue? How could the government show its claim to the timber without showing its title to the land the timber was on? How will you ever get title more squarely before the court? And in regard to how many sections and how many people must the courts render a decision in this matter before you and your department have the grace to withdraw from your present illegal position?

In conclusion, we want to say that the settlement of this Indian question is of vital concern to this community. As the organ of this people, we propose to discuss it. And we know of no dignity or office in this land that will awe us from very freely saying what we think.

Our friend Mr. M. G. Kelley, while essentially a modest youth, has assumed a task that at once challenges his courage and subjects to some harshness his native delicacy. He voluntarily assumed the guardianship of a dame rather advanced in years, yet of a somewhat sentimental turn. On more than one occasion he has had trouble in regulating her conduct, but on Wednesday last, matters came to a climax. While exercising her on the branch north of town, a prancing gallant came onto the scene, and the old lady

was so captivated that she took advantage of the first time our friend let go her bridle on dismounting, and deliberately eloped. Mr. K. walked home enveloped in sombre reflections on the fickleness of the animal kingdom in general. Women he knew to be no steadfast things to anchor to, but it was a revelation to find that such frailty was known even among dumb beasts.

MRS. JENNESS MILLER, Her System for Improving Women's Wear.

The announcement of a lecture in Riverside by that distinguished advocate, Mrs. Jenness Miller, upon the subject of "Women's Wear," was good news for THE HERALD. We are "agin" the prevailing style of women's dress. It is monstrous, either as an ornament or as a utility. And we welcome anybody who has anything to suggest whereby a swathed and cocooned womanhood is to be rescued from the more-than-40-years wilderness of skirts in which it wanders. On Tuesday afternoon, beside a creditable gathering of ladies at the Opera House, there were two men. THE HERALD's special correspondent was on hand. The pair of males were imposing. As an indication of the taste of Riverside gentlemen, it was significant. There are men so artless that they are resigned to living in a world where deformity is the fashion, and female symmetry is assassinated. In a town where no more than two men were interested in Mrs. Miller's system, we would expect physiology to be taught from an expurgated edition, and public morality to be exalted into the seventies of impotence. We have no patience with a man who has art enough in him to appreciate the perfect symmetry of the human form, who does not detest a fashion of dress that utterly annihilates every 19 out of 20 of the lines of that symmetry.

THE NORTH AND GIRD SUIT Evidence Taken in Banning Regarding the Length of the Indian Occupation of Lands in the Potrero Reservation.

On Tuesday, before U. S. Master in Chancery, Charles L. Batcheller, at Banning, the evidence of the Potrero Indians was opened in the suit between them and Messrs. North and Gird, relating to the title to the land on which the Indian village now stands, and the tract lying north of the village, known as the North and Gird ranch. In the reading room was an interesting assembly. About Master Batcheller sat Col. Preston, the Indian Agent, Shirley Ward, Esq., attorney for the Mission Indians, Col. Otis, attorney for Messrs. North and Gird, Mr. John North and Mr. Frank Smith, who acted as interpreter. Around the room sat a row of dusky faces, heavy with Indian gravity. Grizzled heads bound in red bandanas, none of them bald, and shocks of straight black hair, better acquainted with fingers than with combs. The Indians gave the closest attention to the proceedings. Pulling teeth is a process similar to eliciting intelligible answers from the old Indians. An Indian interpreter translated from the Indian dialect into Spanish, and Mr. Smith translated from Spanish into English.

Capt. John Morongo was the first witness. The Captain talked good English, and his testimony was to the following effect: That he had known the Potrero since he was a boy. The village had been there as long as he could remember. That the Indians had cultivated land there, and used the lands above for pasture. The Captain could not recollect in figures over 30 years back. He could appreciate no difference between the size of the village in his youth and now. John could give his age no more definitely than that it was over 40.

In the afternoon old Antonio Ajerio took the stand. Getting to his intelligence was like communicating with

Stanley. He could not tell his age. He could give no figures. Mr. Ward sought to learn how the Indians occupied the Potrero lands in controversy, with the utmost difficulty. No ray of intelligence lit his ancient visage. Dignified as a Senator, he was stolid as a block. The Master was finally induced to allow leading questions to be directed to the witness. To such questions the witness testified that the Indians had always pastured their horses about the upper cienega, and claimed it as theirs; that he was captain of the Indians; that the lands were theirs. In despair the witness was dismissed.

Juan Tomato was next sworn. Juan is a fine looking man for any people. He testified in Spanish that he had known the Potrero before there were any white people; that from the Jost house up, the Potrero has been used for pasturing by the Indians. He was a grown man when he first came here; at that time John Morongo was a grown man. The Indians rented the Potrero to an American for a sheep pasture, and afterwards several Americans occupied parts of the Potrero against the Indians' will; among these was Mrs. Tutaine. Juan Tomato's testimony was connected as to the happenings of later years. No definite early dates could be gotten.

The next witness called was Duarte Gabrielle. He did not know the years he had. He was born at the Potrero, and his father sent him for horses into the upper part when he was a boy. The Indians have pastured horses on the upper Potrero lands always. There are more houses in the Potrero village than when he first remembers. He remembers when his father planted with a pole. They now raise corn, barley, alfalfa, fruit, pumpkins, watermelons and beans.

Hosea Chino, a tall, lank, curly-headed aborigine with a hint of Abraham in his visage next took the stand. He was born and raised at Agua Caliente; lived at the Potrero three years. Chino has a voice that sources in his nether regions, and was exquisitely guttural. His testimony was similar to Duarte's as to the early use by the Indians of the Potrero lands.

Francisco Morongo, an elder brother of Captain John, took the stand on Wednesday morning. Francisco is a mass of wrinkled solemnity, several shades darker than John. A long crescent sweep of mouth bisects the swarthy waste from his nose down, and massive cheek bones project like promontories from the respective corners of his face. Beside his dignity, the Master in Chancery was an infant. One wonders if ever a smile had the audacity to visit the solemn precincts of his face. Francisco's testimony corroborated Chino's and the others as to the long possession and use of the place by the Indians, but was without definite limits or figures.

Captain Pablo next took the stand. Younger than his predecessors, he was readier and more nervous. He said he was born at the Potrero and always lived there. He knew John Morongo when he was a boy. His father had always lived there. He testified to the Indians' occupancy of the lands for pasturing, as the predecessors. He could give no figures.

This closed the Indians' testimony. The commission resumed its sitting at San Bernardino on Thursday.

The first witness called on Thursday morning was Newton Noble, of San Jacinto, 54 years of age. He doesn't know where Banning is (poor man). He first knew of the Potrero in 1853. He knew of a tule swamp two and a-half miles above the Potrero village. There was a large rancho on the Potrero when he first knew it. The Indians raised corn and melons, and herded horses in the grass plots. They had horses, mules and cattle in 1853. Then Ajerio was captain. The Indians have run stock about the cienega since. Mr. Noble got his wife from the Potrero cints. Worked for Mr. John Brown before 1857. Brown was removed from the Yucaipa by the Mormons. After

1857 worked for James Waters as foreman, caring for 1000 head of cattle; drove them beyond the Morongo in 1863; returned Gorgonio Pass. Once lived at the Gilman place. Came to San Bernardino in 1852. Was elected Sheriff of San Bernardino county in 1863; served two terms.

Mr. Jas. W. Waters, Sr., was next called. He is 76 years old, and has lived in San Bernardino county since 1858; came through the Cajon Pass in 1844 on his way to Los Angeles. First knew the Ajerio Potrero in 1864. The Indians were then about the mouth of the Potrero, but knew of their having nothing in the upper Potrero. Made arrangements with Ajerio for pasture and herding cattle in 1864. Lived at the Yucaipa ranch in 1864. There was always a string of Indians coming through the Yucaipa from rancheries at Whitewater, Cabazon and the Potrero. The Yucaipa ranch was a part of the San Bernardino ranch.

A Spaniard named Perfecto Albillar next testified. Lives in Yucaipa, but doesn't know his age. Has lived in the county since 1857. Knew the Potrero in the year 1851, when he came to California. At that time the Indians used the Potrero and the lands above for pasture and for raising beans and corn. They used the Potrero lands the same in 1857. There were about 500 Indians then. In 1857 he worked for the mother of Mr. Frank Smith. On cross-examination this witness whittled the interval between his first visit to the Potrero and the year 1857 down to two and one-half years.

Another Spaniard named Pornoseno then testified. Lives at Riverside. Has known the Potrero since 1863. At that time Indians were in the village, and were using the upper Potrero. At that time a Mr. Chapin lived at the Gilman place. No Americans lived on the Potrero then. A great many Indians lived at the Potrero village then. The old ones are dead.

James Banks was the next witness. He is 52 years old and resides in Temecula. Came to San Bernardino in 1863. Lived in San Gorgonio Pass for 13 years. Has known the Potrero Rancho since 1860. In 1861 the lands about the large cienega were used for pasturing stock by the Indians. They had corn and watermelons at the mouth of the canyon and pastured the stock above. There may have been 40 or 50 houses in the Potrero then. In 1874 Mrs. Jost was living in the Potrero.

Wm. H. Fellows followed. Lives at Potrero San Jacinto. Has lived in this region since 1848. Knew the Potrero Village first in 1856. Then there was quite a rancho at the Potrero. The Indians were farming at the mouth of the canyon—not like they do now, but each one about an acre. They kept their horses above. Am one of the oldest settlers in the county. No whites living at the Potrero then. I gave Newt. Noble half my Potrero to come and live with me. He sent his wife Rosa and we lived together a year until I got tired and gave him the other half of the Potrero and left.

Daniel Sexton next occupied the chair. He is 71 years old and lives in Colton. First came to this county in 1841. He cut timber on Edgar Canyon in 1842. The Indians cultivated all lands that they could get water on then. The upper Potrero was used for grazing. There were many Indians then—much better than now. They have run down at the heels since. The smallpox and civilization have run the Indians down. The Indians claimed all the land and raised a profusion of crops. When I first knew the Potrero there were all of 1500 Indians there. They all had horses. The old chiefs used to talk a great deal to me on religious matters. These Indians never became Catholics. The chiefs asked me what I thought of God Almighty. They thought that God made the earth and the Indians at the same time. In those times the Indians cultivated much.